

New York, December 11, 1911.

TRIAL RESUMED.

ANNA GULLO, called as a witness on behalf of the People, being first duly sworn,  
testifies as follows:

(The witness states that she resides at 437 East 12<sup>th</sup> street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, were you in the employ of the Triangle Waist  
Company? A. Yes, sir.

Q. How old are you? A. I am twenty.

Q. Where were you born? A. I was born in Italy.

Q. How many years have you been in this country? A. I am here about twelve years.

Q. How long have you been in the employ of the Triangle Waist Company? A. About  
two years and a half.

Q. And were you employed on the ninth floor? A. Yes, sir.

Q. In what capacity? What did you do, what was your work? A. I was an operator.

Q. Operator at a machine? A. On a machine.

Q. Now, where were you when the fire broke out? A. I was standing near Mary, the  
bookkeeper's desk.

BY THE COURT:

Q. Whereabouts was that? Where was that desk? A. It was near the Greene street  
side door.

Q. That is to say near the door going out from the ninth loft onto the Greene street  
side? A. Yes, sir.

BY MR. BOSTWICK:

Q. Was it anywhere near the fire-escape? A. No, sir.

Q. What is the first thing that attracted your attention or made you believe that there was a fire there? A. Somebody hollered fire, and we couldn't believe it.

Q. Where were you at that moment? A. Right by Mary's desk, Mary the bookkeeper's desk.

Q. What did you do and where did you go immediately that you heard the cry of fire? A. I ran through to the Washington place side.

Q. And when you got to the Washington place door what did you do? A. I tried the door and the door was locked.

Q. You turned the knob? A. Yes, sir.

Q. You pulled the door? A. Yes, sir.

Q. It wouldn't open? A. It wouldn't open.

Q. Then where did you go? A. I went to the elevator.

Q. And after that? A. I thought it was no hopes for ae to be saved. I went to the fourth window of Washington place, I broke the window, and I threw a pail of water and the flames came up higher; then I crossed — I done the sign of the Cross, I thought I would jump out of the window but I couldn't -- I had no courage to do it.

MR. STEUER: I submit, your Honor, that that is incompetent, and I move to strike it out and I ask you to tell the jury to disregard it.

THE COURT: How much do you want stricken out?

MR. STEUER: I think the whole of it is incompetent, Your Honor.

THE COURT: By "the whole" you mean what?

MR. STEUER: Right after she said she went to the window.

THE COURT: Starting with the words "I thought it was no hopes for me" and what follows, is stricken out.

MR. BOSTWICK: I would like to have it read.

MR. STEUER: I would rather have it stay in than to have it repeated so often.

(The stenographer now reads in an undertone to Mr. Bostwick the answer which Mr. Steuer moves to strike out following which the stenographer then reads in an undertone the same answer to his Honor.)

THE COURT: I will allow to stay in the record "I went to the fourth window of Washington place, I broke the window and I threw a pail of water;" the balance is stricken out, that is to say, the balance of that particular answer except the part that I have allowed in is stricken out.

Q. Did you break the window? A. I broke the window, yes.

Q. And after you went to the window and broke the window where did you go?

A. Well, then I turned back and while I was saving myself I seen a girl that says to me, "Anna, what shall I do?", and she fell right near the Washington place side door suffocated.

Q. Do you know who that girl was? A. Her name was Biddie Deer, Bessie Bernstein's friend.

Q. Then where did you go after that? A. Well, I put my skirt around my hair, put my handkerchief on my mouth, and I stooped down until I come to the Greene street side door, and I went down the stairway, and the flames were something terrible to the Greene street side.

THE COURT: Strike out "and the flames were something terrible", and the jury will disregard it.

Q. As you got to the Greene street door were there any flames there? A. Yes, sir.

Q. And what did you do, if anything to protect yourself from being burned by the flame? A. What would I do?

Q. What did you do? A. That is a question that I can't answer.

Q. Well, did you put anything over your head or not? A. I put my skirt around my hair.

Q. Around your head? A. Yes, sir.

Q. And then went through the Greene street stairway door? A. Yes, sir.

Q. And went down the Greene street stairs? A. Yes, sir.

Q. To the street? A. Yes, sir.

Q. When it came quitting time at night, how would the operators go home — by what door? A. Greene street side door.

Q. And when you went out at the Greene street side door was there a watchman there?  
A. Yes, sir.

Q. And as you went out past the watchman what would you do? A. You had to open your pocketbook and show what you had in there.

Q. When you say pocket book do you mean handbag also? A. Yes, sir.

Q. And you all went out by the Greene street door? A. Yes.

BY THE COURT:

Q. On the 25th of March, 1911, whereabouts were you living? A. (No answer).

Q. Where was your home on the 25th of March 1911? A. 437 East 12th street.

Q. That is the same place that you live in now? A. Yes, sir.

Q. And you had been living there at that time for about how long? A. Well, I lived there about five years.

Q. And 437 East 12th street is between what avenues? A. Between Avenue A and First.

BY MR. BOSTWICK:

Q. Did you ever use the Washington place door to the stairway? A. No, sir.

Q. Did you ever see it used? A. No, sir.

Q. Did you ever during the period that you were employed there have any fire drills in that factory? A. No, sir.

MR. STEUER: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I think it is competent, under the first count in the indictment.

MR. STEUER: Merely because the failure to use them is charged in the indictment surely does not make it competent, your Honor. You might just as well charge in an indictment then that the defendants failed to supply a thousand other things that they did not supply, but if they were not requirements that the law imposed upon them, what difference would the failure to supply them make?

THE COURT: Well, Mr. Steuer, you have put a question to me, and I take it that you would like to have an answer?

MR. STEUER: Well, if your Honor feels that it should not be answered, I am perfectly willing to content myself with an exception. My purpose in putting the question was rather to suggest a line of thought; it probably did occur to you, but of course we cannot tell what occurs to your Honor and what does not.

THE COURT: The reason that I have allowed it is that I conceive that the liability of these defendants may conceivably be predicated not exclusively upon the omission to perform an alleged statutory duty, but upon a failure to supply a reasonably safe and proper place in which their employees were to work. Or, in other words, upon the theory of the presence of criminal negligence on their part in a failure to discharge obligations existing irrespective of any statutory duty. And, in that con-

nection, while the omission of one particular thing might not be significant, it is conceivable that a contention might be made that where a number of matters which might be regarded as precautionary were omitted, it bore upon the presence or absence of that care required by the defendants. That is what was in my mind.

MR. STEUER: Well, I respectfully except, first, may it please your Honor, on the ground that there is absolutely no statutory duty; second, that there is absolutely no precedent with relation to any commonlaw duty, and, third, that if such testimony were admissible at all at least a foundation should be shown for it by showing that there was a single factory anywhere in the United States where that custom was pursued. I do not want to have any further argument about it, but the line of thought I suggest is that you cannot single out these defendants and say that because a catastrophe happened that was not anticipated —

THE COURT: I do not want you to misunderstand me, Mr. Steuer. I am entirely open to conviction on the subject one way or the other. As far as I can I want my ruling to be in harmony with what is required by the law.

MR. STEUER: Then in line with that may I suggest to your Honor that we all realise, of course, that hindsight is much better than foresight, and that whenever a catastrophe occurs it is followed by remedial legislation, and

by the introduction of methods that will obviate the possibility of its reoccurrence —

THE COURT: Your last suggestion goes rather, does it not, to the order of proof? In other words, would make this competent subject to being connected with other facts?

MR. STEUER: Well, it is a significant circumstance, and I hardly think, while your Honor, of course, has a wide discretion in the reception of evidence on the theory that it might be connected, it seems to me that it would be rather dangerous.

THE COURT: I ought not to receive it except as a matter of great convenience. In other words, if the prosecution were prepared to show, for example, that it was customary in factories of this kind to have fire drills, and then they should show by this witness, if you please, that in this particular factory they did not have them, that would be an item to be considered by the jury.

MR. STEUER: Oh, yes, that is what I said.

THE COURT: The reception of this evidence at this time —

MR. BOSTWICK: (Interposing) There are several cases in which the Court of Appeals and the Old General Term have said that the knowledge brought home to the employees as to the matter of egress was important (McArdle case, 67 Hun), and whether these people had any fire drills and knew how to get out, goes right to the substance of their



ability to use those methods of egress which had been provided by their employer. And in the cases that have gone to the Court of Appeals that has been emphasized by the Court in one or two cases, and I call attention to the case of Arnold against the National Starch Company, and also the Bisanto case and the McArdle case in 67 Hun. It bears upon the question of whether they were culpably negligent.

THE COURT: I will allow my ruling to stand, Mr. Steuer.

MR. STEUER: And I respectfully except.

Q. Were there any members of your family in the employ of the Triangle Waist Company at the time of the fire? A. Yes.

Q. Did you see any other person before you went to the door and tried it and couldn't open it, try the door? A. No, sir.

Q. Did you see anybody try the door after you tried it? A. After I went away there was quite a few girls standing there by it, trying the door.

MR. STEUER: I object to that as being her conclusion, and as incompetent, and I move to strike it out.

MR. BOSTWICK: I withdraw the question.

Q. State what you saw them do.

THE COURT: The answer is stricken out, and the jury will disregard it.

A. I saw them trying that door.

BY MR. STEUER: CROSS EXAMINATION:

Q. What did you say your name was? A. Well, at first I

gave my name Anna Weller, that was my mother's name.

Q. And now you use your father's name? A. Yes, Anna Gullo.

Q. There was a long time when you didn't use your father's name, is that it? A. Yes, sir.

Q. A. period of about twenty years? A. Well, the first time I went to school they couldn't pronounce my name, so they put me as Anna. Weller; it was easy for them.

Q. You mean to tell these twelve men that it was easier to put Weller than it was Gullo, and that is why your name was Weller?

MR. BOSTWICK: I object to the question, as to its form.

THE COURT: Well, leave you out "you mean to tell these twelve men", and I will allow it. You may ask her if that was the reason.

Q. Is that the reason? A. Well, not the reason —

Q. No, I don't care. There is no unpleasantness sought to be brought out here, but that was not the reason, was it? A. No.

Q. I understood you to say to the jury that you were near to the Greene street door? A. No, by Mary's desk, Mary the bookkeeper's desk.

Q. Didn't you tell the judge in answer to a question put by him that Mary's desk was near the Greene street door? A. Yes, sir.

Q. And you were by Mary's desk? A. Yes.

Q. Well, then, when you first heard "Fire", you were

near the Greene street door, were you? A. Well, I thought I couldn't go out through Greene street.

THE COURT: Strike that out. You simply pay attention and answer it.

(Question repeated.)

A. Yes, sir.

Q. And you had worked for two years in that place, and had always used the Greene street door? A. Yes, sir.

Q. You tell this jury you never saw anybody use the Washington place door? A. No.

Q. And the Washington place door was quite a distance away from the Greene street door, wasn't it? A. Yes.

Q. But when you heard the cry of fire the first thing you did was to go for the door that you never had used in all the two years you had worked there, isn't that so? A. Yes.

Q. What? A. Yes.

Q. Well, now, right near where you stood by Mary's desk were the two Greene street elevators, weren't they? A. No, I didn't see the elevators.

Q. You didn't see them? A. No.

Q. Well, you had seen them for two years every day, hadn't you? A. Well, I know the elevators were there.

Q. You had gone up and down in those elevators for two years every day, hadn't you? A. Yes.

Q. So you knew very well where they were, didn't you? A. Yes.

Q. But you didn't go near those elevators, although you were right by them, when you heard the cry of fire, isn't that so? A. Well, I couldn't go because the fire started on Greene street side.

Q. Well, there was nothing between Mary's desk and the Greene street elevators at that time, in the nature of fire, was there? A. (No answer).

Q. (Showing People's Exhibit 2) You show the jury where Mary's desk was. Down where you are sitting, that is Greene street, ever here is Washington place, all the way down, see? A. Yes.

Q. Over here where my finger is now, that is the Washington place staircase, do you see it? A. I see.

Q. And there is the Washington place door, do you see that? A. Yes.

Q. Over here are the two Washington place elevators? A. Yes, I see them.

Q. Now, right over here in this corner are the Greene street elevators, and here is the Greene street door; is that right? A. Yes, sir.

Q. Now, where was Mary's desk? A. There was the door from the Greene street side, and here where Mary's desk was standing, about that far away (indicating on diagram).

Q. Let us get that right. You see, here is the first of the tables? A. Yes, on the Greene street side. Q. Nearest the Greene street side? A. Yes.

Q. Do you mean to say that Mary's desk was between the first and second table on the Greene street side? A. No.

Q. Then when you said it was over here that was because you did not understand the diagram, or this drawing. Now, you remember there was a clothes closet on the Greene street side? A. Yes, sir.

Q. That clothes closet — A. Is right here (indicating).

Q. Yes; show the jury again where Mary's desk was? A. Well, Mary's desk was right near the dressing room, it was the fourth table from the machine.

Q. What is that? A. The fourth table from the machines. It comes Greene street — there was one row of machines — second, third and fourth, right there (indicating and pointing on diagram.)

Q. Then you would put Mary's desk over here (indicating on diagram)? A. Yes.

Q. Tell the jury how near to the wall where the fire-escape was, that Mary's desk was? A. It was about three windows away from there.

Q. Which way, three windows away? A. From the Greene street side.

Q. From the Greene street side? A. Yes.

Q. And how far out into the loft from the wall where the fire escape was was Mary's desk? A. Well, it was not far away from the fire escape.

Q. Do I make myself clear to you? Do you understand me

entirely? A. (No answer).

BY THE COURT:

Q. How far was it from the nearest window? A. How far was it from the nearest window?

Q. How far was Mary's desk from the window that was nearest to the desk? A. Well, this is Mary's desk (indicating). Well, it was about that far (indicating).

Q. No, how far was Mary's desk from the window that was back of the desk? A. It was not far.

Q. Can you show us in this room? A. Well, like from a point right over to that window, right over there (indicating).

Q. Suppose you are sitting at Mary's desk, how far away was the nearest window? A. Well, for instance, this is Mary's desk (indicating the diagram and the end of diagram resting on lap of the witness); and the windows are right over there, over by that window there, the first window.

Q. You mean the one at the end of the jury box? A. Yes.

THE COURT: That is a distance of about fifteen feet.

Q. The window that you are speaking of is a window that is in the hall on the side of the fire-escape? A. Yes, sir.

Q. Don't say yes unless you understand me. Mary's desk was fifteen feet away from a window? A. Yes.

Q. And that window was a window in the same wall that the window was that you went out to the fire-escape on? A. Yes, there was a fire-escape on.

Q. In other words, Mary's desk was about fifteen feet

inside of the loft in a straight line from the window nearest to it? A. Yes, sir.

Q. And that window was a window in the same wall as the window opening out on to the fire-escape; is that so? A. Yes, sir.

BY MR. STEUER:

Q. Was Mary's desk near any wall? A. No.

Q. What was Mary? A. A bookkeeper.

Q. On the ninth floor? A. Yes.

BY THE COURT:

Q. What was Mary's last name? A. Mary Luventhal.

BY MR. STEUER:

Q. How far was this door which went from the loft to the door that went to the stairway on the Greene street side? A. I don't understand.

Q. (Continuing) Was Mary's desk? How far from this door here? A. There is Mary's desk, and about here is the door.

THE COURT: Make a mark where you say Mary's desk was.

A. Right here.

THE COURT: Mark it.

Q. Near the fourth table? A. Near the fourth table.

Q. How far from the fourth table was Mary's desk? About how far? Tell the Jury. A. Well, here stands the table, and that far was Mary's desk from the table (indicating). Suppose there is the machines —

Q. No, - suppose that wall there (indicating east wall of court room) is the end of the fourth table nearest to the fire-escape wall. A. Yes.

Q. You see? A. Yes.

Q. How far from the end of that table, or how far from that wall over toward the fire-escape was Mary's desk? A. Well, here comes the fire-escape and here comes the table (indicating)

Q. Well, I have not made myself clear –

BY THE COURT:

Q. There was a row of tables upon which machines stood; do you understand that?

A. Yes.

Q. There was one along by the Greene street wall, that is Table 1? A. 1.

Q. With machines on it? A. Yes.

Q. There was another one after that? A. Yes, 2, 3 and 4 (indicating).

Q. You put your finger there on the fourth table, and you put your finger on the end of that table which is nearest to the fire-escape wall; do you see that? A. Yes.

Q. You have done that. Now, how far from the end of that table was the beginning of Mary's desk? Suppose you stood at the end of that table? A. Well, Mary's desk was about that far away from the machine (indicating).

MR. BOSTWICK: The wall ends there. It couldn't be out in the street.

THE WITNESS: Well, I don't understand this (diagram)



at all.

BY MR. STEUER:

Q. You know what a yard is, don't you? A. Yes, I do know.

Q. You know when you measure cloth with a yard stick? A

Yes.

Q. Have you got in your mind about what distance is covered by a yard? A.

Yes.

Q. You have seen a yard stick yourself a great many times over on the cutting tables where they lay the cloth out? A. Yes.

Q. Tell the judge and the jury, from the fourth table — you see? A. Yes.

Q. You have got a yard stick in your hand? A. Well, from the machine Mary's table would measure about seven yards.

Q. About as such as seven yards? A. Yes.

Q. You thought it was seven yards away, did you? A. Yes.

Q. That is the nearest you can come to it? A. Yes.

Q. Of course you don't know much about distances? A. No.

Q. And we are not holding you down to that, but what I want you to understand is this: Before, when you were down somewhere near the fourth table — A. Yes.

Q. And by Mary's desk, which was some where near the fourth table and nearer to the wall than the fourth table, then you heard a cry of fire? A. Yes.

Q. And as soon as you heard the cry of fire you started to come away over here at the Washington place door? A. Yes.

Q. That was nine flights up that you were, wasn't it? A. Yes.

Q. You didn't go near the elevator to ring the elevator bell, so the elevator should come up and take you down, did you? A. No.

Q. And you didn't go over to the Greene street side to ring the same elevator that you had been going up and down in, for two years, did you? A. No.

Q. And you didn't go over to the Greene street stairs where you had been for two years before? A. I couldn't go.

THE COURT: Yes or no to that.

Q. You didn't, did you? A. No.

Q. The only thing you did was to go to the one door that you had never used in your life in that place, isn't that so? A. Yes.

Q. And then when you tried that door, and that door did not open, then you did not ring the elevator bell, did you? A. No.

Q. And you never went near the elevator? A. I did went near the elevator.

Q. Not to try the elevator? A. Well, there was so many crowded there I couldn't get near the elevator.

Q. But you left the Washington place door and you went over to the fourth window on the Washington place side? A. Yes, sir.

Q. And you took a pail and you broke the window? A. Yes.

Q. It took you some time to come from where you were at Mary's table over to the Washington place door, didn't it? A. Yes.

Q. And then you looked over toward the elevator and you saw a crowd of girls there? A. Yes.

Q. When you were at the Washington place door nobody crowded near you? A. Yes.

Q. Oh, did they? A. Yes.

Q. A big crowd of girls crowded you there? A. Yes.

Q. Before you did you see any other girl try that door? A. No, I was the first on.

Q. And did you see any other man try that door? A. Well, I left a much crowd —

Q. I didn't ask you that. I asked you whether you with your eyes saw any man try that door while you were there? A. Well, it was Willie, the machinist, that tried the door.

Q. Willie the machinist? A. Yes.

Q. And when you say Willie the machinist, you mean Willie Greenspan? A. I don't know his second name.

Q. Anyhow, it was Willie the machinist on the ninth floor? A. Yes.

Q. Now, there is no question that you saw with your own eyes Willie the machinist go over to that door? A. Yes, tried that door with me.

Q. Don't you know that Willie the machinist opened the door, that the smoke came through in great volume, and almost knocked

him down? A. If Willie, the machinist, had opened the door, he would go up the stairway, but he went through the roof.

Q. When Willie the machinist saw the smoke and the flames, didn't he, while you were standing there jam that door shut? A. He did not. He tried that door and he ran up from the roof. He didn't even say a word to us.

Q. Well, anyway, you saw Willie the machinist at the door? A. Yes, I seen him.

Q. And you saw Willie with his hand — A. Trying that door.

THE COURT: One at a time.

Q. You know Sam Bernstein, don't you? A. Yes, I do.

Q. Did you see Sam Bernstein? A. No.

Q. Did Sam Bernstein come and push you away and get hold of the door knob? A. Well, maybe I didn't see him.

Q. Did you see Sam Bernstein at all at that time? A. No.

Q. Did any girl push you away and take hold of the doorknob? A. Well, I left the door myself and some other girls were trying this door.

Q. I am asking you whether a girl pushed you away and took hold of the doorknob? A. No, nobody pushed me.

Q. The only person, that you can tell this jury, that you saw take hold of that door knob was Willie the machinist, on the ninth floor, is that right? A. Well, yes.

Q. You went away and you say you broke a window on the ninth floor? A. Yes.

Q. You took a pail of water? A. Yes.

Q. And with that pail of water smashed in the window? A. I threw it.

Q. You mean threw the water ? A. Yes.

Q. Was it the water that broke the window? A. No; I broke the window myself, and then I threw a pail of water and the flames came up higher.

Q. What did you break the window with? A. With my hand.

Q. You smashed the fourth window on the ninth floor with your hand? A. Yes.

Q. And then you grabbed a pail of water to throw it? A. Yes.

Q. And that was because you saw flames? A. Yes.

Q. And you thought that by taking the pail of water — A. I thought I could help myself.

Q. You thought by taking the pail of water and throwing it on the flames, the flames would go out? A. That is what I thought.

Q. And what you intended to do was to get out of that window and stop on the cornice, the same as you saw other girls do, isn't that so? A. I don't know what you mean.

Q. Do you recognise that at all (showing witness People's Exhibit 18)? A. Yes, I do.

Q. That is a picture of the building (referring to People's Exhibit 18). Between the eight and the ninth floor, and just below the ninth floor, there was a sort of a place that

came out from the wall where you saw some girls standing? A. I didn't see any girls standing there.

Q. Is that where you tried to get? A. Well, there wasn't any on the ninth floor.

BY THE COURT:

Q. Did you try to get out of the window and stand on the part of the building that was outside of the window? A. No, sir, I didn't try to get out from the window.

BY MR. STEUER:

Q. What did you throw the water on the flame for? A. Well, I thought I could save some other girls. You know, the girls were on the eight floor hollering too.

Q. Do you mean to tell the jury —

MR. BOSTWICK: I object to the form of the question.

Q. Well, do you mean to testify —

MR. BOSTWICK: I object to that form of question.

THE COURT: Just ask her a question.

Q. When you had gone to the door end couldn't get out — A. No.

Q. And you went over —

THE COURT: Will you please listen? You wait until the question is finished before you say a word.

Q. And you went over to the Washington place side and broke the window with your hand? A. Yes.

Q. Did you do that to try and save girls on the eighth floor that were screaming?

A. No.

Q. What did you break the window with your hand for? A. Well, I couldn't help it. I couldn't open it.

Q. What did you do it for? A. I did it because I was trying to holler for some helps.

Q. Then it was to holler for help that you broke the window? A. Yes.

Q. Not to save anybody or help anybody on the eighth floor? A. No.

Q. Then after you broke a window you took a pail? A. Yes.

Q. This pail of water? A. Yes.

Q. And you spilt it out of the window that you broke? A. Yes.

Q. What did you do that for? A. Well, I don't know, I done it, but I don't know what I done it for.

Q. You said a moment ago you did this to save some girls on the eighth floor. Did you mean that? A. No, I didn't mean that.

Q. Whatever you did at that time, you either didn't know why you did it or you were doing it because you thought it would help you, isn't that so? A. Yes.

Q. When you were there and had broken that window did the flames shoot up in front of you? A. Yes.

Q. And did you grab that pail in the belief that if you spilt that water on the flame, the flame would go out.

Q. What did you do with the pail? A. I threw it on the floor.

Q. After you had spilt the water? A. Yes.

Q. Then you stood there and saw that instead of the flame going out the flame was getting bigger and stronger? A. Then I went away from the window.

Q. Then you dropped the pail and went away? A. Yes.

Q. After you went away from the fourth window you then turned around? A. Yes.

Q. And what did you do? A. I turned around, I put my handkerchief around my mouth, and my skirt around my hair, and I stooped down to the floor, to get out the Greene street side door.

Q. Here is window No. 1, No. 2, No. 3, No. 4 (indicating on diagram, People's Exhibit 2), do you see? A. Yes.

Q. And this is where you are (indicating)? A. Yes.

Q. In front of a window? A. Yes.

Q. At that time, the fourth window from the Washington place side, beginning to count near the Washington place elevators, that is right, isn't it? A. Yes.

Q. When you see the flame here, and after you have already put the pail down, you take your handkerchief and you put it in your mouth, is that right? A. I put it around my mouth.

Q. You put the handkerchief around your mouth because at that time the smoke was already beginning to choke you? A. Oh, the smoke was terrible.

Q. It was terrible at that time? A. Yes, sir.

Q. The smoke was coming in big volumes? A. Yes.



Q. Do you know what volumes are? A. No.

Q. I mean much. A. Very much.

Q. Yes, at one time, and it was puffing in? A. Yes.

Q. And the smoke was affecting you? A. Yes.

Q. And so you turned around that way, and then this smoke was coming in in big volumes, you saw a girl that fell down that was already suffocated with smoke? A. Yes.

Q. And then when you had your handkerchief around your mouth, you thought it would help to keep the smoke out of your mouth? A. Yes.

Q. That is what you put it there for? A. Yes.

Q. Then you put your skirt over your head? A. Yes.

Q. And you got down and you began to crawl all the way over here to the Greene street door? A. Yes.

Q. And you got to the Greene street door so that you could get through safely, and still went down the Greene street steps? A. Yes.

Q. When you saw Willie at the door — the machinist ~ didn't you follow Willie when he left the door? A. No.

BY THE COURT:

Q. What did you see Willie do at the door (referring to the machinist)? A. Trying that door.

Q. Who passed away from that door first, you or Willie? A. Well, I passed away.

Q. You left the door before Willie left it, is that so? A. Yes, sir.

Q. That is to say, at the time that you went away from the Washington place door Willie the machinist was at that door, is that so? A. Yes, sir.

Q. Did you see what, if anything, Willie the machinist did at that door? A. No, sir.

Q. Was Willie, the machinist at that door before you came to it? A. No, sir.

Q. Did he get to that door while you were at it? A. Well, after I went away.

Q. You had already left the door when Willie got to the door? A. Yes, sir.

Q. How far were you from the door when Willie reached the door? A. Right near the elevator.

Q. And when you say the elevator, what elevator do you mean? A. Washington place.

Q. You were near the Washington place elevators when Willie the machinist reached the Washington place door? A. Yes.

Q. Was Willie the machinist alone when he got to that door? A. Well, there was a crowd after him, there were other girls standing there trying that door.

Q. Did you see what, if anything, Willie the machinist did to that door? A. He tried that door.

Q. When you say tried that door what do you mean? A. Well, he was trying to open that door.

Q. What did he do? A. He see he couldn't open the door —

Q. No, what did you see him do? A. Just tried the door to

see if hm could open it.

Q. When you say tried the door what do you mean? A. He was trying to see if he could open the door.

Q. What did he do with his hand? A. On the handle and tried to push that door and it didn't open, so he went away from there.

Q. Did you see him going away? A. Well, I didn't see him going away, but he claimed —

Q. The last you saw of him he was at that door, is that so? A. Yes.

BY MR. STEUER:

Q. Will you please tell the jury when you were working when you worked? A. On the first table machine, on the Greene street side.

Q. That would be down here (indicating)? A. Right here.

Q. Will you tell the jury, on that table, where you worked? A. Where I worked?

Q. Yes, just tell the jury when you sat at the table which way were your eyes? Did you face the windows on Greene street, or was your back to them? A. Back to the windows.

Q. So that you were sitting on this side of the table (indicating)? A. On this side, yes.

THE COURT: Her answer, Mr. Steuer, indicates that she was sitting on the other side.

Q. Oh, then you were sitting on that side of the table (indicating)? A. Yes.

Q. That is, you were sitting nearest to the Greene street windows, with your eyes away from the Greene street window? A. Yes.

Q. Commencing with the clothes closet on this side of the table, show us where you were sitting? A. Well, I was sitting about as far away, from here, like that.

Q. How many machines? A. Well, I was No. 15.

Q. How many machines? A. Well, I was fifteen machines away from the —~

Q. Fifteen machines from the clothes closet? A. That's right.

Q. Then you must have been the eighth machine on this side (indicating on diagram)? A. No, I was No. 15.

Q. Wouldn't that make you No. 15 if you were the eighth machine? Did you begin your numbers at this side, do you know? A. Where?

Q. Where was No. 1? A. No. 1 was at the Washington side.

BY THE COURT:

Q. Which window was immediately back of you, the window nearest to the clothes closet, or beyond that? A. The second window.

Q. Was that behind you? A. Yes, sir.

Q. Directly behind you? A. Yes, sir, that was the first window and that was the second window (indicating on diagram).

BY MR. STEUER:

Q. And that is where you start? A. Just right there.

Q. Did you ever go over to the Washington place door before that time? A. No, sir.

Q. Did you ever look at the Washington place door before that time? A. Did I ever look at the door?

Q. Yes. A. Well, I ever looked at the door.

Q. How? A. I did look at the door.

Q. When, do you remember? A. Well, I don't remember.

Q. Did you see the key that was in that door? A. There was never a key there.

Q. So that you don't remember looking at it, but you tell the jury when you testify now that there never was a key in door? A. There never was a key in that door.

MR. RUBIN: She said she did look at the door.

THE WITNESS: You asked me if I remembered —

Q. How often did you look at it? A. I don't know how often; that is a thing I couldn't tell you.

Q. You say that the key wasn't in the door? A. There was never a key in the door, not that I know.

Q. Not that you know? A. No.

Q. Which member of your family is it that brought this case against Harris and Blanck? A. Mary Gullo.

Q. Then you must have a case against them too, haven't you? Because there is more than one. Who is Annie? A. I am Annie.

Q. You are Annie? A. Yes.

Q. Is that the name which you gave here? A. Yes, Anna

Gullo.

Q. Then you are suing them. And is it your mother that is suing? A. I have no mother, we are not suing him for anything.

Q. What do you mean, you are not suing? Don't you know that Anna Gullo has brought a suit against Harris and Blanck? Didn't you go to a lawyer? A. Never did. Oh, yes, I don't know what he (Mr. Steuer) is talking about.

Q. What? A. I don't know what you are talking about.

Q. You don't know what I am talking about? A. No.

Q. Well, you know that after the fire you didn't work for Harris and Blanck? A. No.

Q. And after the fire you went to the Italian Consul's office? A. Yes.

Q. And told the Italian Consul whatever you told him? A. Yes.

Q. And then the Italian Consul made the claim for you against Harris and Blaack? A. Yes.

Q. And also after that turned it over to a lawyer to attend to it for you? A. Yes.

Q. Do you know how much you are suing them for? A. No.

Q. Do you knew that you got two cases, one where you asked to be paid for something that happened to you, and another where you ask to be paid because a member of your family was lost in the fire?

MR. BOSTWICK: Just a minute. First state whether

you know.

MR. STEUER: I am asking her if she knows.

MR. BOSTWICK: Don't state if you don't know. State if you know, and if you don't know you may say so?

A. I don't know what you are saying.

Q. How old did you say you are? A. I am twenty.

MR. STEUER: I don't know whether it would be quite fair on my part to ask her whether she makes any claim, because I wouldn't use it against her at any other time, if I did.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. After this fire you went to see the Italian Consul, didn't you? A. Yes.

Q. And whatever has happened in regard to the result of that visit to the Italian Consul, you don't know? A. No.

IDA NELSON, called as a witness on behalf of the People, being first duly sworn, testifies as follows:

(Through Official Interpreter Rosenthal).

(The witness states that she resides at 296 Cherry street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25<sup>th</sup>, 1911, at the time of the fire were you employed by the Triangle Waist Company? A. Yes.

Q. How old are you? A. Eighteen years.

Q. And where were you born? A. In Russia.

Q. How long have you been in this country? A. Three years.

Q. On what floor were you working? A. (Without interpreter) On the ninth.

Q. What did you do — were you an operator? A. Yes.

Q. In the afternoon of that day did you hear a cry of "Fire"? A. Yes.

Q. Tell this jury, after you heard the cry of fire what did you do and where did you go?

A. As soon as I heard the outcry of fire I ran with Fanny Lizner to the Washington place door.

Q. Lausuer, L-a-u-s-n-e-r? A. The forelady, Lizner. I have tried to open the door and I couldn't.

Q. Do you know the part of the door called the handle? A. No, I don't know.

Q. Look at this door (indicating on door in court room) was there a handle like that on the door? A. Well, I can't remember because I was so excited.

Q. Do you know what a handle is? A. I know.

Q. Well, did you put your hand on the handle or knob? A. Yes, I did, I tried.

Q. And what did you do to the handle? A. I tried to open it and I couldn't.

Q. Did you try to pull the door open? A. Yes, I pushed it and I couldn't open it.

Q. Did you pull it? A. I can't remember that, but I tried it one way and the other, when I was excited.



Q. Was any one with you at that door? A. I was there with Fannie Lisner and Katie Weiner.

Q. Did either Fannie or Katie try that door? A. I can't say that.

Q. After you tried the door where did you go? A. I went to the fire-escape and I couldn't get out because the flames were too thick.

Q. And then where did you go? A. I ran towards the Washington place windows and I tried to get out and I couldn't.

Q. You went to the windows on the Washington place side? A. I looked around, whether I could find a place to get out, but I couldn't find it.

Q. And then where did you go? A. Then I went towards the (Greene street door, and I called Fannie Lizner with me, but she didn't care to go. I went towards the Greene street door, and then I went out through the roof, and my hands were burned.

BY THE COURT:

Q. That is to say, you went up the Greene street stairs from the ninth floor to the tenth floor, and then up to the roof; is that so? A. No, I was taken up then.

Q. What do you mean by you were taken up? A. I went up to the tenth floor and I didn't know how to get out, and then a college boy came out from the college, and the college boy put something on to the pail to get up.

Q. You are talking now about what you did after you got to the roof, isn't that so? A. Yes. Then I was taken to the

second building, and with the elevator I was taken down.

Q. Where were you living on the 25th of March, 1911? A. 258 Division street, with my parents.

Q. And that is between what street? A. It is the corner of Montgomery street.

CROSS: EXAMINATION BY MR. STEUER:

Q. You are suing Harris and Blanck too, aren't you? A. Yes, because I was sick.

Q. And your mother also brought a separate case against Harris and Blanck? A. Yes.

Q. How long did you work for Harris and Blanck? A. Six months.

Q. When you worked where did you sit? A. On the first line from Greene street.

BY THE COURT:

Q. What was the number of your machine? A. 31.

Q. Then you sat right near the Washington place windows on the first table, did you not? A. No, towards Greene street.

BY MR. STEUER:

Q. Which way were your eyes, when you were working — towards the Greene street side or the Washington place side? A. Towards Greene street.

Q. So that at the time the fire took place had you heard the bell for the power to stop? A. Yes, I heard the bell.

Q. Had you gone to your dressing room? A. My hat I had

with me and the coat was in the dressing room.

Q. Did you go to the dressing room? A. I was about to go to the dressing room and then I heard "Fire" shouted.

BY THE COURT:

Q. Had you started for the dressing room when you heard the cry of "Fire"? A. Yes, I was going then with Fannie the forelady.

BY MR. STEUER:

Q. Then you were right near the Greene street elevators, weren't you? A. Yes, of course I had to pass by the elevators.

Q. But at the time when you were going towards the clothing closet and when you heard the cry of Fire, you were right near the Greene street elevators, weren't you? A. Yes, certainly I was near to the door, because I have to pass it.

Q. You have to pass the Greene street elevators?

THE COURT: Indicate with the diagram just where she walked.

BY THE COURT:

Q. Put your finger on the spot on that diagram, after you have looked at it, at which you were when you first heard there was fire? A. (No answer.)

BY MR. STEUER:

Q. Over here is Greene street, do you understand that? A. Yes.

Q. Here is Washington place? A. Yes.

Q. This here is the wall where the fire escape was? A. Yes.

Q. Here is the clothes closet on the Greene street side? A. Yes.

Q. Here are the stairs on the Greene street side? A. Yes.

Q. There are the elevators on the Greene street side? A. I understand.

Q. These are the elevators on the Washington place side? A. I understand that.

THE COURT: Now, you put your finger on the spot where you were at the time that you heard of the fire.

THE WITNESS: I was standing at the machine.

BY THE COURT:

Q. What machine? A. Right near my machine, and I just was putting on my hat.

BY MR. STEUER:

Q. Where was your machine? A. Will you explain what these lines are?

Q. Yes. This here is the first table with machines on it. A. Yes.

Q. This is the second table with machines on it, beginning at Greene street. A. Yes.

THE COURT: Put your finger on it.

THE WITNESS: Well, there are no numbers here.

BY THE COURT:

Q. Well, what window was nearest you on the Greene street side? Start at Washington place? A. My number was 31, and I figure it must have been about in the middle of the table.

Q. Which was nearer to the Greene street clothes closet, machine 15 or machine 31? A. I can't say exactly where the numbers start, in which direction.

Q. Did you sit with your back to the windows on the Greene street side facing Washington place, or the other way? A. With my back I was sitting towards Washington side.

BY MR. STEUER:

Q. Now, this would be the side of the table that you were sitting on? A. Yes, I was facing Greene street side.

Q. How many girls sat on this side of the table, the same

side that you sat on, nearer to the clothes closet than you? A. I can't tell that.

Q. When you heard the cry of Fire, did you start to walk from where you sat at the table over toward the clothes closet? A. Yes.

Q. Now, tell us exactly what you did from the time that you heard the cry of fire, and show it on the diagram, just where you went?

MR. BOSTWICK: Can you do that?

THE WITNESS: No, I can't tell everything, I can tell the story, but I can't show it.

Q. Well, how many times did you go to the District Attorney's office? A. I don't know.

Q. Can't you give the jury an idea of how many times? A. I was many times, but I can't remember how many times.

Q. How many times did you see Mr. Koenig?

MR. STEUER: I withdraw the question.

Q. How many times did you make a statement to the District Attorney? A. Really I don't know how many times.

Q. Was it so many times you went down that you can't remember them? A. I can't remember how many times.

Q. Can you tell us which way you got to the Washington place door?

THE COURT: Show us.

A. I can't do it on a paper, but I will tell you the story.

THE COURT: Well, tell it.

A. (Witness continuing) As soon as I heard the fire I took my hat which was with me, and with Fanny I went towards the Greene street side clothes closet.

MR. STEUER: (Addressing Interpreter) Didn't she say "We passed by the" —

THE WITNESS: (Through Interpreter after the question was repeated) Yes, we passed. Then I passed the door, the Greene street door, and I ran toward the Washington door.

Q. So that you came about here, the Greene street door?

MR. BOSTWICK: Wait a minute, I don't think that she said that.

(Last answer of witness read by the stenographer.)

Q. Now, will you tell the jury, please, which Greene street door it was that you passed by? Which door do you mean? A. The door that we used to go out all the time when going from work.

Q. After you passed by that door, where did you then go? A. I went to the closet with the intention to take my clothes.

BY THE COURT:

Q. In other words, your cloak was in the dressing room and you wanted to get your cloak before you left the building, is that it? A. Yes.

BY MR. STEUER:

Q. Now, did you get your coat? A. No.

Q. Then you went by the Greene street door, and I want you

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to tell us if you can just where you went after you went by the Greene street door? A. I went to the closet to take my clothes.

Q. But you have already said you didn't go into the closet —

THE COURT: Pardon me. When you got to the closet what did you do?

Q. When you got to the closet what did you do? A. I didn't go into the closet because they were hollering "Fire", and I went with Fanny Lizner to the door.

BY THE COURT:

Q. When you say to the door, what door do you mean? A. To Washington.

BY MR. STEUER:

Q. Wasn't there another girl with you? A. Yes.

Q. Were there three of you running together? A. I was running with Fanny, that's all.

Q. What became of Katie? A. I don't know where she remained.

Q. Are you sure her name was Katie? A. Yes, sure.

Q. Wasn't her name Annie? A. No; Katie.

Q. It is Fanny Lizner that you are talking about? A. Fanny Lizner.

Q. Wasn't the girl's name there Anna Gullo or Anna Weller that was with you two, and wasn't it you that was supposed to be Katie? A. Perhaps they saw me, I didn't see them.



THE COURT: No, she does not understand the question. Give us the names of the girls, if any, who ran with you.

THE WITNESS: Fanny Lizner.

THE COURT: Anybody else?

THE WITNESS: Katie Weiner. Katie Weiner didn't run. I was only running with Fanny.

Q. Did you and Fanny go over to the door together?

THE COURT: Referring to the Washington place door.

Q. The Washington place door? A. Yes.

Q. Do you know Anna Gullo? A. I don't know their names; if I see them —

BY THE COURT:

Q. Do you know the young woman who sat in that chair before you this morning (witness Gullo)?

MR. STEUER: Put it to her that she was dressed in mourning. A. Annie.

BY MR. STEUER:

Q. Yes. A. Yes, I know her.

Q. Did Annie run with you? A. No.

Q. You say that you know Annie. Do you remember where Annie used to sit?

THE COURT: We are referring now to the young woman who was a witness right before you (witness Gullo). A. She was sitting near the dressing room.

Q. She sat on the other side of the table from you, but

nearer to the dressing room? A. She was sitting facing towards Washington place and nearer to the dressing room.

Q. And sitting at the same table where you were sitting? A. Yes.

BY THE COURT:

Q. We are talking of the time when both you and she worked at the table? A. Yes.

Q. We are not talking about the moment when you heard the fire, but when both you and the last witness were at work at the table she sat at the same table that you did, but nearer to the dressing room and facing Washington place? A. Yes.

Q. When you first knew that there was a fire, did you see Samuel Bernstein? A. I did not.

Q. Do you know Samuel Bernstein? A. Yes.

Q. Did he work at the same table that you worked at? A. Yes.

Q. And was his seat on the same side of that table as your seat? A. The same side, facing Greene street.

Q. Was his feet nearer to Washington place than yours? A. No, nearer towards the dressing room.

Q. How many machines were there, if you know, between your machine and the machine that Sam Bernstein worked at? A. I don't know.

Q. How close did he sit to you when working at the table, talking now of Sam Bernstein? A. Either three or four machines apart.

Q. Did you see Sam Bernstein when you and Fanny Lizner

were going over to the Washington place door? A. No.

Q. Did you see Sam Bernstein at all from the time that heard the cry of Fire up to the time that you got out of the building? A. No.

BY MR. STEUER:

Q. When you got to the Washington place door, did anybody have his or her hand on the door-knob? A. No.

Q. So that it was perfectly easy for you to go right up to the Washington place door, there was nobody in your way? A. Yes, it was easy.

Q. Nobody crowded the way at all? A. No,

Q. So that none of the girls who sat seven tables nearer to the Washington place door than you did got to the Washington place door before you? A. Perhaps they had been there already.

Q. But at that time there was nobody near that door? A. When I got to the door no one was there .

BY THE COURT:

Q. Do you know a man by the name of Willie, the machinist? A. Yes.

Q. Did you see him at any time after you heard or saw fire? A. No.

BY MR. STEUER:

Q. After you left your table, which was the first table, can you tell the jury whether you went to the Washington place door around by the Washington place side, or whether you went around by the side where the fire escape was? A. (No answer.)

BY THE COURT:

Q. In other words, when you left your seat, did you walk towards the coat room or away from it, or towards Washington place? A. Towards the clothes closet.

BY MR. STEUER:

Q. Then you must have come around on the fire escape side in order to get to the Washington place door, did you not? A. Yes, of course I went that way.

THE COURT: I think it is pretty plain that this young woman made no attempt to escape until she had left the dressing room. She went for her coat.

MR. STEUER: I understand that, but she didn't wait to get her coat, and her proximity to the Greene street door is perfectly apparent.

THE COURT: Yes.

Q. When you had been coming to work, you used to come by the Greene street elevator, didn't you? A. Yes, with the Greene street elevator.

Q. And when you went home from your work you went down by the Greene street elevator? A. Yes.

Q. You never went to the Washington place door in your life before that day, did you? A. I used to push myself in sometimes.

Q. What do you mean, you used to push yourself in? A. When the foreladies and others used to go up, I used to go along with them.

Q. Do you mean that you used to go into the Washington place elevators sometimes?

A. Yes. If I could push myself through, and when I was with Fanny Lizner, who was a forelady and a good friend of mine, I could go up those elevators.

BY THE COURT:

Q. Did you ever walk up the stairs on the Washington place side? Yes or no? A. No.

Q. Did you ever go down the stairs on the Washington place side from the ninth loft?

A. No.

Q. Did you ever go out of the Washington place door? That is, the door on the ninth floor leading to the stairs on the ninth floor? A. Never.

BY MR. STEUER:

Q. But you did go up and down sometimes by the Washington place elevator?

MR. BOSTWICK: The word "down" was not in the former question.

MR. STEUER: I beg your pardon, it was both. But it doesn't make any difference whether it was or not, I have a right to ask her, haven't I?

THE COURT: I will allow it, she may answer.

A. Go up, yes, but never go down.

Q. You never used the Washington place stairs door to go up or down, did you? A.

Never.

Q. When you heard the cry of fire, you wanted to get out of the building as quickly as possible, didn't you? A. Yes.

Q. You knew that there were elevators right near where you were sitting, didn't you? A. Yes, I knew from the street side.

Q. And you knew there was a Greene street door right near where you were, didn't you? A. Yes.

Q. You knew that there were elevators on the Washington place side, didn't you? A. Yes.

Q. You didn't try to get out by the Greene street door, you didn't try to get down by the Greene street elevators, but the minute you heard the cry of Fire, you didn't try to get out by the Washington place elevators, but you ran right to the door that you had never used in your life, didn't you? A. I was trying to get my coat first, and it was nearer for me to go to the Washington place side.

Q. But will you please tell me — you didn't try any elevator, did you? A. No, I didn't try.

Q. And the only door that you did try was the Washington place side door? A. Yes, I tried that door.

Q. After you tried that door, what did you do? A. Then I ran towards the fire escape.

Q. So you ran all the way from the Washington place door back to the fire escape? A. Yes, I ran.

Q. Although the Washington place elevators, if you were at the Washington place side door, were right near you, weren't they? A. Well?

Q. But you didn't try the Washington place side elevators?

A. But I knew that I never used them before, only for the bosses and the foreladies.

Q. But even at that time, when you wanted to get out of the building, you didn't try them, did you? A. No.

Q. Then when you got over to the fire escape side, the flames on the fire escape were very big, weren't they? A. Very big.

Q. And then there was time enough for you to go to the Greene street door and you got up stairs by the Greene street door, and you say you burned your hands? A. The flames were very big, but I pushed through and I had goods on me to cover me.

Q. You had goods on you and the goods didn't catch fire and nothing happened except that your hands were scorched? A. Yes, the goods were burned.

Q. What goods? A. Plain white goods.

Q. You mean you grabbed goods from the table and put goods around you? A. I grabbed it from the bookkeeper's desk, I found there a piece of goods, and I covered myself with it.

Q. While you were running from the Washington place door to the fire escape, did you pick up any goods then? A. When I ran towards the fire escape I thought I would be able to get out from the fire escape without doing anything else.

Q. So up to that time you had not taken any goods and had not covered yourself? A. No.

Q. But after you saw these big flames at the fire escape

and you were going towards the Greene street door, then you took time to pick up a piece of goods and put it around you and go out of the Greene street door, is that right? A. I grabbed it and I flew through to Greene street.

Q. You grabbed these white goods out of which they made waists? A. Yes.

Q. That very thin goods? A. Yes.

Q. And with that around you you ran through the Greene street door, is that right?

A. Yes.

Q. Do you know Eddie Markowitz? A. I don't know the name.

Q. Do you know the shipping clerk — a sort of a tall, thin young man? A. Perhaps I know him, but I don't know him by name.

Q. Wasn't he standing at the Greene street door entrance, and wasn't he the one that passed you girls up from the ninth floor to the tenth floor? A. No.

Q. Didn't he call you to that door? A. No.

Q. Did I understand you correctly to say that you got those goods that you put around you at the bookkeeper's desk? A. The bookkeeper's desk and the forelady's desk; they come out as though together.

Q. And the goods were on the desk, were they? A. No, under somewhere in a basket.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Did you keep your clothes in the Greene street dressing room or the Washington place dressing room? A. Washington side dressing room.



Q. And that was right next to the door leading to the stairs? A. Yes.

THE COURT: Referring to the Washington place stairs.

Q. And that is where you were when you first heard the cry of Fire, weren't you?

MR. STEUER: What?

Q. You were by the dressing room when you first heard the cry of Fire, weren't you? A.

No, then I was standing at the machine when I heard the cry of Fire.

THE COURT: She was at her machine, No. 31, when she heard "Fire". She has been all over that.

MR. STEUER: She was at the first table on the off side, near the Greene street elevator.

YETTA LUBITZ, called as a witness on behalf of the People, being first duly sworn, testifies as follows:

(The witness states that she resides at 19 east 119<sup>th</sup> street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March the 25<sup>th</sup>, 1911, the day of the fire, you were employed by Harris and Blanck at the Triangle Waist Company, were you not? A. Yes, sir.

Q. And you had been employed there for about how long? A. For seven weeks.

Q. And you were employed on the ninth floor? A. Yes, sir.

Q. Were you an operator? A. Yes, sir.

Q. At a machine? A. Yes, sir.

Q. You worked at the third table, did you not? A. Yes, sir.

Q. And which way did you face, Greene street? A. Greene street.

BY THE COURT:

Q. When you say the third table, do you mean the third table counting from Greene street? A. No, from Washington place.

Q. That is to say, there were tables that ran from Greene street toward the Washington place side, or rather, towards the elevators on the Washington place side. What do you mean by the third table from the Washington place door? A. (No answer.)

BY MR. BOSTWICK:

Q. I show you diagram, People's Exhibit 2, and that over there where you have your finger is Greene street? A. Yes.

Q. And this is Washington place along here? A. Yes.

Q. Now, in one corner are the passenger elevators? A. Yes.

Q. And in the other corner are the freight elevators? A. Yes, that is Greene street. We went always by this elevator. (Indicating.)

THE COURT: Just answer the questions.

Q. There was next to the passenger elevators a stair? A. Yes.

Q. And next to that is the dressing room? A. Yes.

Q. And the toilet rooms are here? A. Yes.

Q. There were rows of machines, tables? A. Yes.

Q. Seven rows? A. This is the Washington place side where I work.

Q. At the third table and the fifth machine? A. Yes.

Q. There were examining tables here? A. There were, yes.

THE COURT: The third table is the third table from the dressing room.

Q. And there were examining tables here near the toilet rooms? A. Yes, sir.

BY THE COURT:

Q. Did you work facing Greene street or facing the dressing room? A. No, facing Greene street.

BY MR. BOSTWICK:

Q. You worked facing Greene street? A. Yes.

Q. You remember about quarter of five when the fire broke out? A. Yes, sir.

Q. Do you know where the clock was? A. There were two clocks, one right near the fire escape and one near the dressing rooms.

Q. You were at or near one of these clocks, were you not? A. Yes, sir.

Q. Which clock were you nearest? A. I was nearest, near the dressing room.

Q. Nearest the dressing room clock? A. Yes, sir.

Q. And what were you about to do when you heard the cry of Fire? What were you in the act of doing? A. I went out from the dressing room and I didn't know anything what happen-

ed; I saw a crowd of girls run right towards the Greene street door, but I didn't know what happened. I took out my card and I punched the card — and I went to punch the card and then I heard —

Q. Was that in the clock in the Washington place dressing room? A. Yes, sir.

Q. Right in the dressing room? A. Yes, sir.

Q. And you were about to punch your card? A. Yes.

Q. Tell us what happened then just as you were about to punch your card? A. So when I put the card in the clock I heard a cry of Fire, I started to run. So a girl, an examiner, came right over to me, and she ran to the fire escape and I followed her and I ran to the fire escape too, and then a whole crowd of girls came over right to us, they came from the Greene street door, they came to us; so many girls they ran to the window, to the fire escape, but I got scared, and all the floors were with flames, and I remained on the floor; then right where we were standing a young, dark fellow, he was standing near me ~ he was an operator on the machine — he said — I don't know his name — so we were running toward the Washington place door; when we came over there he came over to the door and he tried the door, and I was standing right near him and he said, "Oh, the door is locked, the door is locked."

MR. STEUER: I object to that, and move to strike it out.

MR. BOSTWICK: If your Honor please, in the Arnold case against the national Starch Company, which was one of the most hotly contested litigations that we have had in some years, and which was tried three times, Judge Diefendorf, when the question was presented to him on the third trial, the words used there were ~ one of them said "And the door was jammed," and similar cries — "For God's sake, get out of here. Break the window."

THE COURT: Let we see your records.

MR. BOSTWICK: The record is replete with those things, and I think it is sufficient authority, and that case was —

THE COURT: For the purpose of the record, Mr. Steuer, just enumerate the grounds of your objection. You have objected, now you object on certain grounds which you are about to state.

MR. STEUER: In a case of this kind, your Honor, I do not think it is necessary to state the grounds of objection, but if you require them, I object to it on the ground that it is incompetent, immaterial and irrelevant, and on the ground that it is pure hearsay, and on the ground that it is the conclusion of the witness that makes the exclamation, and that there is nothing in the record which shows that it is made upon knowledge. I don't know the Diefendorf case, but at your Honor's suggestion I did look up the question of what are called involuntary excla-

mations, and the subject is completely involved in what others see fit to call the res adjudicata gestae. Upon no possible theory of any res adjudicata gestae is this testimony admissible, because the res adjudicata to make it competent would have to be part of the transaction in which the person named in the indictment was involved. Upon the question of involuntary exclamation, I think the only case in the Court of Appeals that has given any direct utterance upon that subject will be found, if my recollection serves me, in 152; the opinion starts at page 339, and you will find the significant portion of such as has any relevancy upon the subject of inquiry here, at pages 342 and 343 of that opinion. And I think you will find that the better rule, as applicable in this state, that involuntary exclamations are not competent.

If you will examine the section in Wigmore, in the third volume, section 175, page 2260, you will find that the objection pointed out to evidence of this kind — one of the grounds of objection that I made — is that it does not appear that it is made upon the knowledge of the person making the declaration; and, of course, that is at the foundation of all testimony. Testimony that would not be admissible if the person is making the declaration upon the witness-stand surely could not become competent or admissible if the person who is making it is not upon the witness-stand. In other words, if a person makes an out-

cry In the course of an occurrence, if a person could not testify to that outcry if he were on the witness-stand, if the testimony would then be incompetent, surely another person just hearing him make the outcry does not make it competent. And Wigmore instances as apt illustrations of that character exclamations of this kind, "The engineer did not reverse the lever!" "The conductor did not read the train dispatcher's orders!" It is perfectly apparent those are good illustrations, that the person could not have had competent knowledge upon that subject at the time of the exclamation. As to whether or not a door is locked is a matter of conclusion, pure and simple, and your Honor, I think, has sustained an objection on that score here, and has permitted the witnesses to testify that they tried the door, and what the result of the effort was. No objection is made to the testimony of this young lady as to what she claims she saw somebody do, but when it comes to somebody making an exclamation, that, in my opinion, the person if called as a witness could not testify to, it surely does not become competent because it is made by some other person.

THE COURT: In the first place, since I ruled as I did, you have permitted without objection the witness to testify that she found the door locked.

MR. STEUER: Where there is a voluntary statement — it was a voluntary statement, and I don't make motions to

strike out everything that occurs, because I ascribe to the jury sufficient intelligence to pass upon this case, and I don't dot up a record with motions and objections and exceptions if I can possibly help it. It is only when I think, your Honor, that a question would have a bearing upon the judgment of a jury or of a juror when he is deliberating upon a case has arisen, that I take the opportunity, if I am permitted, to address the Court upon any such question. The general question of involuntary exclamations in an emergency of this character is one that I consider of sufficient importance to address the Court upon and express my views upon, but I certainly will not interrupt the witnesses that testify in a case of this sort by moving to strike out every time that a witness makes some statement which comes out naturally and which is not legal or competent evidence upon the subject. But when a District Attorney asks a question feeling that he has a right to ask it, and asks it in good faith, and that opens up a subject of inquiry to which the Court's profound attention has been called, then I address the Court upon that subject for the purpose of determining-

MR. BOSTWICK: There are in Wigmore five very distinct classes of spontaneous exclamations considered, and what Mr. Steuer says about some of them is quite true.

When the truth or falsity of the fact to be proved is involved, then the question of the admissibility depends



upon whether it is an utterance having truthfulness, then what he says applies —

MR. STEUER: Oh, no, that is not the subject I was considering.

MR. BOSTWICK: Then Wigmore points out with unquestioned clearness that in cases of this character that is the one thing that has been left of the doctrine of res adjudicata gestae, which must still stand. No one has made such an attack upon res adjudicata gestae as Professor Wigmore, and he has said that that term must go for all time, because he said it was nothing but a cloak for ignorance. But then he points out and divides up what formerly had been known as res adjudicata gestae in verbal acts and spontaneous exclamations, and he says these exclamations may under such circumstances, just as these, be unquestionably admissible as part of the res gestae, and he condemns the authorities that have attempted to act otherwise, and there are none in New York.

In the case cited by Mr. Steuer, while the ruling of the Court was perfectly correct, it is foreign to this subject, it is after the transaction. Certainly it is not part of the res gestae that the brakeman did not do this or that — both of those cases — but here under this natural impulse ~-

THE COURT: Mr. Bostwick, the situation is this. Spontaneous, natural exclamations at the time, accompany-

ing the transaction, are receivable in evidence. There are certain things which conceivably persons might say upon the spur of the moment, when there is no opportunity for premeditation, where the exclamation is the result of natural excitement at the time, that the Courts will receive. An exclamation of that character made by a person under these circumstances would undoubtedly be receivable. The doubt in my mind as to whether this particular remark is or is not receivable arises from the circumstance that it may involve the expression of a conclusion reached by the person making it, rather than the statement of a fact. In other words, if I would exclude testimony given by a person on the stand in this particular case to the effect that the door was locked, as implying a conclusion of a witness rather than a mere statement of fact, why should I not upon the same ground exclude this exclamation? No, because I would believe it is not spontaneous, but because of the language of the exclamation itself.

MR. BOSTWICK: The reason of that is, if your Honor please, that these exclamations when they go to the jury will go in all probability coupled with a statement by your Honor that they are not offered as proof of the fact, but proof of the res gestae; that is the reason. There is that qualification which goes with those, whereas the direct testimony as to the question of the locked door is another proposition. These are part of the res gestae.

THE COURT: Mr. Steuer, in a record which has been handed to me, which appears to be the record in the Court of Appeals in the case of one Anna Arnold against The National Starch Company, which is reported in 194 N. Y. page 42, there appear to have been received in evidence quite a number of similar statements as these statements, made under like circumstances. Mr. Bostwick, however, in this record where those statements appear it is testimony adduced by the plaintiff and the plaintiff was the appellant, and any exceptions of the defendant to the introduction of that testimony would not appear in the record.

MR. BOSTWICK: That is true.

MR. STEUER: And would not be available on appeal for that defendant.

THE COURT: And would not be passed on by the Court of Appeals.

MR. BOSTWICK: That is quite true. In other words, it has not been directly passed upon under objection to the Court of Appeals, so far as we know.

MR. STEUER: I think it has.

MR. BOSTWICK: But the authorities all show that it has been the common practice to admit them under similar circumstances, and as I say, that case was being tried on a record for the third time, before a very eminent Justice of the Supreme Court. I think that any doubt ought to be resolved in the favor of the People.

THE COURT: If I receive it, it will be with a qualifying statement that the expression merely imports that the door was closed. I do not think that I could receive it as importing that the door was locked, in a technical sense. Persons talking in a colloquial way sometimes say that a door is locked when they mean nothing more than they made an attempt to open the door and couldn't open it. With that statement I will receive the evidence and give you an exception, Mr. Steuer.

MR. STEUER: Thank you.

THE COURT: (Addressing the jury) You will understand, gentlemen, in that connection, that I am receiving this evidence merely as an exclamation or alleged exclamation made at the time, importing only in a colloquial sense that the person making the exclamation said that the door was closed.

BY MR. BOSTWICK:

Q. At that time, where did he have his hand? A. On the knob.

Q. At the knob of the door? A. Yes, sir.

Q. What was he doing? A. He tried to open it.

Q. What was he doing? A. He tried to open it.

Q. Do you mean by that that he turned the handle one way or the other? A. Yes, sir.

Q. Did he pull or push? A. I can't tell you.

Q. Where were you just at that time? A. Right near him.

Q. Did you go to the door? A. No, sir.

Q. Where did you go immediately after that? A. After that then a very thick smoke came in and out of the room; a whole crowd of us was in the dressing room right near Washington place. There was two dressing rooms, one near the toilets and one near the dressing rooms, so we went in right near the doors, near the Washington place doors in the dressing room.

Q. And where did you go after that? A. We were standing there till the smoke came out, and then when the smoke came out we went away from the dressing room, and we were running around on the floor, and then I don't know whether anybody broke out the windows or the flames broke out the windows, and still all the flames came inside on the floor all around — on the floor came in the flames — and when the flames came in we ran again in the dressing room, and we started — we were crying and we were waiting. I don't know anything about the other people, but I was standing and crying, and I was waiting till the dressing room will get burned — till the dressing room started to burn, and I was crying terribly, I was screaming, so that young man — the same young man what he was standing there, so he went with me to the door, he was standing with me in the dressing room too, and he started to say, "Oh, keep quiet, what is the use of crying?" So I felt ashamed and I stopped it. Then when I see, well, my life is lost anyway, and I started to scream again, and I don't know, I was standing near a wall screaming, and all of a sudden I see that the girls

all started to run to the Greene street door, and I started to run too, and I saw — so they jumped over the machines and I couldn't jump over the machines, so I jumped only two lines, I jumped only two lines over the machine --

Q. Talk to the jury? A. I jumped over two lines of the machines and then I went out from the machines and I had a long coat on, so with the skirt I covered up my face and I went to the passage. Then when I went I had my coat — I had my face more in the machines — I went this way (indicating a bent-over position with the face turned away) away from the flames, and I looked at the machines, and I saw an old Italian woman, she couldn't jump over the machines too — she was a heavy woman — so when I was walking I saw the Italian woman, she was laying on the machines ~~

MR. STEUER: The question is what she did. This is one of the witnesses I don't want to interrupt too much, but incompetent testimony got in, as your Honor must see, but I was waiting for the end, for her to tell what she did. That was the only inquiry Mr. Bostwick addressed to her.

Q. Where did you go then?

THE COURT: Pardon me, I am not going to leave the record that way.

(In the long answer just given by the witness, starting after the question "And where did you go after that?" the Court strikes out the following portion:

“And then I don't know whether anybody broke out the windows or the flames broke out the windows, and still all the flames came inside on the floor all around ~ on the floor came in the flames.”

"Oh, keep quiet, what is the use of crying;"

“Then when I see, well, my life is lost anyway;"

"She couldn't jump over the machines too, she was a heavy woman. So when I was walking I saw the Italian woman, she was laying on the machines.”)

THE COURT: Gentlemen, I have stricken out parts of the answer as made by this witness. If this case should be submitted to you, you will wholly disregard any part of any answer that is stricken out. You will be told that in the charge, I tell you that now with respect to the part that I struck out.

Now, Mr. Steuer, what remains in is not strictly responsive to the question that was put by Mr. Bostwick, but it could all have been elicited by questions, and I think that it will serve no useful purpose to strike out any other part.

MR. STEUER: That has been my theory right along, your Honor, that I don't want to interrupt a witness because it would seem as if done for the purpose of breaking up the narrative.

THE COURT: (Addressing the witness) When a question is asked you, you pay attention to what is asked; do you

understand that?

THE WITNESS: Yes, sir.

THE COURT: And just say enough to answer the question and not to tell us anything that is not called for by the question; do you understand that?

THE WITNESS: Yes, sir.

THE COURT: Now, you do that. Now, proceed, Mr. Bostwick.

BY MR. BOSTWICK:

Q. When you were in the dressing room, was there an Italian woman there? A.

A. Yes, sir.

Q. Was she a large woman? A. No, she was smaller than I am.

(Objected to as immaterial. Objection sustained.)

Q. After you came out of the dressing room where did you go? A. When, the first time or the second time?

Q. No, the second time. A. I jumped over two lines of the machines.

Q. You mean the two lines of the machines nearest the dressing room side? A.

Yes, sir.

Q. And after you jumped over those two sets of machines where did you go? A. I went through the line — through the passage.

Q. Through the passage? A. Yes, sir.

Q. Toward the fire escape side of the building? A. Yes, sir.



Q. Near where the examining tables were? A. Yes, sir.

Q. Then did you go toward the Greene street entrance? A. Yes, sir.

Q. Was the building burning at this time? A. Oh, certainly, yes.

Q. And were there flames around? A. All around.

Q. And did you go toward the Greene street door? A. Yes, sir.

Q. What did you do, if anything, to try and shield your face from fire? A. I covered it up with the skirt of my coat, and I went through the passage, and I came in the wall where the Greene street was,— there was a little wall, I came in there, everybody was standing near the window.

THE COURT: No, just tell us what you did?

A. (Witness continuing) When I came in in that room I opened the door. When I opened the door I didn't think to go up to the roof, but I thought to go down, and downstairs the stairs were full of flames, so I got scared and I shut the door again. When I shut the door then a woman came over to the door and she started to cry, "Come to the roof, come to the roof." So I ran after her and a few more girls followed us, and we went on the roof. On the roof there were standing young men and on the edge of the building --

Q. And you got down safely over the other building? A. Yes, sir.

Q. Now, coming back to the time that you went to the Wash-

ington place door, A. Yes, sir.

Q. When this young man had his hand on the handle of the door, did you see anybody there that you knew?

THE COURT: Yes or no. A. A little girl, an Italian woman.

Q. Did you know the name of this little girl? A. She is here.

Q. She is in this building? A. Yes, sir.

Q. Now, the first chance that you get, will you ask her her name?

THE COURT: Do you want her identified?

MR. BOSTWICK: We have no way to identify her excepting the method I am now following, your Honor.

Q. Will you, the first time you see her, ask her her name? A. All right.

Q. Do you understand me? A. Her first name?

Q. What is her first name? A. Lena.

Q. Lena Yalla? A. No, Lieberowitz.

Q. Lena Lieberwitz? A. Yes, sir; a small girl.

(Mr. Bostwick now asks to have Lena Lieberowitz brought into the courtroom.)

Q. Do you know Lena Zwick? A. I don't know by the name.

(Mr. Bostwick now asks that Lena Zwick be brought into the courtroom.)

Q. Did you see anybody else at the door when this man was trying the handle of the door, besides this Lena Lieberowitz?

A. No, sir. There was a crowd, but I don't remember the names.

Q. You saw other people? A. Yes.

Q. But you don't know their names? A. Not the names.

Q. How long were you near that door that the man tried to open? A. Till the smoke came in. It was a few minutes, I don't know how long it was.

Q. Did you see anybody open that door? A. No, sir.

Q. How long had you been employed by these people? A. Seven weeks.

Q. During that time did you ever see anybody go in or out of that Washington place door on the ninth floor? A. No, sir.

BY THE COURT:

Q. Where did you live during the time that you were working for the defendants? A.

(No answer.)

Q. During the time that you worked for the Triangle Waist Company, whereabouts did you live? A. (No answer.)

BY MR. BOSTWICK:

Q. Where did you live at the time of the fire? A. (No answer.)

BY THE COURT:

Q. Where was your home? A. 119th street.

Q. The same place that you live in now? A. Yes, sir.

BY MR. BOSTWICK:

Q. At night when you quit work, how did you go out of the building? A. through the Greene street door.

Q. And was there a watchman there? A. Yes, sir.

Q. And what would you do as you passed the watchman at night? A. I opened my pocket book and I showed him.

Q. At the time of the fire, was there any superintendent on the ninth floor? A. No, sir.

Q. While you were there did you have any fire drills? A. No.

MR. STEUER: I make the same objection — incompetent, immaterial and irrelevant.

(Same ruling. Exception.)

Q. I show you a diagram of the ninth floor, which you have seen before? A. Yes, sir.

Q. In front of the freight elevator there was a clothes closet, was there not? A. I don't know.

Q. Well, was there a partition? A. Yes.

Q. In going to the Greene street stairway or to the Greene street elevators, did you have to pass through a door? A. Yes, sir.

Q. Where did the watchman stand? A. The watchman, he was standing not in the little room — he was standing in the factory.

Q. He was not in the enclosure, or what you call the little room, in front of the stairway and elevators, but he was in the loft, in the factory itself? A. Yes, right near the door.

Q. There is the entrance of the door on the stairway, and that is a front to the freight elevators (indicating on diagram)? A. Yes, sir.

Q. Will you make a cross where the watchman stood? A. Op-

posite the machines he was standing.

Q. Now, you put your initials there? A. (Witness marks on diagram as requested.)

Q. Next to the passenger elevators there came the Washington place door? A. Yes, I didn't know that door before.

Q. You didn't know that door before? A. No.

Q. You know the door now? A. When I went with that young man?

Q. Yes. A. Yes.

Q. And that is the door that I am pointing to, the Washington place door, that is the door that he had his hand on (indicating on diagram). It was the door to the stairway next to the dressing room, was it not? A. No, sir; to the hallway there was a door.

Q. There was a passenger elevator, was there not? A. Yes, sir.

Q. Then here was the stairway? A. Yes.

Q. In here was a stairway? A. Then it was near here (indicating on diagram).

Q. Do you know that girl (indicating Lena Zwick, who has been brought into the courtroom)? A. No, I do not.

Q. In front of the dressing rooms, there was a short row of machines, was there not?  
A. Yes, sir.

Q. And then another row of machines? A. Yes, sir.

Q. Then a third row? A. Yes, sir.

Q. And a fourth row and a fifth, sixth and a seventh

and an eighth? A. Yes.

Q. Just as indicated on this diagram? A. Yes.

Q. I show you People's Exhibit No. 13; this is the stairway? A. Yes.

Q. That is the picture of this stairway (pointing to photograph People's Exhibit 13, and indicating on diagram People's Exhibit 2). You don't understand that? There are the stairs (pointing on photograph)? A. Yes.

Q. The door has been burned away? A. But this is the stairs to go up.

Q. That is the stairs there (now pointing on diagram)? A. Yes. Then I was standing right there (indicating right in front of the Washington place door).

Q. Right next to this door and stairway there was a dressing room, was there not? A. Yes, sir.

Q. And next to that there was another dressing room? A. Yes, sir.

Q. And behind that second dressing room there was a toilet? A. Yes, sir.

Q. Just as indicated on this diagram? A. Yes, sir.

THE COURT: Gentlemen of the Jury, you are admonished not to converse among yourselves on any subject connected with this trial, or to form or express any opinion thereon, until the same is submitted to you. Don't talk with anybody about the case or allow anybody to talk with you

about the case.

(Recess till 2 P. M.)

After Recess, trial resumed.

YETTA LUBITZ resumes the stand, and further testifies:

DIRECT EXAMINATION BY MR. BOSTWICK (RESUMED).

Q. Now old are you? A. Twenty-four.

Q. Now long have you been in this country? A. Eight years.

Q. About how many operators were on the ninth floor at the time of the fire? A. I don't know.

Q. About how many? A. I can't tell you, I don't know.

CROSS-EXAMINATION BY MR. STEUER:

Q. Miss Lubitz, the evening of the fire was the first time in your life that you ever saw the Washington place door, wasn't it? A. Yes, sir.

Q. You had never seen the door and you had never heard there was such a door, is that it? A. Yes, sir.

Q. But on that occasion, shortly after the cry of Fire, you got to the door that you had never seen before? A. Yes, sir.

Q. And that you had never heard of before? A. Yes, sir.

Q. And looked on while somebody was trying the door? A. Yes.

Q. Your coat was, you said, in the Washington place side dressing room? A. No. Right near the toilets was my clothes.

Q. When you went into your dressing room every day except the day of the fire and got your coat, you walked right from the dressing room over to the Greene street elevators? A. Yes,

sir; sometimes I went down the stairways.

Q. You walked nine flights of stairs? A. Yes, sir.

Q. You didn't wait for the elevator? A. Sometimes.

Q. Well, you say sometimes you didn't wait for the elevator? A. Yes.

Q. You walked nine flights of stairs, is that right? A. Yes.

Q. Did you ever walk up the nine flights of stairs too, when you wouldn't wait for the elevator? A. Not sir.

Q. Only going down? A. Yes.

Q. So you knew where the elevators were on the Greene street side perfectly, didn't you? A. Yes, sir.

Q. And you knew where the door was on the Greene street side perfectly, didn't you?  
A. Yes, sir.

Q. And that was the only door that you had ever seen or ever heard of? A. Yes.

Q. Nobody even ever told you that there was another door? A. No.

Q. And working seven weeks you never saw the door with your eyes? A. No, sir.

Q. And in going to the Washington place dressing room, night after night and at lunch every day, you never even saw the door, did you? A. No, sir; but my dressing room was not right near the door, it was right near the toilets.

Q. Don't you know that Mr. Bostwick put to you this question: "So your dressing room was right alongside of the Washington place stairs?" And you said, "Yes." Do you re-



member that? A. I don't know. My dressing room was right near the toilet.

Q. The fact is, that when he was putting those questions and saying you were here and your dressing room was here, and all that sort of thing, you were just saying "Yes" without knowing anything about it, isn't that so? A. Not everything.

Q. Well, now, how many times have you seen this diagram that Mr. Bostwick showed you? A. Two times — three times ~ I don't know how many times.

Q. You remember once Mr. Rubin showed it to you when you were a witness? A. Oh, yes, I have seen it many times.

Q. And then you remember you saw it a great many times in Mr. Bostwick's room in this building, didn't you? A. Yes, sir.

Q. And they went all over this same thing with you quite a number of time, didn't they? A. Yes, sir.

Q. And different people went over it with you quite a number of times? A. Yes, sir.

Q. So that it should be easier to remember it? A. No, sir.

Q. It was so that you should not remember that they went over it with you so many times? A. Nothing of what they told me — I know myself .

Q. But they wanted to hear you tell it to them over and over again? A. Yes.

Q. Why, they wrote it down the first time you told it to them, didn't they? A. Yes, they wrote it down.

Q. And you signed it the first time you told it to them,

didn't you? A. Yes, sir,

Q. And then you went on the witness-stand and swore to it, and they have it in typewriting, didn't they? A. Yes, sir.

Q. And you know that they asked you the same questions and you gave to them the answers, in exactly the same words, that you spoke to them on the 10th of April, more than eight months ago, don't you? A. Yes.

Q. Or, exactly eight months? A. Yes.

Q. And to-day you cannot tell exactly where you were, looking at the diagram again, can you? A. Well, I will show you all right. Here is the dressing room, and this is the dressing room that my clothes was right in, this dressing room, and right near the door I always hung my clothes so I could get my clothes right away so I would be able to come out.

THE COURT: Does she mark it?

MR. STEUER: Yes, she may mark it.

(Witness marks the diagram at place indicated.)

MR. STEUER: The witness has marked "Y.L.", standing for her own initials.

Q. There were two dressing rooms near the Washington place side, weren't there? Yes, sir.

Q. And the dressing room that you were in was the one that was furthest away from the Washington place staircase? A. (No answer.)

Q. I will make that so you can understand it. You see on this diagram, or by this diagram, this in supposed to be,

where I have got the pencil now, the stairs on the Washington place side? A. Yes.

Q. Those are the stairs that you had never seen in your life? A. No, sir.

Q. And there is the door that you never saw in your life? A. No, sir.

Q. Don't say "Yes, sir" or "No, sir" to me unless you understand exactly what I say? A. Well, certainly.

Q. And any time you don't understand, you say so and then we will change the question? A. All right.

Q. You were in the second dressing room? A. Yes.

Q. And your coat was on the wall that was furthest away from the Greene street ~

MR. BOSTWICK: No.

A. In the dressing room.

MR. STEUER; Please don't say "No", Mr. Bostwick; I have not asked you.

MR. BOSTWICK: I beg your pardon.

Q. When you said before that you went into the dressing room, and pointed to the second dressing room — A. Yes, sir.

Q. Now, that is correct, isn't it? A. Yes, sir.

Q. The second dressing room on the Washington place stairs – one, two — that's right, isn't it? A. Yes.

Q. The second dressing room from the Washington place stairs has the door on the side of the dressing room that is nearest the wall in which the fire escape was? A. Yes.

Q. That is correct? A. Yes.

Q. And you understand that, don't you? A. Yes.

Q. And it had no other door? A. No.

Q. So that, if you came from one of the tables you had to go to the side of the dressing room that was near the examining tables? A. Yes.

Q. In order to go into the dressing room? A. Yes.

Q. And when you got into the dressing room, you put your name, the two letters of your name, just a minute ago, where your coat was hanging? A. Yes.

Q. So as to make that perfectly clear to you, you have gone back now to Greene street? A. Yes.

Q. Walking back? A. Yes.

Q. And when you are looking at me you are looking toward the Washington place side? A. Yes.

Q. And if you are now with your back toward Greene street you are looking at this dressing room? A. Yes.

Q. In order to get to the dressing room you walked around and you came around to the examining tables? A. Yes.

Q. And you walked into this door? A. Yes.

Q. Where did you sit when you were walking? A. On the third table.

Q. Meaning where? Where is the first table in your mind? A. In my mind, here (indicating); here on the third line.

Q. I don't think I understand you, or you don't understand me.

THE COURT: No, you are at cross purposes.

Q. We will start over again. Which table do you call the first table? A. This is here (indicating on diagram).

Q. And when you say "This here", you are pointing to the first table nearest to the Washington place side? A. Yes, sir.

THE COURT: She is pointing to the table nearest to the Washington place elevators, because they are all equally near the Washington place side.

MR. STEUER: Oh, I get your Honor's meaning, you are right.

Q. You point to the table which is nearest, as the Judge said, to the Washington place elevators and to these dressing rooms which you are talking about? A. Yes, sir.

Q. That is the table that is nearest to these two dressing rooms? A. Yes.

Q. That is No. 1. And then of course No. 2 would be the one next to that going to Greene street, wouldn't it? A. Why, the next is already near to Washington place.

Q. But going to Greene street?

THE COURT: Nearer Greene street than the one you first showed.

Q. It is nearer Greene street than No. 1? A. This is Washington place?

Q. Yes, so it is nearer to Greene street than this? A. Yes.

Q. Do you understand me? A. Yes.

Q. That is, when you go from No. 2, you go to No. 3, and you are still going to Greene street, aren't you? A. Yes, sir.

Q. So it was at No. 3 table that you were sitting, wasn't it? A. Yes, sir.

Q. Which way was your face when you were working? A. To Greene street. I was sitting on this side (indicating on diagram).

Q. So you sat on this side of the table — that is the side which is nearer to the Washington place dressing room? A. Dressing rooms; yes, sir.

Q. And when you got up from your work, you would leave your chair? A. Yes.

Q. Put on your hat? A. Not right near the machine.

Q. Didn't you have your hat? A. In my dressing room.

Q. Oh, the hat was in the dressing room? A. Yes.

Q. With the coat? A. Yes, sir.

Q. So you would leave your chair? A. Yes.

Q. And tell us now where your chair was? A. Right on this side (indicating on diagram).

Q. About how many machines between you and the end of that table which is nearest to the fire escape? A. I think about five machines.

Q. You would leave your chair, you would walk in the passageway between the second and the third table? A. Yes.

Q. You would come out to where the examining tables were? A. Yes.

Q. And you would go around the examining tables? A. Yes.

Q. And go into the dressing room? A. The dressing room, yes, sir. But I had to go right this way (indicating on diagram.)

Q. When you pointed your finger you said you had to go this way — you mean that you came from in front of the post instead of going around the post? A. In front of the post because here cause was standing tables here — right here, the examining tables (indicating).

Q. And you mean you did not walk behind the tables to enter into the dressing rooms, but used to walk in front of the tables and then go into the dressing room that way? A. Yes.

Q. Is that right? A. Yes, sir.

Q. Is that what you did on the evening of the day when the fire took place? A. Yes, sir; the same thing.

Q. When you came out to where the examining tables were, between the second and third tables and machines, you could see the Greene street door perfectly plain, couldn't you? A. Yes.

Q. And you saw it every day when you came out? A. Yes, sir.

Q. Anybody who stood where these examining tables were and who had eyes could see that Greene street door? A. Yes, they could see, but it was all around with — (witness indicates).

Q. A. partition? A. A partition, yes.

Q. Well, the door was in the partition, wasn't it? A. Yes.

Q. And you could see the door? A. Yes, I could see the door when I stood right in the passage, then I could see the door.

Q. You could even see the door when you were standing at the dressing room, couldn't you? A. At my dressing room, yes, I could, but not this dressing room.

Q. You could see the Greene street door when you stood at that dressing room? A. Yes, sir.

Q. But you say that the men's dressing room you could not see it? A. No.

Q. Let us get that clear. The dressing room that was nearest to the stairs on the Washington place side was the men's dressing room? A. Men's? I think there was a girls'.

Q. Did you ever see a girls go in there? A. Yes, I did.

Q. You did? A. Yes.

Q. You are sure of that? A. Yes, certainly, I am sure.

Q. Do you remember the name of the girl? A. No.

Q. You didn't know it. Well, at any rate, you were in the second dressing room? A. Yes, sir.

Q. There were no men's coats or hats in that dressing room? A. Yes, there was. I remember the machinist.

Q. The machinist? A. Yes, their clothes was in our room.

Q. Are you sure about that? A. Yes, sir; I am sure.

Q. The machinists on the ninth floor? A. Yes.

Q. Was not the machinist on the ninth floor Willie? A. Willie? Yes.

Q. Didn't Willie keep his clothes together with a girl by the name of Mary and a young lady who has been a witness here this morning by the name of Anna Gullo? A. I don't know them



by name.

Q. There was a lady here this morning — she was dressed in black — who testified that her name — she gave it here as Anna Gullo? A. Yes.

Q. Now, do you say that it is not —

THE COURT: Don't answer until the question is put.

Q. Now, what I wish to ask you is, isn't it the fact — I don't know whether the word "fact" is plain to you? A. Yes.

Q. Oh, it is? Well, then, isn't it the fact that Willie and Mary — do you know whom I mean by Mary? A. Mary? No, I do not.

Q. Well, Mary was the bookkeeper; do you remember her? A. Yes, I remember.

Q. Isn't it the fact that Willie and Mary and Anna Gullo had their clothes, that is, hat and coat, hanging together? A. I don't know.

MR. STEUER: Will you permit me to say what Anna Gullo said before the Coroner on that subject?

MR. RUBIN: Well, you cannot bind this witness by what Anna Gullo said.

MR. STEUER: She said, your Honor, that Willie's clothes were in this room.

THE SEVENTH JUROR: When she said the machinist, I think she meant the men that sewed at the machines.

THE WITNESS: No,

Q. You didn't mean men who sewed? A. No.

Q. You mean the men who fix the machines? A. Yes.

Q. Your memory is -- and that is all we care about now -- your memory is that Willie's clothes were in the same room as yours? A. Yes, sir.

Q. Did you see Willie at the time of the fire? A. No, sir.

BY THE COURT:

Q. Do you know Willie's last name? A. No, sir.

MR. STEUER: Do you want it, Judge?

THE COURT: No.

BY MR. STEUER:

Q. There was only one machinist whose name was Willie, wasn't there? A. I don't know the other man.

Q. Well, it was the only Willie you knew, and that was a machinist? A. There were two machinists.

Q. There was a machinist and he had an assistant and helper? A. Oh?

Q. Was there more than one Willie that you knew of that was a machinist? A. No, I don't know.

Q. Willie was either a Jew, -- a Hebrew or an Italian, wasn't he? A. I think a Jew.

Q. Willie was a Jew, wasn't he? A. Yes.

Q. Come back to this place -- you came into this dressing room? A. Yes, sir.

Q. And didn't you put your name so as to show that your coat hung on the wall or partition, whichever it was, that was nearest to the toilet room? A. Yes, sir; on the wall.

Q. And that is where it did hang? A. Yes, sir.

Q. On the wall nearest the toilet room? A. Yes, sir.

Q. And that was the wall in the dressing room that was furthest away from where you sat? A. Yes, sir.

Q. That is perfectly plain, isn't it? A. Yes, sir.

THE COURT: Do not say "Yes" unless it is really so, or unless it is plain to you.

A. (Witness continuing) Yes, yes, yes, I understand it.

Q. So that you came in there, took your hat and coat from the wall that was furthest away from you, and you put your hat and coat on? A. Yes.

Q. And then you didn't know that there was any trouble, did you? A. Nothing.

Q. When you had walked around from where you sat in the way that you have already shown the jury, or told us rather,— got your hat and coat and you were in the dressing room and didn't know there was trouble? A. Nothing.

Q. Every day when there was no trouble you did the same thing — you went to the same room and got your hat and coat from the same place? A. Yes, sir.

Q. And then you came out of the door and you walked down here to this door, didn't you? A. Yes, but first I punched my card.

Q. First did you punch your card, after you put on your hat and coat? A. Yes, sir.

Q. Now, about your card, there was a rack — or, do you know

what a square is? A. Yes.

Q. A square is a thing that has four sides and they are all the same size? A. Yes.

Q. Do you remember that there was a square made of wood where the cards used to be put in, each girl's card? A. Yes.

Q. There were two of those, weren't there, two squares, one near one clock and one by the other clock? A. Yes.

Q. Some of the girls kept their cards in their pocketbooks, didn't they? A. Yes.

Q. What did you do with your card? A. I kept my card too in my pocketbook.

Q. You weren't one of the girls that used to put your card in the rack? A. Yes.

Q. You were not? A. No, no.

Q. So that what you used to do was, when you came in in the morning, you would go over and punch your card and put it in your pocketbook? A. Yes, sir.

Q. And when you went home you would go over and punch your card and put it in your pocketbook again? A. Yes, sir.

Q. That is right, isn't it? A. Yes, sir.

Q. You didn't go out at lunch time, then, did you? A. No.

Q. So the only times that you punched your card was in the morning when you came in, and in the evening when you went home? A. Yes.

Q. So that the jury and all of us will understand what that clock was, when you took your card there was an opening

and you put your card in that? A. Yes.

Q. And then you could press something down, the same as on a cash register? A. Yes, sir.

Q. And when it went down that put on the hour and the minute? A. Yes.

Q. And that is all, you took that card right out and you went right away? A. Yes.

Q. That didn't take any time at all to do that, did it? A. No.

BY THE COURT:

Q. Which of the two clocks did you use on the day of the fire? A. The clock right near the dressing room.

BY MR. STEUER:

Q. Which dressing room, the Judge wants to know? A. Right here, I think; right here was the clock (indicating on diagram). I don't know when I went out, I don't know where it was, the clock, but right by this dressing room was a clock.

Q. I think the other clock was over to the fire escape, was it not? A. Yes.

MR. STEUER: The other clock was between the fire escape and that door, your Honor. What you wish to know is whether it was this clock over here or that one over there (indicating on diagram)?

THE COURT: Yes.

Q. It was at the clock that was nearest to your dressing room that you used to punch your card? A. Yes.

Q. On the morning of the fire you punched your card, but on the evening, as I understand, you did not punch your card, did you? A. No, I couldn't, it was the fire.

Q. Well, when you were in the dressing room, you learned there was trouble? A. In the dressing room? No.

Q. Well, you came out of the dressing room? A. When I came out, when I came near the clock —

Q. So you were walking straight and toward the clock? A. Yes.

Q. Your mind was to go to the clock, wasn't it? A. Yes.

Q. And then when you were coming out of the dressing room and if nothing had happened you would have gone to the clock, then something did happen and you learned there was trouble? A. Yes.

Q. What did happen so that you knew there was trouble? A. I have seen — I saw a crowd of girls went to the Greene street door, but I didn't know what at the time.

Q. Well, now, I didn't ask you for the whole story. You saw that there was a crowd of girls at the Greene street door, and you didn't know what had happened, is that right? A. Yes.

Q. What did you do when you saw there was a crowd of girls at the Greene street door and you didn't know what had happened? A. I put the card in the clock and I wanted to punch the card, but in the same time I heard a cry of Fire, and I saw flames all around the windows.

Q. Then you did go to the clock? A. Yes.

Q. And you put your card into that opening there, just to get into the cut, you say? A. Yes, sir.

Q. That is what it is, a cut made of metal which stands up, and you put the card into the cut, that is right, is it? A. Yes, sir.

Q. And you didn't punch the card? A. No, sir.

Q. Did you take the card out? A. No.

Q. Left the card right there? A. Yes, sir.

Q. That is when you heard a cry of Fire? A. Yes.

Q. Then you turned away from the clock when you heard the cry of Fire? A. Yes.

Q. You were alone at that time? A. Yes, sir.

Q. Where did you go from the clock? A. From the clock I started to run up.

Q. Where did you run? A. I wanted to run to Greene street, but girls came over to me and they ran to the fire escape.

Q. These girls and you were not running away from each other -- you were running to each other? A. Yes sir.

Q. You were coming this way (indicating)? A. Yes, sir.

Q. And the girls were coming this way (indicating)? A. Yes, sir.

THE COURT: Counsel indicated by his hand that she was running towards the Greene street elevators and the girls were running in the opposite direction, towards the fire escape.

Q. You got as far as the fire escape? A. Yes, sir.

Q. And there were girls there? A. No, I came with the girls together at the same time.

Q. Then you saw flames? A. Yes.

Q. Now, that is what stopped you from going to the fire escape? A. Yes.

Q. When you saw the flames, you say? A. Yes.

Q. Would you be good enough to tell the jury what is your idea of how much time had gone by after you had left your chair where you always worked, went over to the dressing room and got your hat and coat, came out of the dressing room and went to the clock and put your card in and started over, and got to the fire escape — how much time did that take?  
A. Perhaps five minutes.

Q. Have you any idea how long you stood at the fire escape? A. About two minutes — I don't know.

MR. STEUER: It is not for me to help the People's case, but at the same time two minutes is longer than you probably think.

Q. You think you stood two minutes at the fire escape? A. Near the fire escape.

Q. And then you say that together with a young man you started for the Washington place door, is that right? A. Yes.

Q. Everything that I have asked you has been perfectly plain to you, hasn't it? A.  
Yes.

Q. The words were the same kind of words that you use every day when you talk, weren't they? A. Yes.



Q. When you were over here at the fire escape and you saw the flames, you know there was a fire? A. Yes, sir.

Q. And at that time it had come to your mind that you had better do something to save yourself? A. Yes.

Q. You wanted to help yourself and get out? A. Yes, sir.

Q. Up to that time the only door that you knew about was the Greene street door, wasn't it? A. Yes, sir.

Q. And even up to that time you had never heard anybody speak of any other door, had you? A. No, sir.

Q. And the door that you knew about was a door that you could see from where you were standing, wasn't it? A. Yes.

Q. And there was nothing between you and that door at that time, was there? A. No, sir.

Q. Now, you are sure about that? A. No, it isn't —

Q. What I mean is, when I say there was nothing between you and that door, I mean this: There is nothing now between me and this box (indicating front rail of jury box)? A. Yes.

Q. And that is what you mean? A. Yes.

Q. That there is open space between where you stood and the Greene street door, that is right isn't it? A. Yes.

Q. And from where you stood you not see the Greene street elevators, couldn't you? A. Yes, sir.

Q. And there was nothing between you and the Greene street elevators except this door and the partition in which the door was? A. Yes.

Q. Do you know what I mean when I use the word "partition"? A. Yes. (Witness indicates.)

Q. That is what it was, a place that was built up near the Greene street door? A. Yes.

Q. You didn't go to the Greene street door, did you? A. I ran, but the girls all came —

Q. You ran as far as the fire escape? A. Yes.

Q. And you stopped at the fire escape? A. Yes.

Q. And you saw the flames? A. Yes.

Q. At that time you say you did not go to the Greene street door? A. No, sir.

Q. What you did do, as you remember it and as you tell it to us, is that you and another young man started to run in another direction. Who was the young man? A. An operator.

Q. What was his name? A. I don't know. The girls told me that --

Q. No, I didn't ask you what the girls told you.

BY THE COURT:

Q. What is the name of that young man? A. I don't know.

Q. Would you know him if you saw him? A. Certainly I do.

BY MR. STEUER:

Q. Have you seen him here? A. No, sir.

Q. Have you seen him in the District Attorney's office at any time? A. No, sir.

BY THE COURT:

Q. Did you see him at any time after the fire? A. No, sir.

BY MR. STEUER:

Q. When he spoke to you, you and he ran around from the fire escape. Did you go that time in front of the examining tables? A. No, that is the fire escape and I went through this way (indicating).

Q. That is what I ask you — in front of the examining tables and in front of the dressing rooms, and you went to the door, you say? A. Yes, sir.

Q. In the time that you ran from the fire escape over to the door, did you meet anybody? A. No, sir.

Q. The way was perfectly clear? A. Clear, yes.

Q. There wasn't a girl and there wasn't a man there, there wasn't anybody that you met in all the time that you went from the fire escape, where you had been standing looking at the flames, over to the time when you got over here at the Washington place door, there was nobody? A. No.

Q. That is perfectly clear to you? A. Yes, sir.

Q. You understand exactly what I am asking you? A. Yes, I do.

Q. And when you got to the Washington place door there wasn't anybody there? A. No.

Q. And this young man, he went right over to the Washington place door? A. Yes.

Q. At that time you could see him easily, couldn't you? A. Certainly.

Q. And you could see exactly what he was doing, couldn't

you? A. Yes, I could.

Q. At that time did you see the door? A. Yes, sir.

Q. Was that the first time in your life you ever saw that door? A. Yes.

Q. Was there a key in the door? A. I don't know.

Q. What did he do? You say to the jury and to the Judge that he put his hand on the door-knob? A. On the door~knob, yes.

Q. What did he do with the door? A. He tried to open it.

Q. That does not tell us. What did he do with it?

BY THE COURT:

Q. What motion did he make with his arm, if any? A. I don't know.

Q. Show us, if you know now, what he did? A. He tried to open the door.

THE COURT: Strike that out.

BY MR. BOSTWICK:

Q. Could you show us if you went to that door (indicating courtroom door)? A. Yes.

MR. BOSTWICK: I ask that the witness be permitted to exhibit the notion of the hand of the person.

MR. STEUER: I think the witness is with me, and you will find that I will afford her every opportunity to tell this jury what was done.

THE COURT: Well, proceed.

BY MR. STEUER:

Q. How long were you at the Washington place door with that young man? A.

Until the smoke came in.

Q. That does not tell us anything . How long were you there? Could you give us an idea? A. A few minutes,— I don't know.

Q. And during that time he put his hand on the door-knob and you saw him turn it? A. Yes, sir.

Q. You know what I mean, don't you? A. Yes.

Q. What else did you see him do besides turning the door-knob? A. Nothing else.

Q. Did he push the door so as to try to open it away from him? A. I didn't see that.

Q. That you didn't see. Did he pull the door so as to try to open it toward him? A. I don't know.

Q. Did you leave the door before he left it or after he left it? A. Before him.

Q. You left this young man at the door? A. Yes.

Q. From the time that you saw that young man at that door, did you see him again? A. No, sir.

Q. So we have got the young man now left at the door, and you never saw him again? A. Yes, I see him up in the dressing room, he was right near me.

Q. Then when you said you didn't see him again, that was simply a mistake? A. I thought you — I understand you —

Q. That is all right, there is no harm done, when you make a mistake you can always say, "I want to change that", or "I

made a mistake," or "I don't understand you", and it is all right. Where did you go when you left the young man at the Washington place door? A. I ran in this dressing room.

Q. You then came back from the Washington place door, and you came into —

A. The first dressing room.

Q. Near the Washington place door, that's right, isn't it? A. Yes.

Q. Were there other people in that dressing room? A. Yes. After I came some more came in too.

Q. Were there none in it when you came in, is that what you mean? A. No, nobody.

BY THE COURT:

Q. At the moment when you stepped into that room, was there anybody inside? A. I don't remember.

BY MR. STEUER:

Q. That you can't remember? A. No.

Q. After you got in, other people came into that dressing-room? A. Yes, sir.

Q. And this young man came into the dressing room? A. Yes, sir.

Q. And you were crying and screaming? A. Yes, sir.

Q. And he told you to stop crying and screaming, and you did stop? A. Yes, I did.

Q. And then you started over again? A. Yes.

Q. How long were you in that dressing room, about? A. Five minutes. I don't know.

Q. That is, in the dressing room nearest to the Washington place door? A. Washington place.

Q. When you went out of the dressing room that was nearest to the Washington place door, what did you do then? A. Then everybody started to jump over the machines.

Q. What did you do, is what I ask? A. I jumped over two lines, then I came out and I went through this way (indicating).

Q. You jumped over two lines of tables? A. Yes, sir.

Q. Since when is it that you remember that it was two lines that you jumped over?

A. Since when?

Q. Yes. A. I know I jumped only over two lines.

Q. You always remembered it was two lines? A. Yes.

Q. On the 10th of April, didn't you swear, when Mr. Rubin asked you, that you jumped over one line? A. One line? No, I think two lines.

Q. Didn't you swear when Mr. Rubin asked you several times that you jumped over one line, and that you came between the first and second table? A. I think I jumped over two lines.

Q. Well, I will just read to you what Mr. Rubin asked you and what you said. A. Perhaps I forget.

Q. Mr. Rubin asked you that time this question: "Did you jump the machines? A. I jumped only one line, because I was dressed, the other was not dressed." Do you remember that? A. I can't remember, it is eight months ago.

Q. Then the next question he asked you was, "Had you

your coat and hat on? A. Yes, and I went along this line" (showing where you went), "and I covered up my face". Do you remember that? A. Yes.

Q. I want to read to you this question Mr. Rubin asked you: "You went along the passageway between the first and second tables", do you remember that? A. The first and second, I don't remember.

Q. And do you remember that he handed you the diagram and said, "Put your finger on it"? A. Yes, sir; and at that time I knew better than now.

Q. And didn't you say that what you did was to go between the first and second tables?  
A. Yes.

Q. Showing with your finger that you came around here (indicating)? A. Yes.

Q. You went through this door? A. Yes, sir.

Q. And went right through the Greene street door and went upstairs? A. No.

Q. What did you do? Now, take your time and don't get upset about it, just tell us what the fact was. A. Yes. I went through, I covered up my face and I went through that door to this partition, and I came over to the door, but I got scared because I didn't think to go up but I was thinking to go down; the stairways were full of flames, and I got scared and I shut the door again. So a woman come as she was standing near the window, and she opened the door and she started to scream, "To the roof, to the roof".



Q. You think it was a woman that did that? A. I think so.

Q. You are not sure, are you? A. Yes, certainly, I know her.

Q. Oh, you know her? A. Yes, her name is Annie Gordon.

Q. Wasn't there a man there that was guiding all the girls and passing them upstairs?

A. No.

Q. Do you know Eddie Markowitz, the shipping clerk? A. No, sir, I don't know him.

Q. We will come back into this dressing room, which is the one that is nearer to the staircase, and you say that you think you were in there for five minutes and then you came out, and you believe that you jumped over this table? A. Yes, this table.

Q. The first table now? A. Yes.

Q. And then you came here? A. Yes.

Q. Between the first and second tables? A. Yes.

Q. And then you went to the Greene street door? A. Yes.

Q. Didn't I understand you to say that you ran all over the floor? A. The first time, but that was the second when I was in the dressing room; I was two times in the dressing room.

Q. You ran all over the floor the first time? A. The first time.

Q. Did you mean to say that this morning when Mr. Bostwick was asking you, that the first time you ran all over the floor? A. Yes.

Q. Well, we will have to start all over again.

BY THE COURT:

Q. You mean that you ran all over the floor the time that you left your card in the clock and started to run towards the fire escape, is that what you mean? A. No, sir.

BY MR. STEUER:

Q. The first time that you came out of the dressing room, it was the dressing room that was further away from the staircase on the Washington place side where you put your name? A. Yes. Well, I don't understand.

Q. The first time that you went to a dressing room at all, after you stopped work? A. Yes.

Q. Then you went to the place where you put your name? A. Yes.

Q. Now, to make it short, you came out of that dressing room and you went to the clock and you put your card in the clock, and you didn't take the card out? A. No.

Q. And you didn't take the card out? A. No.

Q. And then you heard a cry of Fire, and then you ran over to the fire escape?  
A. Yes, sir.

Q. Well, now, you didn't run right there to the fire escape at that time, did you? A.  
No.

Q. And you didn't run over any table at that time, did you? A. Nothing.

Q. Nothing at all? A. Nothing.

Q. You stood at the fire escape and then this young

said something — A. At the fire escape?

Q. Near the fire escape. A. No, he didn't say anything.

Q. He didn't say anything? A. No.

Q. You are sure of that, now? A. Yes.

Q. He didn't say a word to you? A. No.

Q. And you didn't say a word to him? A. Nothing, only when he started to run I followed him.

Q. That was from the fire escape? A. Yes, sir.

Q. You didn't run all over the floor that time? A. Nothing, no.

Q. At that time you ran the same way as you had come? A. Yes.

Q. Except that you did not go into this dressing room and you did not go into this dressing room (indicating)? A. No.

Q. But you came around here to the door (indicating on diagram)? A. Yes, sir.

Q. And you told us in that time you didn't meet anybody at all? A. No.

Q. No one of the girls that were sitting around here had gotten over here so as to be in your way? A. No.

Q. And when I say "sitting around here", I mean that no girls that were sitting near the Washington street side had gotten in these passageways or aisles so that you met them you went over to the door? A. No, sir.

Q. At that time, at getting here to the door, you had not run all over the floor and you had not jumped any table, had you? A. No, sir.

Q. Now, when you came from the door you came back and you went into the first dressing room? A. That's right.

Q. You had not gone all over the floor or jumped any tables then, had you? A. No, nothing.

Q. You stood in this dressing room for about five minutes, and you came out of the dressing room? A. Yes.

Q. And that is the time you say you jumped over one table? A. No, we were only running around on the floor, where to go.

Q. When you came out of the dressing room, you ran all around the floor? A. No, only right here.

Q. You were running around in this passageway? A. Yes.

Q. Where there were no tables? A. No.

Q. Nothing at all? A. No.

Q. And you were just running around here? A. Yes.

Q. And then you ran back again into the dressing room? A. Yes.

Q. How long did you stay in this dressing room, which is the dressing room nearest to the staircase, the second time you went in there? A. The second time I stayed there longer than the first time.

Q. How many minutes would you say the second time? A. It seemed to me that I was standing there maybe about fifteen minutes.

Q. It seemed to you about fifteen minutes. Then you came out of the dressing room the second time? A. Yes.

Q. And the second time it was that you jumped over that one table? A. Yes.

Q. And then you came down here in this passageway? A. Yes.

Q. And you ran to the Greene street door? A. Yes, sir.

Q. When was it that you jumped all over the floor and saw people all over the floor? A.

The second time I didn't see nobody on the floors.

Q. You didn't see anybody at all on the floors? A. Do you mean laying on the floors?

Q. Yes. A. Not sir.

Q. You didn't see anybody on the floor at all? A. No, sir; they were running around the floor.

Q. The people were running around? A. Yes.

Q. And you saw people running around? A. Yes.

Q. But what you did was to jump over this one table? A. Yes.

Q. Go out in the passageway between the first and second table? A. Yes, sir.

Q. Then on straight down to the Greene street door, is that right? A. Yes.

Q. And when you got to the Greene street door, the door was shut? A. No, the door was open.

Q. Did you find the door open? A. Certainly.

Q. And then you went to the stairs? A. No, I shut the door, I got scared because I see ~-

Q. Did you go out of the door? A. No, after.

Q. But at that time? A. No, I did not.

Q. At that time you did nothing but shut the door? A. Yes.

Q. And you did that as quick as you could? A. Certainly. Q. And because at that time in your condition you thought that by shutting the door it would keep the flames out? A. No, I thought I will get burnt.

Q. Well, it was so that you should not get burnt that you shut the door? A. No, no. I thought, well, I will live another few minutes, that's all.

Q. You don't mean to say that you wanted to get burned? A. No, but I didn't see any help for me.

Q. Wasn't it because you were afraid of the flames that you shut the door? A. Yes.

Q. Well, that is what I asked. And you wanted to keep the flames away from you as long as you could? A. Yes.

Q. And you thought it would take the flames longer to get where you were if you shut the door? A. Yes.

Q. And that is what made you shut the door? A. Yes.

Q. Now, after you shut the door what was the next thing that you did? Did you hear this Mrs. Gordon? A. Mrs. Gordon she was standing near the window; she ran to the door and she started to cry, "To the roof; to the roof."

Q. Near which window was she standing? A. Right in this partition.

Q. Did you mean this one there (indicating on diagram)? A. Yes.

MR. STEUER: Witness points with her finger on the

Greene street side, which is nearest to the last or the second of the freight elevators, and between the freight elevator and the partition.

Q. That is where Mrs. Gordon was standing? A. Yes.

Q. Then Mrs. Gordon came back from the window? A. Yes.

Q. Around here to the door? A. Yes, sir.

Q. And she opened the door? A. Yes.

Q. And said "To the roof"? A. Yes, sir.

Q. And then you followed to the roof? A. Yes.

Q. You went up to the tenth floor and from the tenth floor you went up by the stairs to the roof? A. Yes.

Q. And that is on the Greene street side? A. Yes, sir.

Q. When you came out of the dressing room the second time, if I understood you correctly, you took up the skirt of your coat? A. Yes.

Q. And put it around you? A. Yes, sir.

Q. And that is the way you ran? A. Yes, sir, but first I jumped over one line and then -

Q. You jumped over the line then did you take up the — A. Just the skirt of my coat and I went through.

Q. Did you tell us before that when you came out of the dressing room the second time and jumped over the table the fire was all over the floor? A. It was around this way, not on this side (indicating). Right near the window. Is that the examiner's table?

Q. Yes, just get yourself calm first, and then tell us?

A. (Witness indicates on diagram).

Q. What about over here (indicating Washington place side)? A. I don't know anything about that.

Q. Did anything happen to you? A. When?

Q. Well, of course, I know you were frightened and upset and all that, but I mean did you get burned? A. No, nothing.

Q. So you went through that Greene street door? A. Yes.

Q. After waiting all this time, without being burned at all? A. Not at all, only an old Italian woman —

Q. No, I didn't ask you about the Italian lady, I am asking about you? A. Nothing.

Q. You didn't get burned at all? A. No, nothing.

Q. And you think that — A. Only a little bit, a little hair got burned.

Q. You think a flame touched your hair when you went up? A. Yes, when I went up through the stairways, when I went up the fire-escape, I mean up to the roof.

Q. You mean after you had got to the tenth floor? A. Yes.

Q. And when you were going from the tenth floor up to the roof the flames were following you? A. Yes, sir, — they were not following me.

Q. Don't say yes when you don't mean yes. I don't want to get you to say anything that is not exactly right, and take your own time about it now. A. Yes, the flames were not following me. The flames were up this way, but when I went through my hair got a little bit burned.



Q. Have you got the place right? I don't mean the of the hair, but I mean the place where that happened, because you are telling the jury now that that happened after you left the tenth floor and were going to the roof? A. Yes.

Q. Is that what you meant? A. On the tenth floor, when I went out from the ninth floor.

Q. That is what I thought you meant. When you went out from the ninth floor and were going up to the tenth floor, then one of the flames hit your hair and singed your hair, or burnt it, is that right? A. Yes, sir.

Q. Have you told the jury everything that happened to you? A. When?

Q. That day. A. I have to tell —

Q. Have you already told us here this afternoon, everything that happened to you from the time that you found out that there was trouble, when you were in the dressing room, up to the time that you got up on the roof? A. If I told everything?

Q. Yes. That happened to you? A. Yes, I did.

Q. There is nothing that you know of now that you have left out, did you? A. I told everything.

Q. Were you a piece worker or a week worker? A. A week worker.

Q. After the fire you never worked for Harris and Blanck, did you? A. No, sir.

Q. Do you belong to the Union? A. No, sir.

Q. Did you go do am to the meeting place? A. Never.

Q. Never went there at all? A. No.

Q. How many times did you go to the District Attorney's office, if you remember? A. Two times before. I was four times, but one time I was up to the Grand Jury and one time I was by the Coroner, and two times I was in your (looking at Mr. Rubin) office.

Q. Two times after you were before the Grand Jury? A. Yes.

MR. STEUER: Isn't this the lady, Mr. Rubin, that recognized Lena Liberwitz?

MR. RUBIN: I believe she is.

MR. STEUER: A. different girl came in (Lena Zwick) and she said that was not the girl. Now I request that Lena Liberwitz a be produced.

MR. RUBIN: Mr. Bostwick will call her as soon as you are through.

MR. STEUER: Oh, all right, go ahead.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You also saw me at the Bar Association one time, did you not, uptown? A. Yes, one time in your office and one time there.

Q. I want you to pay attention to me just for a minute: I want you to tell me the length of time that you think it is between my clapping ay hands, do you see now --

MR. STEUER: I object to that as a test of time, but I will tell you what you might do, if you will tolerate a suggestion: suppose you take your watch and start at

a signal to her and tell her to tell you when a minute is up, or something of that sort.

MR. BOSTWICK: That is just what I was doing now. I will try that again.

Q. Now, (Mr. Bostwick clapping his two hands together) and then after a lapse of time again clapping his two hands together; how long: do you think that was between the two claps of my hands? A. One minute.

MR. BOSTWICK: Note that a quarter of a minute of time elapsed.

Q. Do you know the difference between the words "Moment" and "minute"? A. I think in a minute is sixty moments.

Q. When you used the records in your testimony that you stood at such a place "five minutes" do you mean that there were three hundred moments? A. No, I think less than that.

Q. When you used the word minutes did you mean any fixed and definite point of time? Do you know what I mean by that? A. No.

Q. Have you ever heard the expression "in a few minutes" — "I will come in a few minutes"? A. Yes, sir.

Q. By that what do you suppose you mean? A. A few minutes time.

Q. Well, do you mean a few minutes by the clock, or do you mean "I am coming shortly"? A. "I will come shortly."

Q. Now, I am asking you this: those words "minutes" are used sometimes like "shortly", and some times to mean time by

the clock. When you used "minutes" did you mean the full time by the clock? A. No, sir, I don't know exactly.

Q. You did not mean that it was the exact time by the clock? A. No, sir.

Q. You meant it was a short or a long time, as you used the expression "two minutes" or "five minutes"? A. Yes, sir.

Q. You have testified several times that when you stood near this dressing room when near the examining tables, near to the fire-escape, you could see the door? A. Yes, sir.

Q. At the Greene street side? A. Yes, sir.

Q. The words were used "the door", do you mean the door that led through the partition, or do you mean the door which led into the stairway?

MR. STEUER: Or do you mean them both?

Q. Or do you mean them both? A. Yes, I mean them both.

Q. When you stood by the examining table could you see the door that went from the hallway to the stairway? A. No, sir, when I stood on this side, then I couldn't see the door.

Q. The door that you could see was the door leading through the partition? A. Yes, sir.

Q. But not the door that led into the stairway? A. No, sir.

Q. I wanted to correct that. You have brought no suit against Harris and Blanck, have you? A. What?

Q. Do you know what a lawsuit is? Do you know what it is to sue somebody? A. Yes.

Q. You have not sued Harris and Blanck, have you? A. No.

Q. You went and got your pay, did you not? A. Yes, sir.

Q. Whom did you see at the time you went and got your pay? A. Mr. Bernstein.

Q. Did you see either Mr. Harris or Mr. Blanck? A. After, I have seen Mr. Blanck.

RE-CROSS EXAMINATION BY MR. STEUER:

Q. I don't know whether you understood Mr. Bostwick just now, but I want you to try and see if you understand me. Will you? When you came out of the dressing room, where you had your hat and coat every day? A. Yes, sir.

Q. And I am not now speaking of the time of the fire there, do you understand? A. Yes, sir.

Q. Every day when everything was nice and quiet when you came out of your dressing room couldn't you see the Greene street door? A. Yes.

Q. And you could see the Greene street elevators? A. Elevators, yes, sir. Not so very well, because on account of the partition.

Q. You couldn't see them so very well? A. No.

Q. But you could see them? A. Yes, but when I stood on the examiner's tables, then I couldn't see.

Q. When you stood behind the examiner's table, then you couldn't see it? A. No.

Q. But I ask you both now and before whether when you came out of the dressing room where you had your hat and coat,

whether you couldn't see the Greene street door and you said yes? A. Yes.

Q. Now, that is true, isn't it? A. Well, yes, sir.

Q. And you could see the Greene street elevators, couldn't you? A. Yes, sir.

Q. Now I want to tell you that you may have something in your mind that I have not got about that door. You told us before that you knew what the partition was — do you understand?  
A. Yes.

Q. And in that partition there was a door? A. Yes, sir.

Q. When you passed through that door going down to the stairs there is another door? A.  
Yes, sir.

Q. You know what I mean? A. Yes, one door from the partition and one ——

Q. Yes, one door is the partition door and one door is the stairs door? A. Yes.

Q. And it is the stairs door you closed at the time the flames came up? A. Yes.

Q. The Greene street stairs door on the ninth floor? A. Yes, sir.

Q. I ask you to tell the jury when you came out of your dressing room where you kept your hat and coat, could you see that door? I am not speaking of the time of the fire, but when everything was all right? A. Yes, then I could see.

Q. So you could see both of those doors? A. Yes.

Q. I want you to do this: I will say out loud to you "Now",

door you would come to? A. Yes, sir.

Q. That is right, isn't it? A. Yes.

Q. Now, will you tell the jury exactly what you did or what you would do if you wanted to go from that door to the partition door, to the stairs door? A. Well, I went in that little partition and I opened the door.

Q. Which way would you go? Did you keep right on walking straight? A. No, it was right — the door was right near the partition door.

Q. You see (indicating on diagram) you have come from here and you have gone over here, and you are here now? A. Yes.

Q. Now, where is the door to the stairs? A. Right here (indicating).

Q. So when you came here you walked right around to your left-hand side, didn't you?  
A. (No answer).

Q. I will tell you what would help you if you would do it. Stand up, and you put your back to me, just stand stand up for a second and turn your back to me (witness doing as requested); now, you are walking through the partition, you see. A. Yes.

BY THE COURT:

Q. You have opened the partition door and now you want to get to the stairs; now, where is the stairs door? A. Right here (indicating).

BY MR. STEUER:

Q. Then you turned to your left? A. Yes.

do you understand? When I say "Now" I want you to begin to think of time, - do you understand me? A. All right.

Q. And then after I wait some time, I will say "Now" again. Do you see? And then you tell the jury how long you think that was. Do you understand me? A. Yes, sir, I do.

Q. Perfectly plain, is it? "Now". (Then a pause of some duration) "Now". How long was that? A. Five minutes.

Q. Five minutes you think? A. Yes, sir.

MR. STEUER: That was one minute.

BY THE TENTH JUROR:

Q. Will you explain to us whether the door of the partition faced the door from the hallway, from the stairs, do you understand? For instance, here is one door from this side, and here is another door from the other side; do these two doors face one another? A. I can't understand.

BY MR. STEUER:

Q. Did you ever come up to work by the stairs? A. No, sir.

Q. I think you said "No" before? A. No, sir, never.

Q. Suppose you were going home with your hat and coat on and you wanted to go down by the stairs, you see? You didn't want to go by the elevator? A. Yes.

Q. You made up your mind you were going to go home by the stairs? A. Yes.

Q. You were coming out of the dressing room then you would go to the door in the partition, wouldn't you? A. Yes, sir.

Q. That was the first door you would reach, the first



MR. BOSTWICK: I ask that the juror be permitted to see this diagram at this point.

THE TENTH JUROR: I understand. Where was the dressing room.

MR. STEUER: Dressing room door (indicating on diagram).

BY THE TENTH JUROR:

Q. How could you see the door if you stood at the examining table? How can you see the door from the stairway? A. No, sir, I can't see it when I stood near the examining tables, I said I could not.

Q. Before you stated you did see the door? A. When I stood near the dressing room, you know, never did, because when this was on the bias, then I could see it a little.

Q. It is a big opening between the stair door and the partition door, is that right? A. Yes.

BY MR. BOSTWICK:

Q. The man that you say who went to that door on Washington place and tried it and couldn't open it, what kind of work did he do in the factory? A. He was an operator.

Q. Did he operate on shirtwaists? A. Yes, sir.

Q. When you were asked what he did you said you could show us at the door? A. Yes, sir.

Q. I now ask you to go to that door and show us what he did?

THE COURT: Witness indicates taking hold of the door knob with her right-hand and turning the knob.

MR. BOSTWICK: And indicated pulling the door.

MR. STEUER: No; I don't know whether she did or not.

THE COURT: You may go back again, Madam, to that door and show us what ha did (addressing witness). (Witness goes to the door and indicates.)

MR. BOSTWICK: And did the door open?

THE WITNESS: No, sir.

Q. You remember that I asked you b fore whether you understood every question that I was asking you, you remember that, don't you? A. Yes.

Q. You remember that I asked you when the young trail had his hand on the door knob what did he do, do you remember that? A. The way I show it to you.

Q. Do you remember that I asked you, did you see him pull the door? A. He tried, the same as I tried.

Q. Well, you remember that I asked you that distinctly, whether you saw him push the door first, and you said no, and I asked you whether you saw him pull the door, and you said no, that what you saw him do was to turn the knob? A. And I don't know the meaning of it. I know that when he tried, the same as I tried now.

Q. You think that this — if you had been at the door -- A. Yes.

Q. — and had your hand on the door knob, that is what you would have done? A. No, he did that.

Q. I am asking you if that what you would have done? A. If I would do that at the time of the fire ~~

MR. BOSTWICK: I object to the question.

THE COURT: I will allow it.

A. If I would do that in the time of the fire?

Q. Yes. A. I did not do anything.

Q. Then do you now say that you remember that at the time of the fire you saw the man pull the door? A. He tried the way I tried now.

Q. You know what it means to pull, don't you, you have pulled in your life, haven't you? A. Yes, but I don't understand the expression so well. I show the way I tried now, the door the same thing.

Q. I know. But you know if I get hold of a man and pull him you know what I am doing, don't you? A. Yes.

Q. And you know if I got hold of a chair and pushed it in front of me, you know that that is pushing don't you? A. Yes.

Q. You know that, don't you? A. Yes.

Q. Don't get afraid or nervous about anything. Just tell me. You know what it means to pull a thing, don't you? A. Yes.

Q. And you know what it means to push a thing, don't you? A. Yes.

Q. Now, I ask you again, take all the time you want to think about your answer and tell the jury, did that man push

that door that day, push, I said? A. Well, I am telling you. I don't know what to answer you, I know he only tried the way I tried now the door.

MR. BOSTWICK: Have Miss Libwitz stand up.

(A lady comes to the bar.)

MR. BOSTWICK: Is that Lena Libwitz?

THE WITNESS: Yes.

Q. Is that the girl you meant when you mentioned Lena this morning? A. Yes, sir.

THE COURT: The young woman standing at the bar is whom?

MR. BOSTWICK: Lena Libwitz.

ESTHER CUSHNER, a witness called on behalf of the People, being first duly sworn,  
testifies as follows: (Through Official Interpreter)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 57 East 98th street.

Q. On March 25<sup>th</sup>, 1911, were you employed by the Triangle Waist Company? A.  
Yes, sir.

Q. And you had been in their employ for how many years?

A. Four years.

Q. And you worked as an operator on what floor? A. Ninth  
floor.

Q. When you first heard any disturbance where were you? A. At my machine.

Q. What were you doing? A. I was dressing.

Q. Had you been in the dressing room? A. Yes, sir.

Q. What was the first that you knew that there was a fire? A. There was a shout of fire.

Q. Where did you go as soon as you heard the shout of fire? A. Towards the Greene street door.

Q. After you entered the Greene street door where did you go? A. To the fire-escape.

Q. And then after that where did you go? A. To the Washington place door.

Q. You mean the door on the ninth floor leading to the Washington place stairway?

A. Yes, sir.

Q. And then what happened? A. There was a girl standing near me, and she said to me —

MR. STEUER: I object to what she said.

THE COURT: I am rather disinclined to allow it, unless it falls within that general principle of spontaneous exclamation.

MR. BOSTWICK: I don't think it is admissible unless it characterizes the act, and I think the answer of the witness does characterize it, and that it falls in the class of spontaneous exclamations. There is no question there are many things that might be said that would be inadmissible.

THE COURT: I will hear it, and if it is not admissible I will strike it out.

MR. STEUER: I except.

A. "Esther, the door is locked."

Q. Did you go to the Washington place door? A. When?

Q. At the time of the fire? A. Yes.

Q. Did you try the door? A. No.

Q. Did you see anybody else try that door?

THE COURT: That only calls for an answer yes or no, and have the witness answer yes or no.

A. Ida Jacofsky.

THE COURT: What do you mean by that?

THE WITNESS: She wanted to open the door.

THE COURT: What do you mean by "wanted to open the door?"

THE WITNESS: She was standing in front of me and there was a lot of people there and she told me "Esther the door is closed."

MR. STEUER: I make the same objection to that on the same ground.

THE COURT: The same ruling.

MR. STEUER: I except.

Q. What did you see her do, if anything? A. I could not see; she was standing in front of me and there was a lot of people around there.

Q. Did you see anybody try that door?

MR. STEUER: I object to that on the ground it is incompetent and leading and suggestive and calls for the conclusion of the witness.

THE COURT: I will allow it.

MR. STEUER: I except.

A. I told you Ida Jacofsky.

Q. At night when you quit you would leave the factory by what door? A. The Greene street door.

Q. And when you went out was there a watchman standing by that Greene street door?

A. Yes, he used to look at the pocketbooks — he used to open the pocket books.

Q. Did you ever see anybody use the Washington place door? A. Never.

Q. Now, after the bell rang to quit work, did you see any of the girls go to the Washington place dressing room? A. Yes.

Q. And were the doors of the Washington place dressing room open? A. When the bell rang the doors were opened.

Q. How old are you? A. Nineteen, going on twenty.

Q. How long have you been in this country? A. About five years.

Q. How long did you work for the defendants? A. Four years.

CROSS EXAMINATION BY MR. STEUER:

Q. Where did you sit when you worked? A. My machine was on the third table from Greene street.

Q. And which way were you when you were working, was your face towards Greene street or towards the other side? A. Towards Greene street.

Q. In which dressing room did you have your hat and coat?

A. In Washington place.

Q. Where were you when you first heard the fire? A. At the machine.

Q. So you had been to the dressing room and had gotten your hat and coat, is that right? A. Yes.

Q. Then you were not far from the Greene street door when you heard the cry of fire? A. I think so.

Q. And you had been in the habit of going to Greene street, to the Greene street elevators? A. Yes.

Q. On this occasion was the first time that you ever went to the Washington place door was it? A. Yes.

Q. How many girls were in front of you when you went over towards the Washington place side, the door? A. Who could have counted how many there were especially when one is excited.

Q. All the girls were excited, were they not, as far as you could see? A. Or was crying, or hollering. Crying for help.

Q. And these girls were between you and the Washington place door? A. They were in front of me.

Q. Between you and the Washington place door? A. I could not push my way through. The girls there standing behind all of the girls, I was.

Q. And when these girls were all standing between you and the door, you could not see the door at all, could you? A. There were so many people there it was not possible to be seen.

Q. Now, do you mean by that that you could not see the Washington place door at all? A. When?



Q. At the time when you were over towards that door and when these girls were in front of you? A. Everything happened so quickly, I stood there a couple of minutes, and then we ran away again.

Q. How far from you was Ida Jacofsky? A. One machine before me.

Q. I mean at the time when you ran away from the fire-escape and ran over towards the Washington place door stairway door, how far from you was Ida Jacofsky then? A. A couple of people were between us.

Q. When you say a couple you mean the Jewish word, which you used; how many do you mean? A. Several.

Q. Did you at any time from the time you first heard "Fire" up to the present moment ever see the door knob at the Washington place door? A. No.

MR. STEUER: I move to strike out the testimony of this witness.

THE COURT: I think I will allow it in in view of the exclamation which she says she heard.

MR. STEUER: I move to strike out the testimony of the witness which was given on her direct testimony to the effect that she saw Ida Jacofsky, or any other person attempt to open that door or to use that language which was used by the District Attorney to try to open the door or any form of expression in which it appears in her testimony on the ground it is obvious that she saw nothing

and knew nothing and had no direct knowledge on the subject.

And I move also to strike out the testimony of the witness to the effect that Ida Jacofsky, or any other person, tried that door and exclaimed the door was locked on the ground that the cross examination of the witness disclosed that at all times there was a person between Ida Jacofsky and the door, and that she is not able to say on direct knowledge, and on the ground that it appears that there were a lot of people in there and she could not by any means have seen it herself.

THE COURT: It is not disclosed so by the cross examination.

MR. STEUER: I will make it clear then.

Q. Did you say that there were several people between you and Ida Jacofsky at the time when you got the nearest that you ever were to the Washington place side door? A. I was standing the last of all of them that were standing there.

Q. How many in front of you and between you and Ida Jacofsky? A. I had no time to count.

Q. About how many? A. I could not say. I could not see, I was standing there only a few moments, and I ran away.

BY THE COURT:

Q. When you heard the voice of Ida Jacofsky, at that moment, did you see any person standing between her and the Washington place door? A. I saw a lot of people there, but I

don't know the name of any of them.

Q. Pay attention to me: At the time you heard the voice as you say, of Ida Jacofsky, did you see any person between Ida and the Washington place door, that is nearer to the Washington place door than Ida was, at that moment, yes or no? A. I saw people, a lot of them, they were standing before her, standing in front of her.

Q. By in front of her do you mean nearer the Washington place door than she was at the time when, she is said to have made that remark? A. I could not notice that because I was smallest of all of them.

Q. That is to say, you don't know whether Ida was nearest to the door than anybody else at the time that she made that remark, is that it? A. I could not say that.

THE COURT: Pardon me. I am rather disposed to strike that out.

MR. BOSTWICK: May I ask one or two questions.

THE COURT: Yes.

BY MR. BOSTWICK:

Q. Are you now in the employ of these defendants? A. No.

Q. You work for the National Waist Company? A. Yes, sir.

MR. BOSTWICK: The People will consent to the striking out of the testimony of this witness.

THE COURT: Out it goes, and the jury will disregard it.

ETHEL MONICK, a witness called in behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 164 East 112th street.

Q. Now, Ethel Monick, on March 25<sup>th</sup>, 1911, you were in the employ of the Triangle Waist Company? A. Yes.

Q. And you were working as operator on the ninth floor? A. I was a floor girl on the ninth floor.

Q. A. floor girl on the ninth floor? A. On all the floors.

Q. On all the floors. What sort of work did you do? A. I used to give out the trimmings to the operators.

Q. How long had you been working for them on the day of the fire? A. Three months.

BY THE COURT:

Q. Where were you living while you were working for them? A. What do you mean by that?

Q. Where was your home during the time you worked for them? A. 164 East 112th street.

BY MR. BOSTWICK:

Q. Now, will you speak so that the last Juryman can hear, and toll this to the jury: Now, on this Saturday you were on both the eighth and ninth floors during the day, were you not? A. Yes, sir.

Q. At the time of the fire on which floor were you? A. Ninth.

Q. And where were you working when you first learned there

was a fire? A. I was close to the Greene street entrance.

Q. How do you know there was a fire or any disturbance? A. I was standing near my table, and I seen smoke near the heater, so I said to one of the girls ~

THE COURT: Never mind; you saw smoke.

A. (Continuing) I saw smoke and --

THE COURT: You have answered the question.

Q. And where did you see the smoke first? A. I seen it right near the fire escape, the heater.

Q. Now what did you girls do and what did you do at that time? A. I seen fire, and then I seen all the girls rushing down to the place, to escape, so I tried to go to the Greene street door, and there were quick girls there, and I seen I can't get out here, so I went through the elevator, and then I heard the elevator fall down, so I ran through the Washington place side, and I went over to the Washington place side, there wasn't any girls there . So I ran over to the doors, and no one was over there because hardly any one knew there was a door over there, so I went over to that door.

Q. When you say the door, you mean the door ~ A. On the Washington place side.

MR. STEUER: I move to strike out her testimony as there can be no charge of neglect about what other people didn't know, charged against these defendants.

THE COURT: Strike it out, that nobody knew that the door was there, and the jury will disregard it.

Q. When you went to the Washington place door, state what you did there? A. I tried the door and I could not open it, so I thought I was not strong enough to open it, so I hollered “Girls, here is a door”, and they all rushed all over, and they tried to open it, and it was locked, and they hollered out, “The door is locked and we can't open it.”

MR. STEUER: I move to strike that out, all of that, your Honor.

THE COURT: I will let it stand.

MR. STEUER: I except. I move to strike out what the witness though, and I move to strike out separately what the witness thought, and I move to strike out what she said; and I move to strike out what the girls said on the ground it does not appear who said it or in what capacity the person who said it had any knowledge on the subject.

THE COURT: Read the answer, and then read the objection.

(Answer repeated, and the first two clauses of the motion to strike out.)

THE COURT: I don't think it purports to say that.

MR. STEUER: I except to that statement, your Honor, if it be a ruling.

(The balance of the motion to strike out read.)

THE COURT: Motion denied.

MR. STEUER: Exception

Q. These girls that you spoke of were operators on that floor, were they not? A. Yes, sir.

Q. Well, after you had tried the door, ~ you say it would not open? A. No, sir.

Q. What did you do to the handle of the door, if anything? A. I tried to open it so, I could not; I didn't believe my own strength, and I thought perhaps be frightened and I can't open it, so I yelled ~~-

THE COURT: Strike out what she believed, and the Jury will disregard it.

Q. Can you show us at this door what you tried to do? A. Yes, sir.

Q. Step down. A. (Witness goes over to door in court room.)

Q. I ask you to take hold of that handle. A. (Witness does so) I could not open it.

(Witness returns to her chair.)

THE COURT: For the purpose of the record.

MR. BOSTWICK: It will be noted that the witness took hold of the handle of the door, and in the presence of the Judge and jury tried to push and pull the door, after turning the handle.

MR. STEUER: I did not so understand that.

MR. BOSTWICK: I will accept any statement you say is correct.

MR. STEUER: I did not see it that way. I saw the

witness make a very determined effort at pulling the door, but I did not see any indication ~ perhaps the jury did ~~ of pushing It. I did not see that.

MR. BOSTWICK: Then I will ask the witness to again go over to the door and illustrate to the jury.

MR. STEUER: This witness understands English quite thoroughly and hears what is said, and the jury must have seen what was done.

THE COURT: Did you grab hold of both sides — to place it upon the record --

MR. STEUER: I am perfectly willing for the jury to know and to put it whatever the fact is, your Honor, what I say is not at all conclusive, neither is what Mr. Bostwick has said entirely conclusive.

THE COURT: (Addressing the jury) You can understand that so far as the purposes of the trial are concerned, the observation of the jury of what the witness did is sufficient; but that indicates, however, nothing upon the record. It is conceivable that it may be desirable to have something down on the record by way of description. I suggest that that be agreed upon virtually between counsel.

Mr. Steuer: I think it will be pretty difficult to agree upon it now. This is quite an intelligent girl, and she would have been able to tell what she did, if she had been asked.



Q. At the time you took hold of the handle of the door and turned it, did you both push and pull the door? A. I tried every which way, but I could not open it.

Q. After that where did you go? A. After that I ran over to the elevator, and the elevator opened, and I went down.

Q. That is the passenger elevator? A. The passenger elevator.

Q. On the Washington place side? A. Yes, sir.

Q. Were there other people there? A. Yes, sir, there was about twenty-five, and then girls right on top of our heads because it was the last trip.

Q. Then you went down —

THE COURT: I think a few moments ago, Mr. Steuer, the witness did say something that was an expression of her thought, when you took your first objection, which escaped my mind at the time. That part of her answer I will strike out.

Q. During the time that you were working for the defendants did you ever see anybody come through the Washington place door leading to the stairway? A. No, sir.

Q. At night, when the bell sounded to quit work, you went out by which entrance? A. Greene street.

Q. Was there a watchman at the door every night as you went out? A. Yes, sir.

Q. What would you do as you passed before him? A. Have to open our pocketbook and show whether you don't take anything.

Q. How old are you? A. Sixteen.

Q. Born in this country? A. No, sir.

Q. Now long have you been in this country? A. Five years.

Q. During the time that you were there did you ever see any fire drills? A. No, sir.

MR. STEUER: I object to that as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. STEUER: Exception.

Q. During the time that you worked there did any one ever instruct you how to get out?

MR. STEUER: I object to that as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. STEUER: I take an exception.

A. One girl used to tell another, the foreladies used to tell us, when I first came into that place, it is very big, so I wanted to go to Washington place —

MR. STEUER: I object to that.

THE COURT: Objection sustained.

MR. STEUER: It is incompetent.

THE COURT: Strike out the answer and the jury will disregard it.

Q. Every night did all the operators go out the same way? A. Yes, sir.

Q. Did any one ever instruct you or tell you the way to

leave the factory in case of fire? A. No, sir.

MR. STEUER: I object to that as incompetent, irrelevant and immaterial.

THE COURT: I will allow her to answer yes or no.

MR. STEUER: I except.

A. No, sir.

Q. Do you know what a lawsuit is? A. No.

MR. STEUER: What would she sue for? Did she have an injury?

MR. BOSTWICK: We don't know.

Q. On the day of the fire was there — at the time of the fire was there any superintendent on the ninth floor? A. No, sir.

Q. What was the time for closing on Saturdays? A. Quarter to five.

Q. And on other days? A. Quarter to six.

Q. And this was a Saturday? A. Yes, sir.

Q. About how long would it take for all the girls to go out from the ninth floor? A. I could not tell you, because I did not wait or watch them.

MR. BOSTWICK: That is all.

CROSS EXAMINATION BY MR. STEUER:

Q. I suppose you remember everybody that was on the floor at the time of the fire, don't you? A. Yes.

Q. You could tell the jury just where they all stood, couldn't you? A. At the time of the fire?

Q. Yes. A. I did not watch where they were standing. They all tried to escape, that is all I know.

Q. Before they started, do you remember where they were working? A. They were all at their machines, some at machines, some were at the tables by the examiners.

Q. They were all there at the machines, or they were at tables by the examiners.

Q. And you saw them all? A. Yes, sir.

Q. And you know everybody that was on the floor? A. Yes, sir.

THE COURT: Will you kindly talk up so you can be heard?

Q. And you looked so as to remember, exactly how many there were there, and exactly who was on the floor? A. Not at the time of the fire.

Q. Do you tell the jury all of the girls worked on Saturday afternoon on the ninth floor? A. All of the girls, perhaps one or two, because they were religious, and did not work on Saturdays.

Q. How many perhaps were there? A. One or two girls.

Q. That is all? A. That is all.

Q. Only one or two girls absent from that ninth floor, is that what you say now? A. Yes, sir.

Q. And all the rest of them you saw at the time of the fire? A. Yes, sir.

Q. And you know exactly where they were, don't you? A. Yes, sir.

Q. And how many men were there on the ninth floor at the time when the fire started? A. I don't know.

Q. Why don't you know, you knew just a moment ago? A. Well, I can't remember until now.

Q. Did not you see them all? A. I did see them all, but I don't remember.

Q. You told this jury that you saw at the time of the fire every man that was on the ninth floor? A. I don't know that I have to remember how many men there were.

THE COURT: Go slowly with this witness. Wait until she has finished her answer.

Q. I ask you, did you know at the time of the fire every man that was on that floor? A. I did know him, but I don't remember it now. I didn't know that I have to know that.

Q. How did you know that you have to know whether the superintendent was on that floor or not? A. Well, I didn't know that I had to know, that is only one person, that is why I remember, and he was at the head there, that is why I remembered that.

THE COURT; Will you kindly talk a little louder.

Q. Where was that head man? A. He was on all of the floors most of the time on the eighth floor.

Q. Whom are you referring to? A. What do you mean? I don't understand.

Q. Whom are you talking about when you talk about the superintendent? A. Mr. Bernstein.

Q. And he was the one that you say was not on the ninth floor at the time of the fire?

A. Yes, sir.

Q. Now, when the fire started you say that you were working? A. On the ninth floor.

Q. Whereabouts on the ninth floor? A. Near the Greene street door.

Q. And you noticed some smoke coming up at the radiator near the fire-escape? A. Yes, sir.

Q. Well, where you were standing there, the Greene street door was in perfect view of you, wasn't it? A. Certainly it was. I did not see the door because there was a partition there.

Q. You saw the partition door, didn't you? A. Yes, sir.

Q. And through the partition door?

THE COURT: Will you kindly talk a little louder? I am not going to ask you again.

Q. And through the partition door you could see the other door, couldn't you? A. Certainly if I looked I could see.

Q. Didn't you look? A. I did when I had to.

Q. At that time, I mean. I am talking about at that time? A. I went in, certainly I went in and tried to get out.

Q. You went as far as the Greene street door? A. Yes.

Q. And you didn't go out the Greene street door? A. No, sir, because I could not go.

Q. There were a great many girls there at the time?

A. Yes, sir.

Q. Do you remember whether anybody else had seen any smoke or anything else before you did? A. I told them about it.

Q. You were the first one to tell? A. Yes.

Q. So you know now that you were the first one to know about it? A. Yes.

Q. How many — how far away from the Greene street door was it when you first found out that there was a fire? A. Well, it was about from that there place (indicating) to here (indicating). Maybe a little more.

Q. I don't know what you mean when you say from that there place? A. From that wall (pointing) to this wall (pointing).

Q. The whole width of this room, then? A. Yes, sir.

MR. STEUER: What will we make that, what is the width of this room, Mr. Bostwick?

MR. BOSTWICK: From wall to wall it is about twenty-eight feet.

Q. Well, now, did you leave the place where you were standing and go nearer to the Greene street door? A. Before I turned around there was the girls all over there too.

Q. Were you not the one that told them about that? A. I did not tell them, I told the girls around me, the girls working on the other side saw the fire, seen it before me, over on the other side of the Washington place.

Q. You say they saw the fire? A. I only seen smoke then, I did not see any other fire yet.

The fire ~-

Q. The fire was on the Washington place side? A. The fire was all around, before I turned around.

Q. When did you first see any fire then? A. When I turned around I was at the bookkeeper, and she gave me my pay —

Q. Your getting you pay has nothing to do with this. I asked you where did you first see fire? A. When the girls started hollering fire.

Q. I didn't ask you when, but where? A. I seen it in back of me, the window was right in back of me.

Q. What window? A. The Greene street window, in the Greene street, I did not know what place this is, it was on this side (indicating).

THE COURT: Was it on the side of the fire-escape or on the side of the —

THE WITNESS: On the side of the fire-escape.

Q. Isn't it true that the first thing you saw was smoke? A. Yes.

Q. (Laying map before witness) Now, were you at what they call Mary's desk? A. Yes.

Q. How near to the fire-escape was Mary's desk? A. It was about six feet away, I guess, I could not tell you the right measurement.

Q. About six feet from the fire-escape? A. I guess so.

Q. Well, now, do you remember between which of the — do



you remember between which of the machine tables it was? A. On the Greene street side.

Q. There is the Greene street right there (indicating), and where is the first table (indicating) from Greene street? A. The first table, yes.

Q. There is the second (indicating). There is the third (indicating), coming on this way the numbers increase. There in the Greene street elevator (indicating), and there is the Greene street stairs (indicating). Here is the door in the partition right there. Do you see it (indicating)? A. I do.

Q. Now, where was Mary's desk? A. Here is Mary's desk, it was right near here (indicating).

Q. Was Mary's desk inside of the partition? A. No, on the outside.

Q. Well, when you opened — apparently you don't understand this. Now, here is where the partition runs (indicating). And out here it ends (indicating), you see there? There is the door going into the partition (indicating), and there is the door that goes to the Greene street stairs (indicating). Do you understand me so far? A. This is the partition (indicating). No, I can't understand it.

THE COURT: You see the fire-escape there. Put your finger on the fire-escape — Mr. Steuer, you show her where it is.

Q. (Counsel does so) Now, can you tell us where Mary's desk was? A. Well, that was right near the fire-escape.

Q. You don't remember nearest to what table that was, table of machines, do you? A.

Well, they were double tables.

Q. You mean by that that the girls sat on both sides of the tables? A. One opposite the other.

Q. One opposite the other? A. Yes, sir.

Q. Between each of these double tables? A. Near the fourth table, between the fourth and fifth table was the desk.

Q. You mean to count, beginning counting the tables on the Greene street side, do you? A. Yes, sir.

Q. So that that would be the first (indicating) and that would be the second, the third, the fourth, the fifth (indicating), and you would put it between the fourth and the fifth? A. Fourth and fifth tables.

Q. Is that right? A. That is right, right between here, somewhere right here (pointing).

Q. That is between the fifth and the sixth tables. A. Right near the fire escape. The fire-escape was not far from the desk; right opposite the fire-escape.

Q. Where was this radiator that you saw the smoke at? A. The radiator was near the fire-escape also.

Q. Was it right near the window which opened on the fire-escape? A. Yes, sir.

Q. And that is where you saw the smoke? A. Yes, sir.

Q. Standing out here (indicating) you could plainly see the door in the partition, couldn't you? A. Certainly I could, but the door was not this way (indicating), it was on the side

(indicating), the door was on the side.

Q. On which side? A. It was running towards Washington place, if I had to go — I had to turn around and go around a partition, and then I was in the hall.

Q. Do you mean that?

THE COURT: You say that that door is shown on that diagram, is not in the real place where the door was; is not that that you mean?

THE WITNESS: I don't know how it is shown on the diagram. I know how it was there.

Q. Well, I will try to make it clear to you, if I can: You see this here line from this point down to there (indicating)? A. Yes, sir.

Q. The whole line, that is the Washington place side of the building? A. The machines did not run that way.

Q. I understand that. But that is Washington place side of the building (indicating)? A. Yes, sir, that is so.

Q. This is Washington place side (indicating)? A. This is Washington place side, yes.

Q. This here (pointing) is Greene street? A. Perhaps if you hold it around this way I could understand.

THE COURT: Turn the map around for her, and perhaps she could understand it better.

(Map is then turned the other side to the witness.)

Q. Now, you are looking at Washington place, are you not? (Indicating) A. Yes, sir.

Q. And this, that is run along here? A. Yes. I see.

Q. And everything is very plain to you now, is it? A. Now it is plain.

Q. Then you see that the Greene street elevators were over there, you see that (pointing)? A. Yes, sir.

Q. And there is the Greene street stairs (indicating). You see these? A. Now I understand it.

Q. You see when you come out of the Greene street door, there was a room right in front of the Greene street elevators? A. There is a little room there.

Q. And when you come out of the Greene street stairs door this way ~~ A. There is a partition.

Q. You were looking toward the partition and you turned right around the stairway door that led right into the workshop? A. Yes, sir.

Q. Supposing you were coming up the steps and wanted to get into the shop? A. You see the door pointed.

BY THE COURT:

Q. You mean to say when you opened the door in the partition you faced Washington place? A. Washington place, yes, sir.

Q. You say that door in the partition was the door which when opened opened towards Washington place? A. Yes, sir, it was not a door, there was no door there, only an opening like a door.

Q. That is to say, when you came out of the freight elevators on the ninth floor and you wanted to go into the

shop, you would walk in the direction of Washington place? A. Yes, sir.

Q. And you were facing through the opening facing Washington place? A. Yes, sir.

Q. In which there was no door? A. Yes.

Q. Is that so? A. Yes, sir.

Q. You understand what I mean? A. Yes, sir.

Q. Put your finger on that diagram where the opening was, not where it is shown there, but where it was as you remember it? A. Here is the door (indicating), and here is the partition here (indicating). I cannot point it out exactly on the map, but I can picture it.

BY MR. STEUER:

Q. Suppose you were to start out with the idea that this here (indicating) from there (indicating) to there (indicating) is the door that led to the Greene street stairs. There was a door that led to the Greene street stairs, wasn't there? A. Yes, sir.

Q. Now, suppose that you start out with idea that that is the door, that is the space where the door is, you see (indicating)? A. I see.

Q. Well, try and keep that in mind, will you, that that is the door (indicating). Now, if you were coming out of that door and wanted to look into the loft, do you remember, is it your way of remembering that there was a space in the partition right in front of the door that led to the Greene street stairs,

and that that is the way you looked towards Washington place? A. The opening comes there (indicating). There was no space; that was like a little room, three walls ~ two walls, rather, two and the wall from the house makes three.

Q. Two walls and the wall from the house was three? A. And the door is four.

Q. Which door? A. The Greene street door.

Q. The door towards the Greene street stairs? A. There was two doors to the Greene street, the door to the other room of the house, and the door to the stairs, that is two, and in the partition.

Q. The other to the house, to what house do you mean? A. To the factory.

Q. To the factory? A. The factory and another door to the stairs.

Q. Another door to the stairs? A. Yes, sir.

Q. Where was the other, to the factory -- just when you have got out, there is a door?

THE COURT: You mean down on the street?

THE WITNESS: No, on the ninth floor.

THE COURT: On the ninth floor?

THE WITNESS: Yes.

Q. You said that there was, -- it was like a room with three walls, do you remember that? A. Yes, and a door —

Q. Well, now, do you know what parallel means? A. No.

Q. Parallel means two lines that run in exactly the same

direction, - you understand? A. Yes.

Q. For instance, this line here (indicating), and that line there, where you are sitting, when you hold that straight, they are parallel no matter how far you stretch them out, they would never come together because you see they are running in an equal distance apart, and in the same way, do you understand? A. Yes — I don't understand the question.

Q. I am not going to ask you the question, until you understand it clearly. Perhaps I will have to abandon that. Suppose you are down on the street now, over there at Washington place —

THE COURT: You take her up and let her come up the elevator onto the ninth floor.

MR. STUER: That is what I want to do, Judge.

Q. You are on the street now, you are going up stairs to the ninth floor, see? A. The elevator, or up the stairs?

Q. Do you go up the stairs ever? A. Only when I work on Sundays, we have to go up the stairs.

Q. Then you know how you get upstairs, do you go up the stairs? A. Yes, sir.

Q. Well, supposing you went up by the stairs, and you are upstairs on the ninth floor and then you get up there everything is closed. Tell us what you would do to get in? A. I open the door from the stairs, then I would open the door from the inside, then I go in through the partition, and then I would be in.

Q. You open the door from the stairs, then you open the door from the inside, and then you go through the partition? A. Yes, sir.

BY THE COURT:

Q. How far away was the door, what you call the other, on the inside from the door by the stairs? A. By the stairs — well, it was going like this (indicating) see, if you open this door you walk about four feet and then there would be another door.

Q. How was the other door placed, the door on the inside, right opposite the stairs, the door or how? A. Right opposite like this (indicating).

MR. STEUER:

Q. Could you look right through it? A. Certainly you could.

Q. If you were standing in the first door that you came in, from the stairs, and you were looking straight in front of you, what would you see? A. Then I see there the elevators, you could not see the stairs down, because it was slanting like, not straight.

Q. If you came up the stairs and opened the door and looked straight in front of you, as you opened the door, would you see — what would you see, the front of the elevators? A. What door.

Q. The stairs door on the Greene street side? A. If I looked in?



Q. I don't want you to look in. I want you to look straight in front of you? A.

You could not see it.

Q. You could not see? A. No.

Q. You opened a door again, the Greene street stairs door and looked straight in front of you, - tell me what you do see? A. I see the wall of the room opposite this door.

Q. You mean the wooden wall? A. Wooden wall.

Q. Partition? A. And the partition inside of that little room, that was opposite the elevator.

Q. That little room, that was opposite the elevator? A. Yes, sir.

Q. You are in a little room, you have walked into the little room from the Greene street stairs, and you have just shut the Greene street door. Now, you want to go into the shop, what do you do? A. I have to turn around.

Q. That is what I thought.

THE COURT: The diagram is all right on that.

Q. You see, here is what we have done with you, we have brought you from the sidewalk up the stairs, and you are on the ninth floor, nine flights up, and you have opened this door here (indicating). Do you see? A. Yes, sir.

Q. Now, you are standing at this door and you want to go into the loft into the shop and you have come around here (indicating)? A. Yes.

Q. I would have to open this door (indicating).

Q. Yes. Then there was a door there, wasn't there? A. Cer~

tainly there was a door.

Q. And then you go into the loft? A. No, then I go into the partition, then I go into the loft through the partition.

THE COURT: She means inside of the loft there is a partition which is not indicated there.

Q. Do you mean this here, you get inside of that (indicating)? A. I don't know what that is there. I know that when I get in this door I was in a little room, it was the partition, and then I went in through the opening, then I was in the loft.

Q. Do you remember when these girls that were working at these tables complained -- did you ever hear of such a thing — I am asking this at your suggestion, Mr. Bostwick — you remember that these girls that were working at the first two table, we will say, 1, 2, 3 and 4, found that when they opened the elevator doors and when they opened the Greene street door that cold air came in and that there was a draft? A. What door, which door?

Q. Both of the elevator door and the street door, the stairs door? A. This door was always open.

Q. And you remember that they put up a screen, do you know what a screen is? A. No, I don't understand you. Make it plain so I could understand it.

Q. Do you feel quite sure that you remember that after you walked into the door in this partition, that you still went through another door, A. Yes.

Q. To get into the loft you think you passed through

three doors? A. Three doors.

Q. Did you keep your hat and coat on the ninth floor? A. Yes, sir.

Q. Where did you keep them? A. In the dressing room.

Q. Which one? A. On the Washington place side.

Q. That is, in this dressing room here (indicating) A. Yes, sir.

On this night when this fire happened, did you get your hat and coat? A. Yes, I had my hat and coat.

THE COURT: Talk louder, I don't hear you. See that other man, he wants to hear. Say that over again.

A. (Continuing) I did have my hat and coat on, because I always used to get my clothes two or three minutes before time.

Q. You mean that you used to look at the clock and see that it was two or three minutes before time? A. Yes, sir.

Q. Then you would go and get your hat and coat, would you? A. Yes, sir.

Q. Where did you look at the clock? A. The clock was right at that wall where I was standing.

Q. That clock — was that the time clock, the punch clock? A. The punch clock, the girls used to punch their cards.

THE COURT: (Addressing the Twelfth Juror) whenever you cannot hear what the witness says, please indicate it, as you have got to hear the testimony.

THE TWELFTH JUROR: Your Honor, I would ask if the counselor would step back there (indicating rear of jury

box).

MR. STEUER: I will be glad to.

Q. You were standing by Mary's desk, were you at the time when — A. No, back of her desk. I had a table there right near the window.

Q. Right by the window? A. Yes, sir.

Q. And at that time you noticed some smoke coming up the radiator, did you? A. Yes, sir.

Q. Now, from where you were at that time, you could see the door that you would have to go through in order to get to the Greene street door, wouldn't you? A. What do you mean, I could see? How could I see if it was closed up by the partition? I could not see anything through the partition.

Q. If what was closed up? A. The partition was there, I could not see, no door through there.

Q. Do you mean to tell us that you were standing where you say you were, between the fourth and the fifth tables, the machine tables, looking towards Greene street, you could not see the door in the partition? A. I could not, because the partition was there.

Q. I am speaking of the door in the partition, and you have shown us that door? A. The door in the partition, no.

Q. You did not show us the door in the partition? A. I did, I could not see it from where I was standing.

Q. What was there between you and that door? A. Because the door opened in towards the Washington place side, and I

was standing on the Greene street side, on this side (indicating) that is why I could not see it.

Q. I am speaking of the door that is on the Greene street side? A. I understand, but it did not open to me, the door was towards Washington place, how could I see it when I was over here (indicating).

Q. Were you nearer to the Greene street wall than the door? A. What door?

Q. The door in the partition? A. I was nearer the Greene street, it didn't open to me, there is a wall here (indicating), and then the door was here (indicating), so how could I see it? I seen the plain wall, but I did not see the door through the partition.

Q. Was the partition between you and that door? A. Between me and what?

Q. Between you and the door in the partition was there a wall? A. There was a --

THE COURT: Mr. Steuer, it has occurred to me, and I suggest it to you as perhaps a solution, she may have been standing where the end of the screen, as you have described it was between her and the partition door so that her view of the partition door may have been cut off by the end of the screen.

MR. STEUER: But that was not true, your Honor.

THE COURT: I do not say that it is, I merely suggest this to you.

MR. STEUER: I have been trying to think that, and that is what made me ask that line of questions; in order to pay her in that position, your Honor, she would have to be east of the partition door, wouldn't she.

THE COURT: She would have to be somewhat towards Washington place.

MR. STEUER: Then she says that she was — she puts herself quite some distance west of that, your Honor.

THE COURT: How near were you to the fire-escape wall?

MR. STEUER: That is just what I was going to ask her, the very next question.

THE WITNESS: What is the question?

THE COURT: Read the question. (Question repeated).

A. I was right near the wall; not even a foot away from the wall.

Q. Now, you say not a foot away from the fire escape wall? A. No, sir.

Q. And you were not a foot away from that fire-escape, were you? A. From the fire-escape about a foot.

Q. About a foot, and that is all? A. Yes, sir.

Q. So that if you had just put your hand right out here (indicating) you could have touched that window that opened on the fire-escape? A. Yes, sir.

Q. And at that time there was nothing but a little smoke coming up from the radiator? A. Yes, smoke, did not last long,

after about a second I seen flames all around.

Q. A. second later you saw flames, did you? A. Flames all about the building.

Q. You were the person nearest to that fire escape, window at that time, weren't you?

A. Yes, sir.

Q. And you saw the smoke? A. Yes, sir.

Q. And you say that flames came at that fire-escape window just a second after you saw that smoke? A. Yes, sir.

Q. Then the flames were there at that fire escape window all the time after that? A. I did not watch the flame, I was trying to get out and not looking after the flames.

Q. The fire came in that way? A. Certainly it came right up from the eighth floor.

Q. Then when you saw that the flames were at the fire-escape window, then you ran away from there didn't you? A. I did not run away, I tried to go down.

Q. To go down what? A. The fire-escape.

Q. Did you get on the fire-escape? A. I wanted to go, but there were too many girls there I could not go down, so I went away to see if I could find a better way.

Q. Many girls were over there trying to get out from the ninth floor? A. Yes, sir; trying to get out on the fire-escape.

Q. There was — I asked you a moment ago whether you were the person nearest to the fire-escape? A. I was the nearest.

Q. And yet these many girls got there before you? A. Yes, sir, got there before because on Washington place they seen the

fire before me. I seen the smoke, and they saw fire.

Q. That was fire on the Washington place side? A. Yes, sir.

Q. So these girls that came over to the fire escape — A. They blocked my way.

Q. Came from the Washington place side? A. From all over.

Q. Well, did you see any girls coming from the Washington place side? A. Certainly I did, they were all rushing.

Q. Running to the fire-escape? A. All of them, all over.

Q. A. good many girls from the Washington place side? A. I could not tell you that.

Q. Can you not give me an idea? A. All of the girls I could not count them to say whether there was a good many or not. You cannot figure a thing like that when you are excited and there is a fire. You cannot watch the girls, which way they come from or where they are.

Q. Well, now, you were the girl who was nearest the fire-escape window when you noticed the smoke? A. Yes, sir;

Q. And then a lot of other girls came to the fire-escape before you got to it, because you — when you wanted to get on the fire-escape, there were a great many girls on it? A. Certainly, because they knew there was a fire and they were running for the escape.

Q. They knew there was a fire and were running to the fire~ escape, to get out on the fire-escape? A. Yes, sir;

Q. Were you looking around too during the second of time to see what was going on? A. I did not know what was the matter,



see, because I only seen smoke, and in another minute I heard a fire, and they were all rushing so I turned too.

Q. How did you first try to get out? A. First I tried to go to the fire-escape. I seen there was so many at the window, the window was not so big, and the fire-escape was very small, two people could not go down, you know.

Q. At one time? A. At one time; and so I could not get out there, and I did not think that I could, and I thought that I would go down the elevators, I would go down there that way. I could not go through the window because there was so many there, so I ran over to the Greene street door.

Q. You really were not looking around very much at that time you were thinking more particular of how to get out of that building, weren't you? A. Certainly.

Q. So that when you started out with your testimony in the beginning, did you know who was on that floor, and did you know that the superintendent was not there on the floor, you did not really mean that you looked all over that floor to see where anybody was, did you? A. I was sure that the superintendent was not on our floor.

Q. Now, as a matter of fact, you have talked this matter over quits a number of times since the fire, didn't you? A. What do you mean, talked it over.

Q. Didn't you talk to anybody about it? A. About what?

Q. About the fire. A. I did not expect — I was not asked about it.

Q. In any way? A. I believe they told me not to talk about it.

Q. Told you not to talk about whether the superintendent was there? A. They did not tell me — I did not know that they were going to ask me whether the superintendent is on the floor or not. It in not my business.

Q. You didn't talk to anybody about it? A. No, sir.

Q. Never asked that question, never until now? A. I was told not to tell anybody and I didn't.

Q. You were told not to tell anybody, and you did not? A. I did not till just now.

Q. The first time you have told about that in your life, that the superintendent was not on that floor was here this afternoon? A. I did not know whether you would ask that question.

Q. You didn't know whether I would ask it? A. No.

Q. I want you to pay attention to my next question, and I would you to think it over carefully and answer it carefully, will you? A. Yes, sir.

Q. I want you to tell this jury, whether from the time that that fire started, the time you first saw any smoke there up to the time when you went on the witness stand and swore to tell the truth, during that whole time, did you ever tell anybody, no matter where, or under what circumstances, but I want you to tell us positively whether you told any person in the world that the superintendent was not on that floor? A

positively not; I can swear to it to anything you want.

Q. If I were to tell you that you not only told it, but you signed a statement in which you said the superintendent was not on the floor, you would be surprised, wouldn't you? A. What do you mean?

Q. Didn't you tell Mr. Rubin that the superintendent was not on the floor? A. Because he was not, if he knew he was —

Q. Didn't you tell that to Mr. Rubin? A. I did.

Q. Didn't you tell it to him more than once? A. That is the first time.

Q. You signed a statement that the superintendent was not there, didn't you? A. No, sir, I did not sign for that. I never said that before, that is the first time when you ask me.

Q. That was the first time? A. To-day, that you asked me that question.

Q. I am not asking you what I asked you. A. Did Mr. Rubin ask me?

Q. Yes. A. Never asked me about the superintendent.

Q. Didn't Mr. Bostwick ask you? A. To-day?

Q. Before to-day? A. No, sir, never.

Q. So that — who told you not to tell about it, then, if no body asked you? A. No, to tell about that?

Q. About whether the superintendent was on the floor or not? A. I don't know anything about it. They asked me, so I said I didn't know. I did not see him on the floor, that is

all. I was never asked that question before.

Q. Did you talk about the fire at all to anybody? A. What do you mean by talking about the fire?

Q. Tell what happened at the fire? A. What happened at the fire?

Q. Yes. A. I could not talk about it because I was only glad they did not ask me anything; I did not want to remind myself of the fire.

Q. You never did talk about it at all, did you? A. I spoke to my parents about it, they asked me what it was and I told them.

Q. Since March, haven't you spoken to a great many people about that fire? A. Yes, they told me whether I worked there or not; they did not ask me any questions.

Q. Have you worked there since the fire? A. No.

Q. Did you ever go to the Washington place door before the 25th day of March, the day of the fire? A. When I first started to work there I did go.

Q. Are you speaking now of the door or are you speaking of the Washington place elevator? A. I am speaking of the door.

Q. You went to the door? A. Yes.

THE COURT: Referring to the door on the ninth floor?

THE WITNESS: On the ninth floor, on the Washington place side.

Q. Did you go through that door? A. I never went through that door.

Q. Did you go downstairs or up stairs through that door? A. No, sir.

Q. Did you go downstairs or upstairs? A. Downstairs I did not ever go — I didn't even know which my to go out of the room, nor down through which door to go down, and I seen there was a door there, I see the door there to go down and they tell me no, to go through the other door.

MR. STEUER: I move to strike that out what she was told.

THE COURT: Strike it out.

Q. If Mr. Blanck told you anything you can tell us. Did he ever tell you anything about the door? A. No, sir.

Q. Did Mr. Harris ever tell you anything? A. They did not tell me. They perhaps told the —

Q. I ask you did Mr. Harris tell you? A. No, sir.

Q. You saw Mr. Harris every day didn't you? A. Not every day.

Q. You mean to tell the jury now that you did not see Mr. Harris there, around the factory, every day? A. Not every day; sometimes once a week, or one day of the week Mr. Harris or Mr. Blanck was not there, they were not there every day.

Q. Down where? A. On the ninth floor.

Q. I am not speaking of Mr. Blanek for the moment, I ask you about Mr. Harris. A. Mr. Harris.

Q. Do you claim now that you worked there a single day when you did not see Mr. Harris? A. Well, sometimes Mr. Harris did

did not come down.

Q. I did not ask you whether he did not come down. I ask you to please tell us whether there was a single day that he was not there? A. I did see Mr. Harris, but not on the ninth floor.

Q. I didn't ask you about the ninth floor, and I wish you would answer my questions. I asked you and I ask you again whether there was a single day when you did not see Mr. Harris? A. When he used to go up on the tenth floor I would see him only on the ninth floor.

Q. Did you ever ask Mr. Harris about the door on the Washington place side, whether you had a right to use that, in your life? A. I did not ask him; I used to be afraid of him.

Q. You were afraid of Mr. Harris? A. Sure.

Q. You saw Mr. Blanck every day, didn't you? A. Mr. Harris we saw most of the time on the ninth floor.

Q. Mr. Harris you saw most of the time on the ninth floor, because he ran the factory, didn't he? A. No, the superintendent ran the factory.

Q. And Mr. Harris had nothing at all, - did nothing at all down there? A. He used to come down some times and walk around four or five minutes.

Q. That is all he did? A. Yes, sir.

Q. Did you ever see Mr. Blanck walking around for five minutes there? A. No, not very often.

Q. Were you around there very much without seeing them there? A. I was.

Q. Don't you know that Mr. Harris spent his time in the factory almost entirely? A. He did, perhaps but not on my floor.

Q. Didn't you see him — did you say a little while ago that you were a floor girl, and that you were on the eighth and ninth floors? A. The eighth and the ninth floors, but not on the tenth. Mr. Harris was on the tenth floor most of the time.

Q. As a matter of fact he was down on the tenth floor? A. I don't know, I was down on the ninth floor.

Q. Have it any way you like, do you know whether Mr. Harris used to spend but five minutes a day on the ninth floor? A. That is all.

MR. BOSTWICK: I object to the characterization, "have it any way you like". I think the witness is trying to tell the truth and is telling the truth.

MR. STEUER: I have not tried to insinuate anything against anybody.

THE COURT: Proceed. I understand what you mean. It is immaterial for the purposes of the defense what she says in that regard.

MR. STEUER: I only want to get what she claims in that regard.

Q. Is it your statement that Mr. Harris spent five minutes a day on that ninth floor so far as you could say? A Some times

used to come down twice.

Q. Twice, then, five minutes a day? A. That did not happen often; some times.

Q. You do like to argue some, don't you, little girl? A. I am going to answer your questions.

Q. I would like to get started somewhere your Honor.

THE COURT: Just sit around here for a moment. I want to have your attention for a moment. I think your intentions are all right. Pay strict attention to the questions that are asked of you and do not say anything more.

THE WITNESS: Yes, sir.

THE COURT: You answer then just the best you know how. I think you mean all right.

Q. Did you see Mr. Blanck at all during the day time? A. Yes.

Q. Did you ever ask Mr. Blanck which way you had a right to go up and down or anything of that sort? A. No, sir.

Q. Were you afraid of Mr. Blanck also? A. I never spoke to either of them.

Q. You do not really mean to say that you were afraid of those two men, were you?  
A. Not exactly afraid, you know, they are —~ I was like nothing to them, because I was only a working girl.

Q. Did these men ever do anything, did you ever see them do anything that would make anybody afraid of them? A. I don't



know about that.

Q. I am asking you whether you ever saw anything, did ever Mr. Blanck, ever do anything that you saw, or did he say anything which you heard, that make you afraid of Mr. Blanck? A. Because I know that Mr. Blanck --

MR. STEUER: May I have an answer to that question, your Honor?

THE COURT: Strike out the answer and read the question to the witness.

MR. BOSTWICK: I call attention of the fact that in judgment counsel has made this witness his own for this purpose, long ago, and I will ask the right to cross examine this witness.

MR. STEUER: I have not made her my own on any subject, and I have not yet been able to get started as to what this girl says.

MR. BOSTWICK: I did not bring out who ran this factory.

THE COURT: Proceed.

(Repeated by the stenographer.)

A. I will answer it — shall I answer this question?

Q. Yes. A. Well, I know that when a girl don't do anything right, you know, she gets discharged; that is why I was afraid, that is why I did not talk to them.

Q. That is why you did not speak to them? A. Yes, sir.

Q. You have not got any other reason, have you? A. No, sir,

not as far as I know.

Q. And that reason applies to both Mr. Harris and Mr. Blanck, you were afraid to talk to them because you might be discharged if you spoke to them? A. Yes, sir.

Q. Did you speak to Mr. Bernstein the superintendent? A. I did speak to him.

Q. Did you ever ask Mr. Bernstein anything about the doors? A. No, sir, I only spoke to him about business, that is all, things that I needed there.

MR. BOSTWICK: Keep up your voice please.

THE COURT: If you will only answer a little louder, you will make it lots easier for everybody.

Q. You got out of the building by the Washington place elevators, did you not? A. At the time of the fire?

Q. Yes, and you state that that was the last trip, did you not? A. Yes, it was the last trip.

Q. You were on the Washington street side all of the time after you left the fire escape, weren't you? A. No, I was on the Greene street and then I went to the Washington place.

Q. How long were you on the Greene street side? A. I was trying to get out, push in the door, but I could not, there was so many girls there trying to do it.

Q. On the Greene street side? A. Yes, sir.

Q. How long did you stand there, do you know? A. I could not tell you the time I spent there.

Q. Then you went over to the Washington place side? A. Yes.

Q. Did you see the elevator go down at the time? A. I when I went over to the door, I saw the elevator going down too, I was too late to get on that trip.

Q. And the next time it came up did you go down? A. Yes.

Q. And how many trips did the elevator make? A. I don't know; I could not tell you.

Q. Don't you know anything about that? A. No, sir.

Q. When you got over to the Washington place site were there many girls there? A. Certainly there were.

Q. Were they standing by the elevator door? A. They were all standing and knocking at the door of the elevator and ringing the bells.

Q. And had the elevator just gone down? A. Yes, sir.

Q. And the girls were standing at the side of the elevator? A. Yes, sir.

Q. Were there any girls at the Washington place door, A. No.

Q. Nobody there, no girls there? A. No.

Q. So that your road to the Washington place side was perfectly clear? A. It was not perfectly clear. I knew there was a door there and I pushed through them and I went over there.

Q. And there was no girl in front of that door? A. They were all in front, they did not know whether there was a door there or not.

THE COURT: The point is there were girls between the elevator doors at which you were and the Washington

place door. You had gone to the elevator door on Washington place, and you found that the elevator had started down on its trip?

THE WITNESS: Yes, sir.

THE COURT: And that you were too late for it?

THE WITNESS: Yes.

THE COURT: And then there being other girls there, you pushed your way through them, going in the direction of the Washington place door?

THE WITNESS: Yes, sir.

THE COURT: Is that so?

THE WITNESS: Yes, sir.

Q. And there were no girls that you pushed your way through — between you and the Washington place door, were there? A. There were many girls there.

Q. Between you and the Washington place door, that you pushed your way through? A. After I pushed my way through I went to the door, and I told them there is the door, and they all ran to the door.

THE COURT: At the moment you came to the door was there any person nearer the door than yourself?

THE WITNESS: No, sir, I was the nearest.

Q. And you called to the girls, and you called to them and told them that there was a door? A. First I tried it.

Q. And after you tried the door and found that you could not open it, then you told them there was a door there? A. I

hollered out there is a door here.

Q. And the girls came over? A. All ran over, the girls and the men.

Q. The girls and the men, you mean after you had tried the door and could not open it, then they came running over? A. Yes, sir.

Q. Did you remain at the door, did you know that somebody else tried to open the door there? A. I thought perhaps they would open so I could get out there.

Q. You stayed right alongside of that? A. Certainly alongside.

Q. Was there a big crowd there to that door? A. When I told them about it, they all ran over there.

Q. All of the girls ran, left the Washington place elevator, and came over to that door? A. Why, some of them were standing by the elevator, thinking that perhaps we would go out through the elevator.

Q. Were you near the door? A. Yes, I was near the door.

Q. Were you among the last to leave the door on the Washington place side? A. Then the elevator come and I went down.

Q. Now, little girl, I am going to try to get an answer: won't you please tell us whether at the time you were standing near that Washington place door, you were among the last to leave that door? A. I don't understand you.

MR. BOSTWICK: I object to the question, to that last part.

THE COURT: Put it this way - I think I know what Mr. Steuer wants.

BY THE COURT:

Q. You have got to the point where you are in front, right by the Washington place door, and as I understand you tried the door to open it, and you didn't open it, and you called out to the others that there is a door there. Then the others came and you remained by the door, and some of those others tried the door to open it? A. Yes, sir.

Q. And then some of those who had tried the door to open it moved away, and you were still at the Washington place door?

A. No, sir, they did not move away, they were still trying the door, said I seen the elevator, and I rushed right into the elevator.

Q. You left the Washington place door, having tried it, and after those others came in and tried it before those who came after had also tried, or the others left the door? A. They did not leave the door, they were trying to open it.

Q. They were in the act of still trying to open it at the time you started for the Washington place elevators, is that so? A. Yes, sir.

BY MR. STEUER:

Q. You were not any stronger that day than you are today, were you? A. I don't know.

Q. You were not any bigger or heavier at that time, were you? A. It is a year ago, I was smaller.

Q. And there was a great deal of excitement there, of confusion, wasn't there? A. I don't understand what you mean by excitement.

Q. You really don't know what I mean by excitement? A. No, sir.

Q. Were you just as quiet and calm at that time as you are now? A. Just as I am now, because I was never in such a fire, and I didn't know it was a fire, so I ran looking for an escape, I didn't know about being excited.

Q. You do know what excitement is, do you, if you were not excited.

MR. BOSTWICK: There is a difference between excited and excitement.

THE COURT: Very slight.

MR. STEUER: Only in Mr. Bostwick's own imagination.

Q. Now, I first asked you do you know what it is to be excited? A. In what case?

Q. Well, did you see anybody that was excited while you were in that quiet and calm condition, just the same as you are now, did you see anybody that was not calm? A. The other girls, I don't know whether they were excited or not. I didn't ask them.

Q. You didn't ask them whether they were excited, so you don't know; is that it? A. Yes, sir.

Q. When the girls were over at the door you called out to them "Here is the door", you didn't know then that there was any

excitement, that they were excited? A. They all rushed to the door that is all I know.

Q. Tell me then, did a man run over there and bang at the door and pull at the door and try to open it, and did you see them? A. I saw it.

Q. Who was it, a man or a woman? A. I don't know whether a man or a woman.

Q. You do not know whether it was? A. I don't remember.

Q. How many people did you see trying to open that door? A. I could not -- there could not get more than five or six near enough, and then those back of them tried, stayed right there in case they opened the door, they would go out.

Q. There was a lot right back there, so if they opened the door, that they could all get out, is that right? A. Yes, sir.

Q. And you worked your way back to that crowd to get to the elevator? A. Yes, sir.

Q. But the crowd that was in back of you did they rush for the elevator when they heard the elevator come? A. Perhaps they did not get there they rushed.

Q. You were the farthest away from the elevator, and had gone there, and immediately saw the elevator coming up? A. I was not there right by the door when the others were trying the door; they pushed me away when they came there trying to open the door, they pushed me back and away, but I was near.

Q. They pushed you away? A. Yes, sir.

Q. Didn't you say a few moments ago that you were standing



there so if they did open the door that you could get out? A. I could get through if they did not open it I was not far away, they had pushed me away.

Q. Which were you, were you farthest away or nearest to the door or to the elevator? A. First, when I went there I was the nearest; when the crowd went over to open it they pushed me away, so if they opened it, opened the door, why after that I could have gone out.

Q. Did they push you all the way through the crowd? A. Not all the way through the crowd. I was there amongst the girls.

Q. When you got to the elevator, were you the first one to get in? A. What do you mean, the first one? There were so many more inside when I got in there I just pushed in, there was no place for me, but I pushed in there, and I was clear up against the wall, I was right, pushed right against the side.

Q. You mean to tell us then, you cannot tell us whether the girls were excited? A. I don't know.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. The time that you promised that you would not tell or talk about this case was when you were before the Grand Jury, wasn't it? A. Yes, sir.

Q. No one until to-day ever asked you or put the question to you whether the superintendent was on that floor, is that correct? A. Never.

Q. And you never made any statement, did you? A. No, sir.

Q. You never knew the question me going to be asked you?

A. I never knew about it.

Q. The elevator in which you went down was pretty full, wasn't it? A. Very full, yes, sir.

Q. Were there people on top of you? A. Yes, sir.

Q. Can you mention the name of a single girl that was on top of you? A. Katie Weiner.

Q. During any of the period of time that you worked there before the fire, did you ever go to the Washington place side on the ninth floor and try the door? A. I did not try it, I tried to go there to go down, but I did not try the door then.

Q. You have been asked whether ~ you have been questioned as to whether you asked Mr. Harris or Mr. Blanck about how you could go in or how you could get out. Did you ever have conversation with Mr. Harris or Mr. Blanck while you worked there? A. No, sir.

Q. The rules were pretty strict there, weren't they?

MR. STEUER: I object to that.

THE COURT: Objection sustained.

MR. BOSTWICK: I withdraw the question. A. Yes, sir.

MR. BOSTWICK: Don't answer the question, I have withdrawn it.

THE COURT: The answer is stricken out.

Q. Were you allowed to go to work there if you came late?

MR. STEUER: I object to that as immaterial.

THE COURT: Objection sustained.

Q. And you have been asked whether when you were about the Washington place door other people were about you? A. Yes.

Q. Now, when you first went to the Washington place door and tried to open it, were you alone? A. Yes.

Q. No crowd around you then? A. No, sir.

RE-CROSS EXAMINATION BY MR. STEUER:

Q. You say there was plenty of space right in front of the door? A. There was no space, I had to crush through from the doors; there was a lot of girls there and I had to push my way out through them.

Q. You had to push out through? A. Yes, sir.

Q. After you got by the girls, through the crowd of the girls, there in front of the elevator, over to the Washington place door there was plenty of room? A. Well, they blocked it up from the dressing room.

Q. And after you got by the elevator door, there is quite a distance from the elevator door to the stairs, isn't there, or don't you know? A. No, I have nearer seen it there, I was never there.

Q. You told this jury that you were the first one on the ninth floor to tell that there was a fire, didn't you? A. Yes, -- not a fire, but the smoke, -- I beg your pardon.

Q. Smoke, then? A. Yes, sir.

Q. You also told the jury that the other girls did not know there was a door so you told them?

MR. BOSTWICK: I object to that.

THE COURT: She said that in substance.

Q. Did you say that? A. Say what?

MR. BOSTWICK: I don't think so, if your Honor please.

MR. STEUER: It is the fact, however, she has repeated it half a dozen times and Mr. Bostwick, what is the use of saying that?

THE COURT: I remember that. She did not say so precisely in that language, but is substance that was what she said.

Q. What is the use of going over this again, Mr. Steuer, now?

Q. Don't these girls sit where they face, - their eyes looking right at that door? A. They were sitting with their back to the ---

Q. There were not any girls sitting there that way? A. The girls sat facing it and facing the dressing room, they were facing both ways; the dressing room covered that door.

Q. The dressing room covered that door? A. It did not cover it, but you could not see it when you looked.

Q. Was the dressing within twenty-five feet of that door, was it the distance — was the dressing room door as near as that door over there is to you — A. I made a mistake.

Q. You made a mistake? A. Yes, sir.

Q. What was this that covered up that door, if it was not the dressing room door? A. Nothing.

Q. Then you mean in sitting at those tables, was there anything between those girls and the Washington place stairs door? A. No, sir.

BECKIE ROTHSTEIN, a witness called in behalf of the People being first duly sworn,

testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK: (Through Official Interpreter)

Q. Where do you live? A. 411 Cherry street.

Q. On March 25th 1911, were you employed by the Triangle Waist Company, were you not? A. Yes.

Q. And you were an operator on the ninth floor? A. Yes.

Q. And you were working on that day of the fire? A. Yes.

Q. You heard the bell ring to stop work? A. Yes.

Q. Then where did you go? A. As soon as I heard the bell, I took my pocket book and the paper, and I went away from my machine, left my machine.

BY THE COURT:

Q. What part of the room was your machine in? A. The first line from Greene street, the sixth machine — machine No. 6 — I don't know the number it was — it was the sixth machine.

Q. And as you worked at the machine did you face the Greene street windows, or was your back to the windows? A. My back was turned toward the windows of Greene street.

Q. That is to say, that was your position when working? A. Yes.

BY MR. BOSTWICK:

Q. How old are you? A. Twenty-three years.

Q. How long have you been in this country? A. Three years.

Q. What was the first that you saw of this fire? A. I saw that smoke was coming from somewhere, I saw Sam Gilman, and told him that there is smoke, and he says that we ought to see if there is not a fire here somewhere. And he said, "Perhaps there is a fire", but I did not hear whether there is a fire or not.

Q. Did you see any smoke or fire?

THE COURT: Do you want that conversation out?

MR. STEUER: If I interrupt that way, we will never get anywhere, your Honor.

THE COURT: That conversation is stricken out. Do not say anything that you told to anybody or that any body said to you. The jury will disregard what was stricken out.

Q. Did you see any smoke or fire? A. I didn't see any fire, I saw smoke.

Q. What did you do after you saw the smoke? A. I went out from the place where I was working, between the machines. The dressing room was right near where I was coming out from between the machines.

Q. Is that what was known as the Greene street clothes closet? A. Yes.

Q. Was that right in front of the freight elevators? A. Yes.

Q. Well, where did you go after you went to the Greene street clothes closet? A. I had taken my hat and coat and was going

out to that door and I was pushed away.

Q. What door do you speak of? A. When I came out I came near the Greene street door.

Q. And then where did you go? A. I was pushed into a crowd, and I saw I could not get out; then I went between the machines again, then I started to climb over to the Washington place elevator.

Q. Did you get near to the Washington place doorway, yes or no? A. Yes.

Q. When you got over there did you see anybody? A. It was crowded over there.

Q. Did you see Mr. Bernstein? A. Yes.

THE COURT: Which Bernstein?

THE WITNESS: Sam Bernstein.

Q. You don't mean the superintendent, ~ you mean the operator? A. The operator.

Q. What did you see Sam Bernstein do if anything? A. He pulled the door.

Q. Tell us just what you saw him do? A. He pulled the door, then I said to him —

MR. STEUER: I object to conversation.

Q. What did you see him do to the door? Tell us in every detail? A. He pulled the door, he knocked, I don't know what more he did.

Q. Did turn the handle? A. He did everything; he pulled door.

Q. Did he pull it or push it? A. He pulled the door, not only he alone, all of them, they pulled the door.

Q. And did the door open? A. No; then I saw the elevator come up and I was pushed into it with the crowd, into the elevator car.

Q. And you got down that way to the street? A. Yes.

Q. Now, how long have you worked for the Triangle Waist Company? A. Six months.

Q. During the time that you worked there did you ever see anybody go in or open that Washington place door? A. I did not see anybody.

Q. Did you ever see anybody go in or go out of that Washington place door? A. Never.

Q. At night when you left you would leave the place by which entrance? A. Greene street door.

Q. Was there a watchman there? A. Yes.

Q. What would you have to do as you passed out? A. We had to open the pocket books and he would examine them.

Q. While you were there did they ever have a fire drill?

MR. STEUER: I object to that as irrelevant, incompetent and immaterial.

THE COURT: Same ruling.

MR. STEUER: I take an exception.

A. No, I did not know anything about it.

THE COURT: Mr. Steuer, you can cross examine tomorrow morning.

Gentlemen, I may say to you, for your convenience,



or rather, that you may know to~morrow we propose to adjourn at four o'clock. I have an engagement tomorrow afternoon that I am obliged to keep.

You are admonished not to converse among yourselves on any subject connected with this trial or to form or express any opinion thereon until the same is submitted to you, not to talk to anybody about the case, or allow anybody to talk about it or read anything about it, or visit the premises where the occurrence is said to have taken place.

(The Court now directs an adjournment to Tuesday, December 12th, 1911, at 10:30  
o'clock a.m.)