

WILLIAM GREENSPAN, a witness called on behalf of the defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. STEUER:

Q. Where do you live? A. 156 East 112th Street.

Q. Mr. Greenspan, were you working for the defendants, Harris and. Blanck on the day of the fire? A. Yes, sir.

Q. And were you working for them for wages? A. Yes. sir.

Q. And have your wages, they have not been attached by anybody, have they? A. No, sir.

Q. Have you any reason why you don't want to tell your wages? A. No.

Q. What were your wages? A. \$20. a week.

Q. You are still working for them, are you not? A. No, I do not working for them now, I am working for the Reliance Waist Company.

Q. You are not working for these people? When did you quit work for them? A. Four weeks ago.

Q. Was your wages raised between the time of the fire and the time you quit? A. Yes, sir.

Q. How much? A. Five dollars.

Q. Now you are working for the Reliance Waist Company? A. Yes, sir.

Q. And you have been for the last four weeks? A. Yes, sir.

Q. Were you there at the time of the fire, Mr. Greenspan? A. Yes, sir.

Q. On what floor, Mr. Greenspan? A. On the ninth floor.

Q. Where were you Mr. Greenspan when you first heard that there was a fire? A. In the dressing room.

Q. Which dressing room? A. On the Washington side.

Q. On the ninth floor? A. On the ninth floor.

Q. I don't recall whether there was one or two dressing rooms on the ninth floor on the Washington Place side, there were two, weren't there? A. There were two dressing rooms, — one dressing d room.

Q. Was it divided? A. Yes, sir.

Q. There was a partition making two of it, is that it? A. Yes. sir.

Q. Which one of those two were you in, Mr. Greenspan, the one next Washington Place elevators or the one that is the farthest away? A. The one nearest the sink there.

Q. Nearest the sink? A. Yes, sir.

Q. I think we call that No. 2 in this trial (Producing diagram before witness) Now here are those closets marked (Indicating on diagram); and that is the Washington Place elevator (Indicating); over in that corner (Indicating) are the two dressing rooms. Which one of them is it? A. This one here (Indicating).

MR. STEUER: Pointing to No. 2, your Honor.

Q. What did you do, Mr. Greenspan, after your heard that

there was some trouble? A. When I was in dressing room I heard the scream outside; so I ran out from the dressing room and I looked up and I have seen the crowd, some girls by the Washington side elevators and I went over there, and there was a crowd, and I went over to the door; I opened the door, and I wanted to go out through the door.

Q. What side are you talking about Greenspan? A. That Washington door.

Q. On the ninth floor? A. On the ninth floor.

Q. Tell the Jury what happened Greenspan? A. When I opened the door and I wanted to run down the stairs I saw flames, and smoke right in my face so I had to leave that door and made my way back to Greene Street side and went out there.

Q. You came in back through that door into the loft didn't you? A. Yes, sir.

Q. Just tell the Jury what the condition of the loft was Greenspan? A. Why, that was all full of smoke, and burning and everything,

Q. What did you do? Tell the Jury the way you walked around or what you did when you went around there Greenspan. A. When I went out through the Washington -- when I —

Q. When you got back into the loft Greenspan, I want you to tell the Jury what you did. A. Then everything started to burn around there and I started to run and I went out through the roof.

Q. Now during the time when you were going through the loft, Greenspan, what was there, all around. I want the Jury to

get an idea how things were when you were going from the Washington Place side to the Greene Street side after you had opened the Washington Place door. A. The place was all full of smoke.

Q. And when you got over to the Greene Street side, what did you do? A. I ran to the roof.

Q. Did you get right from the ninth floor to the roof? A. I went up from the ninth to the tenth and from the tenth floor to the roof.

Q. Did you go into the loft on the tenth floor when you got there? A. No.

Q. You kept right on going? A. Right up to the roof.

Q. On up to the roof? A. Yes, sir.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Now Greenspan, you say you opened that door, meaning the Washington Place door on the ninth floor? A. Yes, sir.

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

Q. And that you wanted to go down? A. Yes, sir, and there was coming ~~

Q. And there was coming up there flame and smoke? A. As soon as I opened the door the smoke --

Q. No, no, I want you to tell me did you see flame and smoke coming up? A. No; when I opened the door I got it right in my face.

Q. So that the flame and the smoke was in the stairway? A. I suppose so.

Q. Where else could it be? A. I don't know, that is

the only place there was.

Q Did you see the girls running down from the eighth floor? A. No, sir.

Q You didn't see any girls? A. No, sir.

Q And you didn't hear any girls? A. No, sir; I didn't hear anything.

Q. Now, was the flame between the eighth floor and the ninth floor very great? A. I didn't look down.

Q. Was there much flame or little flame? A. Well, there was flames, I can see flames and smoke; and I could not go down.

Q. Was the flame so bad between the eighth and the ninth floor that you could not go down there? A. Why, sure.

Q. And the flames were they burning so they would have burned you up if you had gone down there? A. This I don't know.

Q. Were the flames so big that you didn't —

MR. STEUER: What were you going to say?

THE WITNESS: I tried to save myself and I would see there is no way to go down for me or I would certainly would go there.

THE COURT: How long do you estimate that it was, or think that it was Greenspan, from the moment that you heard the scream and knew something was the matter, until the moment that you opened, as you say, the door leading on the ninth floor to the Washington Place stairs? How much time passed between the time that you heard a scream and the time that you got to the door and opened it?

THE WITNESS: I don't know exactly.

Q. Did you go right to the door? A. I went to the elevator as soon as I seen the crowd there, so I went to the door.

Q. You just went right to the elevator and then right to the door? A. Yes. sir.

THE COURT: Run or walk?

THE WITNESS: Why, I am positive I ran, was burning.

Q. So that it took just as long as it took you to run to the elevator and then to the door? A. Not so. Because the dressing room to the doorway was more of a distanee than the elevator to the door.

Q. In other words it took you just as leng as it took to run from the doors back to the elevator and from the elevator to the door? A. No.

Q. It took you so long --

THE COURT: He means it did not take him as long to run from the elevator door to the stairway door as it did to go from the dressing room to the stairway door.

THE WITNESS: Yes, sir.

Q. I will put it another way: You heard a cry of fire when you were in the dressing room? A. Yes, sir.

Q. And you immediately ran to the Washington Place elevators? A. Yes, sir.

Q. And you then immediately ran to the Washington Place door? A. Yes, sir.

Q. And you immediately opened [?] ...

Q. At the cry of fire when you came out of the dressing room where was the fire started? A. I have seen the smoke coming into the Greene Street side windows there.

Q. Did you see any flames at that time? A. Yes, sir.

Q. At the very cry of fire? A. Yes, coming right in from the ~ down where the fire escapes were; that is why I made my way to the Washington Place side.

Q. Do you know Ida Mittleman? A. Yes.

Q. Did you see — you know Annie Mittleman? A. Yes.

Q. Did you see them together after that immediately? A. No, sir.

Q. You know Anna Guilo? A. Anna Guilo — I don't know who she is.

Q. Do you know Mae Leventhal? A. Mae, I know a Mae, but I don't know her second name. Was she a button sewer?

Q. Yes. A. I know her; I didn't see her.

Q. You didn't see her? A. Yes.

Q. The flames were coming up from the eighth floor to the ninth floor? A. Yes, sir.

Q. So much you could not see down the stairway? A. No.

Q. And the door that you opened showed those flames? A. Yes, sir.

Q. And you are sure it was not the Greene Street side? A. Why no.

Q. You are sure it was the Washington Place side? A. Exactly.

Q. Now when you went to the Washington Place door, did unlock it? A. I don't know.

Q. There was a key in the door? A. Well, there usually was a key in the door.

Q. Was the key in the door at that time? A. I don't know.

Q. You don't know? A. No.

Q. Will you say that the door was looked? A. I don't know.

Q. Did you unlock it? A. I don't know whether -- I opened the door.

Q. You don't know whether you unlocked it? A. No, sir.

Q. Do you remember making a call on me on March 31, 1911? A. I know I called on you, I don't remember the exact date.

Q. How was it you happened to come down to see me? A. You sent for me by a subpoena.

Q. You got a subpoena too? A. Exactly.

Q. And you remember making a statement to me? A. Yes, sir

Q. Do you remember my asking you this question and your soaking this answer to me:

"You say that that door was looked" (referring to the Washington Place door) "A. Yes?" A. No I never said it.

Q. And then this question being put to you and this answer being given: "Did you unlock it? A. No; I don't remember that; maybe someone else unlocked it before; I had the doorway open"? A. I said, my statement was made that I went through that door.

Q. I ask you whether you made that statement, and made that answer? A. Oh, I never say anything like that.

Q. All right now. I only want to know whether you said it or not that is all. And was this question put to you: "Did you lock it? A. No." A. No.

Q. And was this question put to you "Was it always kept locked? A. During the days it was looked"? A. No; I never said anything like that.

Q. Never said that? A. No, sir.

Q. And was this question put to you: "It was always kept locked? A. There was a lock in it." You don't remember that? A. I never said it.

Q. Do you remember this question being put and this answer being made "Do you know whether you unlocked it or not? A. No. I don't remember"? A. Yes, correct.

Q. That you remember as correct? A. Yes, sir.

Q. Do you remember this question being put to you: "Did you go down that way? A. No"; and then followed by this question: "Did anybody go down? A. No"? A. I said I didn't know; when I left the loft I don't know what is going on after.

Q. Now when you went over to the Washington Place elevator, did you see a crowd of people in front of the elevator? A. Yes, there was some girls.

Q. Was it a big crowd? A. No; not so very.

Q. Was it a crowd? A. Well, some girls were there; I

could not tell you how many.

Q. Would you call it a crowd? A. I call it there was a few girls.

Q. Did you see anybody in front of the doorway that you opened? A. When I opened the door; no.

Q. Did you have to push any people aside?

THE COURT: What is your answer? In opening that door, the Washington Place door as you say that you didf did you have to puah any t#rls or other people away from it?

THE WITNESS: I don't think so.

Q. Do you remember this question being put to you and this answer being made: "Q. Did you see any people in front of the doorway? A. Yes." A. No.

Q. You didn't make that answer? A. Where, by the door or by the elevator?

Q. I will read the question again. This is the Washington Place door: "Did you see any people in front of the doorway? A. Yes"? A. I don't know whether there was girls —

Q. No, no, I don't want to know anything about whether or not, but I want to know whether you made that statement to me. You didn't make it? A. What did I say then?

Q. I asked you whether you made this answer to this question: "Q. Did you see any people in front of the door way? A. Yes"? A. I don't think so; there was no girls —

Q. No, I don't want to know whether there was one thousand girls or one girl. I am asking you and trying to make you under-

stand that I wanted you to tell me did you make that answer to me on March 31st in my office?

A. I don't know.

Q. You don't know? A. There was a lot of girls there —

Q. I don't want to know about the girls now, I want to know whether you made that statement, whether those words came out of your mouth, did they or didn't they? A. Well, there is a lot of words what I never said at all that you told me before.

Q. Do you remember this question being put to you and this -- no, I will ask this question first: Did you not give the same testimony before the fire marshal? A. Yes, sir, I gave a testimony to the fire marshal.

Q. Did you state to the fire marshal that you didn't know whether you looked or unlocked the door? A. Well I said no.

Q. Was this question not put to you and didn't you make this answer, the question being put by me: "Q. Did anybody ask you if you closed the door? A. Only the fire marshal; and I told him I didn't remember if I unlocked the door or not"? A. I said to the fire marshal —

Q. Did you say that to me? A. I don't remember.

Q. Was not this question put to you and did you make this answer to me — A. No, my question --

Q. Wait a minute until I put the question. Was not this question put to you: "The door was always kept locked though? A. It was locked, but I don't know that day if somebody opened it before that day"? A. I never said anything like that; you didn't ask me such a question because I never said anything

like that.

Q. I ask you to look at this and state whether this is your signature (Handing paper to witness)? A. Yes, sir.

Q. Did you sign that? A. Yes.

Q. And did you swear to it? A. That looks like my signature.

Q. Look again, and be sure it is your signature. (Again examining paper). A. Yes.

Q. Did you swear to that. A. That is my signature.

Q. Yes, but did you swear to it? A. I write I say it is the same, it looks like my signature.

Q. So you write, is that what you say? Did you say you write, is that what you say? A.

I know I never said it.

Q. You signed that, didn't you? A. Yes.

Q. Why did you sign it if it was not true? A. You asked me whether this was my signature.

Q. Yes. A. Well certainly it is my signature.

Q. And you swore to that paper didn't you? A. Yes.

Q. It is an affidavit, isn't it, so far as you know? A. As far as I know I don't know what it is.

Q. Why did you sign it if it is not true? A. Because you told me to sign it and I signed it.

Q. I told you to sign it? A. Yes.

Q. Was I present when you swore to that statement? A. Mr. Rubin I think it was; it was made in your office; you said read it and I was reading that statement.

Q. Was a —

MR. STEUR: I can understand what chance he got in your office when he gets that chance here --

MR. BOSTWICK: I think if Your Honor please there should be a rebuke administered to the Counsel for the defendants --

THE COURT: Go ahead, this thing is very objectionable and must not occur again. Go ahead now Mr. Witness, finish your answer.

A. (Continuing) This paper was given to me and he said "Sign it" and I signed it.

Q. You were told to read every word of it? A. I was reading.

Q. And you did read every word of it, didn't you? A. Well, yes.

Q. And then you signed your name to it? A. I did sign it.

MR. BOSTWICK: That is all.

MR. STEUER: Let me have that paper.

MR. BOSTWICK: No, sir. I ask that the paper be marked for identification.

(Same marked People's Exhibit 48 for identification.)

MR. STEUER: I ask for People's Exhibit 48 for identification.

THE COURT: You may have it.

MR. BOSTWICK: Under the objection of the District Attorney.

THE COURT: I shall apply the same rule as I did on

Exhibit 41.

MR. STEUER: I want to know who printed on here "Greenspan, liar."

MR. BOSTWICK: That is not part of the paper.

MR. STEUER: Why did you have it marked? I am going to have this thing done, sane way now.

RE DIRECT EXAMINATION BY MR. STEUER:

Q. Did you ever write "Greenspan, liar" on any paper? A. No, sir.

MR. RUBIN: Ask him if that was on there when he signed it.

MR. STEUER: I will ask you something before you get through.

MR. RUBUH: Ask it now.

MR. STEUER: I will ask it now.

MR. BOSTWICK: If Your Honor please I don't think this is proper.

THE COURT: Now proceed with the interrogation.

MR. BOSTWICK: I don't think that it is proper that a paper which is annexed to an exhibit which is marked should be in the hands of Counsel for the defendants, -- the private memorandum of the Counsel; and I ask --

MR. STEUER: If it is private memorandum, why did you give it to the stenographer to be marked?

MR. BOSTWICK: Because it was attached to it at the time the instrument was marked for identification; and it

was handed to you without being handed back to the District Attorney. I don't think His Honor ordered that memorandum that might be attached to the Exhibit also to be handed to Counsel for the Defendant.

THE COURT: When you handed a paper to the stenographer to be marked as an exhibit for identification, the Court assumed that that which you handed to him in its entirety was entitled to be marked as the exhibit for identification; and applying the rule that I applied in the case of exhibit No. 41, I directed the stenographer to hand it to Mr. Steuer as proper for the defendants.

MR. BOSTWICK: May I also inform Your Honor that when the District Attorney handed the paper to the stenographer for marking he held the paper so as to exclude the memorandum that is attached thereto, and had the stenographer mark it on the first page. That would be true in that case, but the memorandum was turned over so that the document itself should be marked on its first page.

THE COURT: It will be understood that the first page forms no part of the exhibit as marked for identification.

MR. STEUER: They can detach it if they like.

THE COURT: It may be detached.

(Paper referred to removed from Exhibit 48 for identification.)

MR. STEUER: I want it marked for identification though.

(Said paper marked Defendants' Exhibit J for identification.)

Q. Mr. Greenspan, I want you to say in answer to my questions yes or no. I ask you whether Mr. Bostwick or Mr. Rubin or anybody in the District Attorney's office ever asked you this question and did you make this answer: "Q. Was it always kept locked? A. During the days it was locked. Q. It was always kept looked? A. There was a lock in it. Q. Do you know whether you unlocked it or not? A. No, I don't remember." Now the question is did Mr. Bostwick ask you those questions and did you make those answers? A. Will you read that again?

Q. I will ask them one at a time so as to get it easier. A. All right.

Q. Did Mr. Bostwick ask you this question first: "Did you lock it? A. No."? A. No.

Q. The question is did he ask you that and did you say that? A. Whether I locked the door?

Q. "Did you lock it?"

THE COURT: You are not asked Mr. Witness whether as a matter of fact you locked the door. You are only asked whether at a certain time you were asked that question by Mr. Bostwick and whether at that time you made that answer. You understand me?

THE WITNESS: No.

MR. STEUER: Will I try Your Honor to make it clear?

THE COURT: Yes.

Q. Now Mr. Greenspan you went to Mr. Bostwick's office one day? A. Yes, sir.

Q. And you went inside of his office? A. Yes.

Q. And somebody asked you questions when you were in that office? A. Yes, sir.

Q. And they asked you more than one question didn't they? A. Yes, sir.

Q. Now I ask you whether one of the questions that they asked you that day in Mr. Bostwick's office was this: " Q. Did you look it"? A. No.

Q. You mean that you were asked that question or was not that question asked, were not you asked that question when you were in Mr. Bostwick's room? A. What did I look?

BY THE COURT:

Q. Well, when you were inside Mr. Bostwick's room, did he ask you that question? A. I don't remember.

Q. Your answer is that you don't remember? A. Yes, sir.

MR. STEUER: Well I offer people's Exhibit 48 for identification in evidence.

THE COURT: Allow me to look at it. (Document handed Court)

MR. STEUER: While you are reading that, Judge, may I make a suggestion: I think perhaps we could get him to understand the situation with relation to whether he was asked these questions or not through an interpreter.

THE COURT: I think possibly we could, yes.

(Interpreter sent for.)

Mr. BOSTWICK: Your Honor, we not only consent that that go in evidence, but offered it for identification under Judge Werner's ruling that if the Counsel for the Defense makes any objection — why we certainly make no objection to its going in evidence.

MR. STEUER: We not only don't object but I offer it in evidence.

THE COURT: Well in this instance, unlike the case of the other exhibit, which under similar circumstances I did not receive, there don't appear to be erasures upon this, — changes. I will receive it.

(Same received in evidence and marked Defendant's Exhibit K.)

MR. STEUER: This paper is headed "Statement of William Greenspan, taken by Assistant District Attorney Bostwick --

THE COURT: I take it Mr. Steuer that all you want is the typewritten matter?

MR. STEUER: That is all I am reading, Judge.

"Statement of William Greenspan taken by Assistant District Attorney Bostwick, in his office, March 31, 1911."

Across the face of it is some lead pencil writing. The typewritten matters are as follows:

"Q. What is your name? A. William Greenspan.

"Q. Where do you live? A. 156 East 112th Street.

"Q. How long had you been working for Harris & Blanck? A.

three years.

“Q. What floor were you working on? A. Ninth floor.

“Q. What were your duties? A. Machinist.

“Q. Whereabouts did you work on the ninth floor? A. I kept charge of the machines on the ninth floor.

“Q. Look here, now (Showing Diagram), there is the Greene Street side and that is the Washington Street side here (Indicating). Now here are two elevators, and there's the two stairways on the Washington side. Now where were you working? A. What do you mean?

“Q. Where did you work on Saturday, what part of that floor? A. I was all over the floor, I had charge of the machines.

“Q. You go all around? You had the same position on the ninth floor that Brown had on the eighth floor? A. Yes.

“Q. Where were you when you first heard anything about the fire? A. I was in the dressing room.

“Q. What dressing room? A. On the Washington Place side.

“Q. Right over here (Indicating on Diagram)? A. Yes.

“Q. In the little comer back of the toilets? A. Yes, near the washtub.

“Q. Near the wash stand? A. Yes.

“Q. Well, the wash stand is — A. Between the two toilet doors there was a wash stand.

“Q. Out here between the two toilet doors (Indicating)? A. Yes, on the Washington Place side. And right where that

wash stand was, went right into the dressing room.

“Q. Where was the radiator? A. Radiator of what?

“Q. Wasn't there a radiator there? This is the dressing room (Indicating) Was there a partition in front of there all the way across? A. There was a partition right where the dressing room is and from that dressing room leads a very narrow space to the motors.

“Q. How far back did that narrow space go? Could you walk all around there? A. To where?

“Q. That is the toilet, isn't it? (Indicating) A. Yes.

“Q. This is a toilet (Indicating)? A. Yes.

“Q. That is a wash stand (Indicating)? A. Yes.

“Q. There is a door to the toilet? A. Yes.

“Q. And a door to the toilet (Indicating) A. Yes.

“Q. Now, how did you get into this room (Indicating) A. There was a door by the toilets and the other door by the Washington Place side.

“Q. There was a little passageway back of the toilets where they hung their hats and coats? A. No, right on the same wall where the toilet was, there was a dressing room.

“Q. You know where the Washington Street stairway is? A. Yes.

“Q. As you come in from the stairway, right next to it is a cloak room, isn't it? A. Cloak room.

“Q. Yes; now when you come in there is a door. What do

you find just as you come in from the stairway? A. Nothing from the stairway; there is a little partition.

“Q. Doesn't that include the stairway too? A. No.

“Q. You come up from the stairway and come in through that door, and here is a dressing room to the right, and then comes next to the dressing room a toilet, is that right? A. No, that is on the other side.

“Q. Between the toilets and the wall there is a long, narrow space with hooks in it? A. There is a narrow space, yes.

“Q. Now if you started to come in that space, could you go all the way across? A. No, you had to come back.

“Q. You couldn't go out this side behind the toilets where the electric light was? A. You had to go back again.

“Q. If you started into the dressing room the partition stopped you, didn't it? A. No, there was no partition.

“Q. Well we'll say here you come into the dressing room (Indicating) and there is the electric switches back there, see? You went — how far there could you go? Could you go way around there and come out again on this side? A. No, you had to turn back.

“Q. There was a blind alley? A. Yes.

“Q. You were in that dressing room when you heard the cry? A. I just went in to start to dress myself.

“Q. How did you know there was a fire? A. I heard all the girls holler and running out. I ran out and went right

away to the Washington side. When I walked out from the dressing room I saw the flames coming from the yard where the fire escape is. All the flames coming up and I understood there is a fire, but I didn't know where there is a fire so I went over to the Washington side. There was a crowd over there. The first thing I opened the door.

"Q. What door? A. The Washington side.

"Q. The door going down the stairs? A. Down the stairway.

"Q. Did you unlock the door? A. I don't remember.

"Q. There was a key in the door? A. Yes.

"Q. That door was locked? A. I don't remember. I ran and opened the door.

"Q. You say that that door was locked? A. Yes.

"Q. Did you unlock it? A. No, I don't remember that. Maybe somebody else unlocked it before. I had the doorway open.

"Q. Was it closed when you went to it? A. Yes, it was shut.

"Q. Was there a lot of people in front of it? A. I don't know. I seen the elevator going down and there was a big crowd on the elevator and I saw there was so much smoke and soon the place got dark, you couldn't see anything, so I went and opened that door, the flame and smoke come right in front of me, so I had to shut that door again.

"Q. Did you lock it? A. No.

"Q. Was it always kept locked? A. During the days it

was locked.

“Q. It was always kept locked? A. There was a lock in it.

“Q. Do you know whether you unlocked it or not? A. No, I don’t remember.

“Q. Did you go down that way? A. No.

“Q. Did anybody go down? A. No.

“Q. You know it was closed when you went over there? A. No. It was closed when I went there.

“Q. Was there anybody there? A. It was in a very bad condition that we couldn’t do nothing.

“Q. What do you mean? A. Closed up by smoke right away.

“Q. Was there anybody around that door when you came there? A. When I ran there there was people, I seen one elevator man going down from the Washington side with a car of people, and the flames landed all around.

“Q. Yes, now look. When you went over to that Washington Street side, what did you see? Did you see any people in front of the elevators? A. Yes.

“Q. How many, a big crowd? A. A crowd.

“Q. Did you see any people in front of the doorway? A. Yes.

“Q. Were they jammed against the door? A. I don’t know. When I ran out from the dressing room, when I ran I seen the elevator going down. Then I turned and opened the door wide open but smoke and flames come right beside me.

“Q. There were some girls there, weren’t there? A. I don’t

know.

“Q. There were a lot of people around there when you opened the door? A. When I opened it there was a crowd near the elevator.

“Q. Wasn’t a crowd near the door? A. I don’t know.

“Q. Was there anybody up against the door when you opened it? Was there anybody by the door like that (Indicating by office door)? Or was there anybody by the door and some by the elevator too? A. I can’t remember. There was a crowd.

“Q. There was a crowd around there? A. Around the whole place.

“Q. Around the door and elevator? A. All over.

“Q. Did you have to push anybody aside to get to the door? A. I don’t know.

“Q. You were way inside? A. The flames came and I went over and I wanted to jump down through the window myself and as soon as I went over to the window that window went on flames.

“Q. Then you went back to the Washington door? A. No, I ran out to the roof from the Greene Street side.

“Q. Wait a second. Now after you got out of the dressing room you went around and saw this big crowd at the elevator and saw the elevator going down. And you went to the door and you don’t know whether you opened that lock or not. A. Yes.

“Q. And you saw the smoke and flames and closed it again? A. Yes.

“Q. Then you went to the window? A. No, then I ran back to the toilets.

“Q. Back to the dressing rooms? A. Yes, all flames round, and then I ran out to the Greene Street side.

“Q. And went up to the roof? A. Yes.

“Q. Did you see anybody going down the fire escapes then? A. No, I didn't see anything because it was full of flames and smoke.

“Q. All you did was go to the toilets. Did you do anything in the toilets? A. No, they were full of smoke.

“Q. And then you ran to the Greene Street stairway and went up to the roof? A. Yes.

“Q. Did you see anybody there that you remember on the ninth floor? Did you see any girls that were subsequently burned? A. Yes. one girl, Annie Nicholas.

“Q. Is she dead? A. I think so.

“Q. Where did you see her? A. By the Washington Street side by the elevator. I left her there. I ran; I didn't know where to run.

“Q. And she is now dead? A. I think so.

“Q. Do you know whether her body has been found? A. I don't know. I saw in the paper that she is dead.

“Q. Anybody else that you remember? Do you know Jake Klein? A. I know Jake Klein, but I didn't see him there.

“Q. That’s all you remember is it? A. That’s all.

“Q. Did you talk to anybody about this case? A. No.

“Q. Did you talk to Mr. Bernstein? A. Yes.

“Q. Did he tell you that he was glad you closed the door? A. No.

“Q. Did anybody ask you if you closed the door? A. Only the fire marshal, and I told him I didn’t remember if I unlocked the door or not.

“Q. The door was always kept locked, though? A. It was locked. But I don’t know that day if somebody opened it before, that day.

“Q. When they closed work at night, the people all had to go out the Greene Street entrance, didn’t they, through the freight elevators? A. The freight elevators.

“Q. And who was it that stood there and examined their handbags and parcels, who looked at the bags as they went out to see whether they had taken anything or not? A. This was nothing to do with me. I only was the machinist. I shut off the power.

“Q. Did you ever see anybody do that as the girls went out? A. There was a watchman, . don’t know his name, his first name was Nathan.

“Q. Nathan Zeller? A. I don’t know.

“Q. He was the one that used to do that? A. Yes.

“Q. Did you ever see him? A. No, I didn’t see him. He only stood there as they went out.

“Sworn to before me this 4th day of May, 1911,. — William Greenspan. ~ James Sheridan, Commissioner of Deeds.”

Q. Do you know what it is that I just read to the Jury? A. You read a statement.

Q. Which statement? A. This one here that you not in your hands.

Q. Well now, do you know what that statement is supposed to be.? A. I don't know — supposed to be what I said to the District Attorney's office.

Q. Yes. Now I ask you if you remember on the day when you were there to call -- question withdrawn. Did you sign that paper on the day that you were there? A. The first day.

Q. Yes. A. I think I was twice there.

Q. Do you remember how long it was between the day that you were there and were asked the questions and the day that you signed the paper? A. I don't know; I don't remember.

Q. Now here it says that you were asked questions on the 31st of March 1911 and —

MR. BOSTWICK: If Your Honor please I object. The paper speaks for itself. It is in evidence.

THE COURT: I understand Mr. Steuer is reading from the paper.

MR. STEUER: “Statement of William Greenspan taken by Assistant District Attorney Bostwick in his office, March 31, 1911.”

MR. BOSTWICK: So far as he reads from the paper, that is

perfectly agreeable.

THE COURT: Proceed Mr. Steuer.

Q. Now here it says that these questions were asked of you and that you made these answers to Mr. Bostwick on the 31st of March, 1911. A. Yes.

Q. It says here that on the 4th day of May, 1911 you swore to this paper. Will you tell me please everything that you can that anybody said to you on the day when you signed this

Q. When you signed your name here on this sheet (Indicating). A. Yes.

Q. Tell the Jury what was said to you by anybody? A. They asked me -- I do not know -- they asked me whether I opened the door and I said I had opened the door and it came in, the fire; I wanted to run down to that stairway. Then was asked a question whether the door was usually kept locked and I said "I don't know anything about it." Then was asked the question to me whether I passed through that door. I said "Yes, a lot of times passed through that door in the summer time, and the door was wide open."

MR. BOSTWICK: If Your Honor please I understand the rule of this State of New York to be — as erroneous as I believe it to be — that a document in these cases becomes primary evidence; and I think I pointed out to Your Honor that ever since the Queens case which was repudiated in England, that doctrine has been adhered to in the State of New York. And although as erroneous as I believe it to be it now stands being upheld by the Court of Appeals as

prima facie ~ the document. That is that the document is the best proof of what was said and cannot be supplemented by the oral statements of the witness.

THE COURT: It has not appeared here that this paper was read to this witness or that he read it.

MR. BOSTWICK: I ask Your Honor to ask the stenographer to read his admission on this stand that he read it before he signed it and swore to it.

MR. STEUER: He said he was reading and reading Your Honor.

THE COURT: That was by recollection of it.

MR. BOSTWICK: May we have the stenographer's record read.

(The stenographer turned back and read as follows: "You were told to read every word of it? A. I was reading. Q. And you did read every word of it, didn't you? A. Well, yes. Q. And then you signed your name to it?")

THE COURT: I remember what followed that.

Q. Can you read these papers? A. I can read some part.

Q. Some parts? A. I can read. This was handed over to me and they say "Can you read English?" I say "Yes, I can read"; and so I looked around and started to read it and after, they told me to sign it.

Q. What did they tell you? A. To sign my name to it.

Q. Had you read every page of it when you signed it? A. No, not exactly; I read it quick because there was a lot of

witnesses at that time.

Q. There was a crowd of you there, down together to sign? A. No, there was a lot of people you know, and they only gave me, I should read this over and sign my name to it.

MR. BOSTWICK: Your Honor if he is allowed to impeach this witness' own statement under the signature, I think that the stenographer should be called and sworn.

THE COURT: I am going to give you every opportunity; but I am going to hear this man now, what he says as to the circumstances under which he put his name there.

Q. Now you tell the Jury exactly what happened when you put your name there? A. I signed my name and I went home.

Q. After you signed your name did anybody then come to you and ask you whether you had read it over? A. No.

Q. Did anybody ask you then whether the questions and answers that you had read over were true or not? A. No.

Q. Did anybody talk to you about it or not? A. No.

Q. Do you know any person by the name of James Sheridan? A. No.

Q. Do you know what is meant by a Commissioner of Deeds? A. No.

Q. Do you know what is meant by an affidavit? A. No.

MR. BOSTWICK: Now, if Your Honor please the Counsel for the defendants offered this document in evidence.

THE COURT: My recollection is that Counsel on both sides vied with each other in offering it.

MR. BOSTWICK: That is true, sir.

THE COURT: And I receive. it.

MR. BOSTWICK: And he has now been permitted to impeach the execution of it.

I know it is improper that I should ask this witness questions to the same effect, but I think that I should be permitted to as he has been permitted to do it.

THE COURT: Of course I will allow it, I will allow you to interrogate this witness respecting the circumstances under which he put his name to it; and I will allow you to call any other witness who can testify as to what transpired upon the occasion, and I would have preferred if that had been done before the paper had been received but it was not.

RE CROSS EXAMINATION BY MR. BOSTWICK:

Q. Do you know where you were when you put your signature to this paper? A. Yes.

Q. Where? A. In the office.

Q. What office? A. Down in your office.

Q. In my private office? A. No, it says — I don't know whether it is your private office.

Q. Can you describe the office? What floor is it on? A. I don't remember; I think it is on the 5th floor, or 4th floor.

Q. Did it have names on the door? A. Yes, it says "District Attorney Bostwick."

Q. Did you sign that in that office? A. Yes, sir.

Q. And did somebody go with you to some other place after you had signed that? A. No.

Q. Did you see the man write his name, James Sheridan?

MR. STEUER: Answer.

A. No.

Q. You didn't see him put his name there? A. No, I signed my name and I went out.

Q. And you didn't go before any Commissioner of Deeds and sign your name? A. No.

Q. And do you know where Mr. Koenig's room is? A. No.

Q. Did you go to Mr. Koenig's room? A. No.

Q. You never saw Mr. Koenig? A. No.

Q. Did you see a gentleman that was rather short with glasses? A. I don't remember.

Q. Was there anybody present when you signed this? A. I think Mr. Rubin told me to sign it.

Q. Mr. Rubin. Did Mr. Rubin put his name to it? A. I didn't see it.

Q. Well do you know who was present? A. I think you were there and Mr. Rubin was also there. You both was there; you told me I should sign it and I signed it and then I went out.

MR. BOSTWICK: I ask to withdraw this witness and call Mr. Kestenbaum.

MR. STEUER: I make no objection Your Honor, call anybody they like.

THE COURT: All right, the witness is withdrawn by consent.

HARRY KESTENBAUM, a witness called on behalf of the people, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. I show you this Exhibit No. 48 for identification and Defendant's Exhibit K and ask you if you remember seeing that paper on May 4, 1911 (Handing paper to witness)? A. I do.

Q. And do you remember seeing William Greenspan on that date? A. I do.

Q. Where did you see him? A. I saw him on the third floor in the office of Mr. Koenig.

Q. And did you see where Mr. Greenspan signed that paper? A. I did.

Q. State the circumstances under which he signed it and what was done thereafter. A. I asked Mr. Greenspan to read it through very carefully; and he went out in the hall and sat down on a bench and read it through; and after had read it through I asked him whether he read it and he said yes. And then he was sworn to it by one of our commissioners, one of the notaries in our office.

Q. Did you see Sheridan swear him to it or not? A. I did.

Q. And that was May 4th? A. It was.

Q. Was Mr. Rubin or I present at that time? A. No, sir.

CROSS EXAMINATION BY MR. STEUER:

Q. Isn't it a fact that from the beginning of this thing

that Koenig was associated with Rubin and Bostwick in the preparation of this case? A. It is not the fact.

Q. And isn't it a fact that Koenig made his headquarters and office with Mr. Bostwick at that time? A. For a short while.

Q. Will you swear that in the month of May Mr. Koenig did not make his office with Mr. Bostwick in his room, May, 1911? A. Not his office; he came up there to do part of our work.

Q. Will you swear that I did not personally see Bostwick and Rubin and Koenig in the early part of May, 1911 in Bostwick's room? A. I don't know who you saw or what you did.

Q. Did you see me there in the early part of May, 1911? A. I did not, sir.

Q. Don't you know that the only place you could find Mr. Koenig in May 1911 was in Bostwick's room? A. I don't know that to be the fact.

Q. Don't you know that the greater part of his time he spent with Bostwick in Bostwick's room? A. I know he did a part of his time.

Q. With Mr. Koenig? A. Yes, sir.

Q. A greater part of the time? A. Not the greater part, but a part of his time.

Q. In Bostwick's room? A. Yes, sir.

Q. You had a whole lay out in Bostwick's room in connection with this case? A. Yes, sir.

MR. RUBIN: Mr. Bostwick.

MR. STEUER: Mr. Bostwick, yes, Mr. Stenographer put

Mr. before Bostwick's name back there every time.

Q. In Mr. Bostwick's room? A. Yes, sir.

Q. And the witnesses were brought in there? A. They were.

Q. And that is where they were shown the diagrams? A. Yes, sir.

Q. That is where the pictures were? A. I don't know what pictures you refer to.

Q. The pictures in this case, they were taken at that time. A. I don't remember we had any at that time.

Q. Don't you know that the affidavits show that you showed pictures to the different girls? A. We didn't have them until three or four months after that examination took place.

Q. Did you have a diagram? A. We had a rough sketch.

Q. Just a rough sketch? A. Very rough.

Q. Didn't have the diagram? A. No, not the final form.

Q. But all you had was a rough sketch? A. Yes.

Q. In May, 1911? A. I think so.

Q. Don't you know on the tenth of April, 1911 Whiskeman produced it before the Coroner's jury and swore to it and identified it, the diagram exhibit 2 in this case? A. I guess he did.

Q. What is that? A. Well, a rough draft.

Q. I am speaking not of the rough draft, I am speaking of People's Exhibit 2 in this case. A. This has just been worked up lately.

Q. Do you tell this Jury that Whiskeman didn't have that diagram itself with Mr. Moore before the Grand Jury -- before the

Coroner's Jury, on the 10th day of April, 1911? A. Not this identical one, no.

Q. Did he have one exactly like it? A. Not exactly like it.

Q. What was the difference between the two? A. Something like it, he had the outline of it.

Q. Was it drawn on cardboard like that (Indicating)? A. No, sir.

Q. You are sure about that? A. Positive.

Q. Did he point out to the Grand Jury on a cardboard of the same else — I didn't mean Grand, I meant Coroner's Jury, that he had prepared it on a quarter inch scale? A. I don't know what he did about any scale; all I know is he had a rough draft which he worked up with the — with his associate, and that is the rough draft he had.

Q. Don't you know that Mr. Moore testified on this trial that they were busy during the night getting the diagram ready for the Coroner's Jury? A. I don't know what he testified to.

Q. Now you say that Whiskeman did not produce that diagram do you?

THE COURT: Mr. Steuer we are travelling I think far afield.

MR. STEUER: I have got a right to test this man. This

man comes in and picks out an affidavit from all this bunch

and remembers it was May 4th, 1911. I submit to Your

Honor I am a little far afield and I may take him far

afield to show what his general recollection is.

THE COURT: Well there is a wide latitude is cross examination, but that is coupled with the additional rule: The extent of it is somewhat in the discretion of the Court and you have almost reached the limit.

Q. Well now, I want to ask you: Is it or is it not the fact that on the 10th day of April, 1911 in the Coroner's Court, James T. Whiskeman was shown by Mr. Rubin a diagram, and did he ask him this question: "I show you diagram marked "Ninth floor" and ask you if that is a correct diagram of the ninth floor of the Asch building?"

MR. BOSTWICK: I object, unless the witness was in the Coroner's Court and knows whether that question was put and answered and if so he may very well answer it.

THE COURT: Sustained. If you know.

A. I was working in Mr. Bostwick's room at the time the Coroner's inquest was going on.

Q. Do you say you were not present at that time? A. I was not.

Q. At no time? A. For once or twice for about five minutes.

Q. You were not present while Whiskeman testified? A. I was not, sir.

Q. Well now, do you remember when each witness swore to the affidavit that the witness swore to in Mr. Bostwick's office? A. Yes, sir; I remember pretty nearly all of them that did.

Q. Do you remember the dates on which they made their respective affidavits? A.

Not the dates; I have seen them more than once.

Q. Well now, I ask you about the dates, not when you had seen them. Do you remember the dates on which these different witnesses swore to their affidavits? A. More than half were sworn to on the same day.

Q. And what date was that? A. The affidavit will show what date it is.

Q. Don't you remember it? A. Not off hand, no.

Q. Why don't you remember it, a moment ago -- don't you remember — didn't you remember it a little while ago? A. Yes, I remember it very distinctly in this case because I know this man.

Q. Don't you know the others, yes or no? A. Yes, I know all of them.

Q. Just the same as you know him? A. Well, I know him better because he has been down at our office I think -- well he was down on one occasion to tell us something and I saw him in private and I remember him very distinctly.

Q. Didn't you see every one of the witnesses? A. Pretty near all of them.

Q. You have seen every one of our witnesses since they have been down here haven't you?

A. Down here?

Q. Yes. Haven't you been bringing tales as to what they were saying outside and to whom they were talking? A. No, sir.

Q. Who did? A. I don't know.

Q. You mean to say that you didn't go to the room every day in which our witnesses were since they have been down here

MR. BOSTWICK: Now, if Your Honor please I think this cross examination has reached long beyond the limit.

THE COURT: No, I don't think that; but I think it has now reached the limit.

MR. STEUER: May we have this one question answered Your Honor?

THE COURT: He may answer this one.

A. What is it.

Q. (Repeated by the stenographer) A. Only to get a glass of water for Mr. Bostwick.

Q. And you always went to the room where our witnesses were?

A. This room where they are, that same room.

Q. That is where you went to get the glass of water? A. Yes, sir, each time I went to get a glass of water I passed through that room.

Q. The first day they were not in the same room were they? A. I don't know where they were the first day.

Q. Didn't you see them all? A. No, sir.

RE DIRECT EXAMINATION BY MR. BOSTWICK:

Q. These diagrams that have been used in this case were not completed until the month of November, so far as you know were they? A. So far as I know, yes, sir.

Q. You never saw them before November? A. These identical

ones.

Q. These diagrams that are now being used. A. I did not.

Q. And you did see them fire, in November or December? A. I did, yes, sir.

Q. I show you that card and I ask you if that memorandum of the date upon which William Greenspan swore to his statement was made by you? A. It was.

Q. And did you put it there upon the date that William Greenspan swore to that statement? A. I did.

MR. BOSTWICK: Mark it for identification. (Same marked People's Exhibit 49 for identification.)

Q. Were you present when William Greenspan gave this testimony to me in my office on March 31, 1911? A. I was; because the card will show that. While they were examined -- at the same time they were examined I made out a card just who was there and who they were examined by and that is how I know whether or not they were present at that time.

MR. BOSTWICK: That is all.

WILLIAM GREENSPAN, resumes the stand.

THE COURT: Are both sides through with this witness?

MR. STEUER: I am.

MR. BOSTWICK: I would like to have James Sheridan called, and see if he can identify the man.

THE COURT: Very well.

MR. STEUER: If James Sheridan is going to identify him, let us sit Greenspan in the centre of the room.

THE COURT: I want to see whether Greenspan can identify Sheridan as the man who has sworn him in.

MR. STEUER: Your Honor if they are going to have Greenspan identified by him, let him be placed in the centre of the room and have Sheridan come in and identify him.

MR. BOSTWICK: There is no pretense if Your Honor please that Mr. Sheridan can pick out this man.

MR. STEUER: That is what they were going to bring him in for.

MR. BOSTWICK: We have brought Mr. Sheridan for no such purpose. The absurdity of it is on its face.

MR. STEUER: I agree the absurdity is on its face but that is what you were going to do when you sent for Sheridan.

MR. BOSTWICK: Send in Sheridan.

(A man comes into the room and comes to the Bar.)

BY THE COURT:

Q. Do you remember ever having seen that gentleman who stands there by the gate, before? A. What?

Q. Did you ever see him before? A. I don't think so.

Q. Do you remember on any occasion his swearing you to a paper? A. No.

Q. Did you see him at the time you wrote your name to this paper? A. I don't think so Your Honor.

Q. You don't remember him? A. (Witness shakes head.)

THE COURT: Your name sir, is what?

MAN AT GATE: James Sheridan.

MR. BOSTWICK: I call James Sheridan.

THE COURT: That is all Mr. Sheridan.

MR. BOSTWICK: I would like to call Mr. Sheridan.

THE COURT: Not at this stage.

MR. STEUER: I have no objection to his being called.

THE COURT: I have. Are you through with this witness?

MR. STEUER: Yes, sir.

THE COURT: Step down, sir (Addressing witness).

ROSE ROSENFELD, a witness called on behalf of the
defendants, being first, duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. STEUER:

Q. Where do you reside? A. 900 Union Avenue, Bronx.

Q. Now talk out over this way Miss Rosenfeld. A. All right.

Q. Where do you work? A. I work at the Triangle Waist Company.

THE COURT: You will have to try to talk a little louder than that Madam, they
can't hear you. A. (Continuing) I work for the Triangle Waist Company.

Q. How long have you worked for them? A. I worked two years.

Q. And what do you do? A. As an operator.

Q. Louder, over to that gentleman there please. A. I was an operator, worked two years for
the Triangle Waist Company.

Q. And what floor did you work on? A. I worked on the ninth floor.

Q. Where was your machine? A. A long time it was by the Washington Place side, and after, I was sitting on the Greene Street side.

Q. And where were you sitting at the time of the fire? A. At the tire of the fire I was sitting on the Greene Street side.

THE COURT: Can you hear her over there (Addressing the twelfth Juror)?

THE TWELFTH JUROR: Slightly, could she not talk a little louder.

Q. On the day of the fire you were sitting on the Greene Street side, is that right? A. Yes, sir.

Q. Don't shake your head, say something. A. I said yes.

Q. What was the first thing that you knew about that there was any fire. A. I heard a scream from a girl that the fire was on our floor.

Q. What did you do? A. I just was on the way to go to the Washington Place side; of course I saw that everybody was running that way; and I dropped my book there, another girl pushed me down and I don't know how, I went to the Greene Street side out.

Q. Is that all you know about it? A. That is all I know about it.

THE COURT: Any cross examination?

MR. STEUER: I am willing to withdraw the witness.

MR. BOSTWICK: I would like to cross examine the witness.

MR. STEUER: Go right ahead.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Did you ever use the Washington Place door on the Greene Street side? A. Yes.

MR. STEUER: You used the Washington Place door on the Greene Street side.

Q. I beg your pardon, did you ever use the Washington Place door leading to the stairway?

A. Yes, I did.

Q. When? A. I don't remember the time.

Q. Where were you going? A. Going to the eighth floor.

Q. What? A. To the eighth floor.

Q. And upon that one occasion in what condition was the elevator. A. What did you say?

Q. Upon that occasion — at that time what was the condition of the elevator. A. I don't know what you mean; I don't know well how to talk well.

Q. What language do you speak? A. German, Polish, Jewish.

MR. BOSTWICK: Ask that question please Mr. Interpreter

A. (Through interpreter) What do you mean, how the elevator was?

Q. Was it in order or was it broken down? A. (Without interpreter) It was sometimes broken but another reason that I went out just as I said before; and sometimes the elevator was all right, I felt like to go down to the stairway.

Q. What I ask you is this: The only time you went through the Washington Place door was the elevator broken down" A. Yes--

MR.. STEUER: I object to it on the ground that that assumes that she said "one time".

THE COURT: Sustained.

Q. Did you ever go through the Washington Place door more than once? A. More ~ sure I did more.

Q. Did you ever see that door open at any other time? A. Yes, I did.

Q. Was that door used? A. That door was used.

Q. I show you this paper and ask you if that is your signature to it? A. Yes, sir, this Judge Koenig -- Mr. Koenig forced me to do it, and I didn't want to do it, but I could not talk English on that time and I ask him to explain site every sentence what it was; he gave me the words, I can't read.

Q. So you signed it because Judge Koenig made you do it, is that it? A. That is it.

MR. BOSTWICK: That is all.

NATHAN SALUB, a witness called on behalf of the defendants, being first duly sworn,
testified as follows:

(Through Official Interpreter)

DIRECT EXAMINATION BY MR. STEUER:

Q. Where do you live? A. 116 Second Street.

Q. Do you work for Harris and Blanck? A. Yes.

Q. How long have you worked there? A. Altogether about four years.

Q. What did you do for them at the time of the fire. I mean while you were working, the period prior to and up to the day of

the fire. A. I was a watchman.

Q. What kind of a watchman, day or night? A. Night.

Q. What time did you come to work? A. I used to come to work at a quarter of six.

Q. Tell the Jury just what you do from the time you come to work until you quit? A.

When I come at a quarter of six I take the keys from Mr. Alter.

Q. What keys do you take? A. From the Greene Street door and elevators Washington Place.

Q. What did you do then after you took the keys? A. I used to wait until all the working people had left and then I used to lock up everything.

Q. Now tell the Jury exactly what you used to lock up? Where you used to start and to the places you used to go. A. I used to lock up all the doors with the exception of Washington Place door because there was a key in the door.

MR. STEUER: (Addressing Interpreter) I beg your pardon, will you get his answer and give it to us again.

THE INTERPRETER: There was a key in the door.

MR. STEUER: Will you please get his answer and then interpret it, Mr. Rosenthal.

THE COURT: Read the question to him again.

A. When I came to work I got the keys from Mr. Alter; and I waited until all the people had left. When all had left I locked all the doors.

Q. I want you now to name specially each door that you locked

and the turn in which you locked it or order in which you looked it. A. Some times I used to lock the doors on the Greene Street side first, and sometimes the door in the other side first.

Q. I want you to tell the Jury please each door that you did look on each loft. A. I locked the Washington Place elevator doors too; afterwards I locked the Washington Place door, there was a key and I locked it; the key was inside, tied with a little rope to the door and I locked the door; then I —

MR. STEUER: Did he say “rope” Mr. Rosenthal?

THE INTERPRETER: String the witness says.

MR. STEUER: That is it, let us have what he says, not what it means.

THE INTERPRETER: That is what I am saying Mr. Steuer.

Q. String. All right. A. It was a piece of ribbon, string. I found once that the string was broken, and I picked up from the floor a piece of ribbon like, and I tied it to the key.

Q. What did you do after you locked the Washington Place door? A. Afterwards I went to the Greene Street and I used to shove something on the elevator and then I locked this --

Q. He said down and up. A. Up and down.

Q. What do you mean by up and down? A. There was a bolt below and I pushed it down so that it locked; and there was also a bolt up and I pushed it up so that it locked.

Q. That was the Greene Street elevator doors? A. Elevator.

Q. What did you do after you locked the Greene Street

elevator doors? A. Then I locked the Greene Street door. Then we went to the eighth floor and there we started to clean up the floor. After we had finished cleaning there, then I locked up everything the same as before. Then I went to the ninth floor. And there we finished about three or four o'clock in the morning, and I remained there until the morning; and then half past seven I unlocked all the doors -- unlocked all the doors.

Q. Now I want you to tell the Jury on each of the floors, the ninth and eighth -- first, let me ask you did you have anything to do with the tenth floor? A. No.

Q. Will you tell the Jury please, what doors in the morning you unlocked? A. All the doors; the way I locked them, just the same way I unlocked them.

Q. Were you in this place of business of the defendants at the time when there was this fire of the 25th of March, 1911? A. Yes, I was there.

Q. What did you do with the keys to the Greene Street door in the morning after you had unlocked all the doors? A. I left the colored man who was working there, standing there until the foreladies came; and I went to the eighth floor and then I unlocked all the doors there at half past seven and then I myself waited there until the foreman or forelady came. Eight o'clock when they came or perhaps a little later, then I went up to the tenth floor to Mr. Alter and I gave him the keys; and then I went home.

Q. Where were you when you first knew that there was any

trouble in the building on the day of the fire? A. I was on the ninth floor; I heard that there was screaming "There is fire". Then I ran towards the Greene Street side.

Q. Before you knew that there was any fire on the evening of the fire -- question withdrawn. What time did you go to work on Saturdays? A. Quarter of five on Saturdays when they want to stop, the rest of the week quarter of six, but Saturday I came a quarter of five.

Q. Now on this Saturday when the fire took place had you already locked the door on the Washington Place side when you first heard about the fire? A. No.

Q. Where were you standing or sitting, or what were you doing when you first knew there was a fire? A. I was standing near the door on the Greene Street side.

THE COURT: On what floor?

THE WITNESS: On the ninth floor.

Q. Now, what did you do when you first heard that there was a fire? A. I ran to the Greene Street steps; I saw a shipping clerk by the name of Ed. I saw him march down the girls telling them to get down. On the ninth floor there was a fire alarm and I ran towards it and I gave an alarm. Then I left that place and I looked how to go out. Then I saw that the girls were running back from the Greene Street side. I saw it was too late for me. Then I ran towards the windows.

THE COURT: Mr. Steuer, did anybody inquire where the telephone was on the ninth floor? What part of the loft?

MR. STEUER: I think not Your Honor.

THE COURT: He might tell us.

MR. STEUER: You have reference to the telephone and not to the fire alarm,
Judge ?

THE COURT: The one by which communication came down from the tenth to
the ninth floor.

MR. STEUER: I daresay that the girl Your Honor that attempted to sent the
message would be much more intelligent, but I will ask him if you wish me to.

THE COURT: No, it is not necessary. You intend to call that girl?

MR. STEUER: Yes. I thought she would be more intelligent on that subject.

THE COURT: Certainly.

A. (Continuing) Then I ran towards the Washington windows, I wanted to get out by the fire
escape; and I saw the fire was already at the windows; and I ran towards the Washington Place
windows; and I got outside, I saw the fire engines standing there.

Q. Just what do you mean when you said you got outside? A. I was holding on to the
window, and I was standing outside the window and I cried out they should save me. When I saw
noone was coming and from the second window the flame and the smoke had reached me already,
had scorched me, I went back to the shop.

Q. Then what did you do? A. Then I ran towards the Washington Place elevators which was
so much open — one elevator was a little open; and I got hold of the ropes and I slid down.

Q. Now what happened to you when you were sliding down? A. There was dark and I think I got down on top of people on the roof of the elevator.

Q. Where did they take you then? A. To the Hospital.

Q. What Hospital? A. On 11th Street, St. Vincent's Hospital.

Q. How long were you there? A. About two weeks.

Q. During the time that you were in the hospital did body come to see you from the District Attorney's office? A. Yes two people came.

Q. Did they ask you questions there in the Hospital? A. Yes they did ask me; but I don't remember what I said because my head was aching, my head was even stitched up.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. You have no recollection now of anything you said to the representatives of the district attorney while you were in the Hospital? A. No.

Q. What key did you carry Mr. -- what is your name? A. Salub.

Q. What keys did you carry as to the eighth, ninth and tenth floors?

MR. STEUER: I object to that, he has testified Your Honor that he carried nothing for the tenth floor, I asked him that question.

MR. BOSTWICK: This is cross examination

THE COURT: I will allow it.

A. From the eighth floor and the ninth floor but not from the tenth

Q. What keys did you carry from the eighth floor? A. From the two doors of the elevators on the Washington Place and the Washington place door there was a key inside tied to the door; and from the Greene Street side I had one key.

Q. Well now did I ask you anything about where the key of the Washington Place door was?

MR. STEUER: I object to it on the ground the question speaks for itself.

MR. BOSTWICK: I withdraw the question. You understand that I was asking you any thing about the Washington Place door? A. Yes.

Q. Didn't I ask you what keys you carried? A. Yes; I had two keys from the Washington Place elevators, and from the Greene Street door one key; and from the eighth floor just the same.

Q. Did I ask you anything, -- did you understand me to ask you anything about the keys you didn't carry? A. You mean from the Washington door?

THE COURT: Proceed Mr. Bostwick to something else.

A. (Continuing) I don't understand the question. I had keys from the front elevators from the eighth and ninth floors, and from the Greene Street side on the eighth and ninth floors; and the Washington Place door, there was a key in the door on the ninth floor tied to the door.

Q. You are sure there was a key in the Washington Place door on the ninth floor tied to the handle? A. (Without Interpreter) Positive sure.

Q. Well now you didn't understand &e to ask anything about the keys that you didn't carry did you?

MR. STEUER: I think Your Honor suggested we would leave that subject.

THE COURT: Yes, we will pass from that subject now.

Q. Will you tell us why you volunteered the information about the key in the Washington Place door? A. (Through interpreter) What shall I say?

Q. Well, did you see Mr. Fletcher outside today? A. Q. Did he tell you what to say? A. He need not tell me anything; I was there. Four years I was there and I saw the keys myself; watchman I was only one year.

Q. You were a presser before that weren't you? A. Yes.

Q. And when you were a presser, didn't you always go out the Greene Street door? A. Yes, all the time.

Q. You never went down the Washington Place door when you were a presser

MR. STEUER: If Your Honor please if he always went by the Greene Street way, now could he go by any other way.

THE COURT: I will allow the question.

A. I had no occasion to go there; it was more convenient for me to go down the other side, the Greene Street side.

Q. When the employees passed out of the tenth floor at night, who watched to see whether they had any bundles, or looked into the pocket books?

MR. STEUER: Do you mean the tenth floor?

MR. BOSTWICK: Yes.

A. I don't know.

Q. You have forgotten, if I understand you correctly, the statement that you made to Assistant District Attorney Koenig at St. Vincent's Hospital on April 6, 1911, have you not? A. I never had said that I was on the tenth floor, I was on the ninth.

MR. STEUER: He also said he looked at the pocket books. (Addressing interpreter)

A. (Continuing) I was looking at the pocket books on the ninth floor, not on the tenth.

Q. (Without interpreter) And you looked into the pocket books on the ninth floor? A. Yes.

Q. (Through interpreter) Was not this question put to you by Mr. Koenig, and didn't you make this answer: "Q. Before you went out they never searched you? A. All the men they did not search, but they examined the women"; and then this question and this answer: "Who examined them? A. A man by the name of Mr. Alter." Did you say that? A. I say the same thing now (After first part of question is interpreted to witness) then they didn't understand me what I said (After second half of question is put to witness).

Q. You had a pain in your head at this time, didn't you? A. Yes, my head was stitched up; I would not say anything that was not so.

Q. Then tell us whether Mr. Alter did not examine the people when they went out on the tenth floor?

THE COURT: You mean the tenth floor?

MR. BOSTWICK: The tenth floor. A. I didn't see; I don't know.

Q. Did you tell Mr. Koenig that he did? A. I didn't tell that to anybody because I didn't see It.

Q. Who did this on the ninth floor? A. I did.

Q. Who did it on the eighth floor? A. Not 1. Borne time before I was on the eighth floor and then I was put on the ninth.

Q. Do you know Joe Wexler? A. Yes.

Q. Did he do it on the eighth floor? A. He was standing on the eighth floor.

Q. Do you know Mr. Alter? A. Yes.

Q. What did he do on the tenth floor when they went home at night? A. I didn't see; I was at my work, not on the tenth floor -- could not be there.

Q. Now there was a lock on the Washington Place side was there not? A. On what floor.

Q. On the ninth floor. A. Yes.

Q. Was it opened or closed? A. I was working in the night time; I didn't see it in the day time.

Q. Now did you have the keys to the Washington Place door on the eighth floor? A. I didn't have it, but they was sticking in the door, tied with a string, and that string was tied to the knob.

Q. How long was the string? A. I didn't measure it; but It was long enough so that it could be opened and closed and

locked.

Q. What kind of a string was it? A. Sometimes it white, from the goods they were using there; and some times it was an ordinary string. Once the door. I saw the string was worn out, and I myself picked up a piece of white goods, a strong string, and I tied it to the door.

Q. Then you had the key in your hand, didn't you? A. Yes but I tied the string to it.

Q. What kind of a key was it? A. An ordinary key; I do not remember whether it was black or yellow.

Q. But you always knew it was in the door? A. Every day when I came, when I saw it in the door; if I hadn't found the key I would have informed the boss of it immediately.

Q. Did you ever try that door? A. Why would I try it in the night time; I looked it and in the morning I opened it. I didn't try it. Whatever I don't remember I would not say here.

Q. Do you remember Mr. Koenig coming to St. Vincent's Hospital to see you? A. I remember two men coming to me but I don't know who they were.

Q. Well do you remember when one of these men asked you this question and you gave this answer: "Q. Isn't it a fact that the door on the Washington Place side was locked and therefore you did not go that way and you had to take the Greene Street side? A. I never tried that way and I don't know whether the door was locked or open." Did you make that answer to that

question.

MR. STEUER: I object to that in that form, because it is evident from the context that this refers to the time when he was working as a presser and at that time he baa testified exactly the same way.

THE COURT: I will allow it, it is testing his recollection.

MR. BOSTWICK: That can be brought out by the redirect.

THE COURT: I will allow the question.

MR. STEUER: I except unless, may it please Your Honor the District Attorney reads two or three questions prior to that time and shows the period to which this question has reference. I object that you cannot pick out of the text of a whole statement one question so as to misrepresent time or place and thereby confound a witness.

MR. BOSTWICK: I agree with the Counsel for the defendants that you cannot pick out a statement and misrepresent; but I believe that either side can offer such portion as they think relevant to their case; and that either side can do what they wish to complete their case under the doctrine of verbal completeness.

THE COURT: I will allow the question.

MR. STEUER: I except to it Your Honor.

A. I don't remember that but I can tell you now why I didn't go to the door.

Q. No, I want to know whether you said that or not.

THE COURT: His answer is he don't remember.

Q. Is that because you had a pain in the head? A. I don't know why I don't remember.

Q. Will you state that you did not make that statement to the men who spoke to you? A.

Do you mean the statement that I am supposed to have made that I went to the door and found it locked; I didn't go to the door.

Q. We will leave that.

MR. STEUER: Wait a minute, lets have the rest of it.

MR. BOSTWICK: All right, we will go on with it then. A. (Continuing) I can't say a thing I don't know; I have never tried the door, at that time I did not go to the door.

Q. Well now, during the time that you were a watchman each and every day you would have to walk from the tenth to the ninth floor during the working hours. Did you ever during that time go by the Washington Place stairway ? A. Never; it didn't come out because the desk was near the door.

MR. BOSTWICK: I ask that that part be stricken out —

THE COURT: I will allow the word "Never" to stand; the balance is out.

Q. You had the keys to the stairway on the Greene Street side of the building, both of the eighth and the ninth floor, did you not? A. Yes, sir; from the eighth and ninth floors.

Q. Why is it you didn't have the keys to the stairways on the Washington place stairway?

A. Because the keys were in the door, tied to the door and they were never taken out.

THE COURT: We will suspend now.

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 on it until the same is submitted to you.

(Adjournment was then taken until ten-thirty o'clock a.m., December 22nd, 1911.)

LAST EXHIBITS:

People's Exhibit 49.

Defendants' Exhibit K.

De

Witness.

Direct • Cross. Re~B. Be-C.

SAMUEL BERNSTEIN,	1551	1554	1569 1574
EMILY L. PERRETT,	1576	1579	
ISAAC SEGAL,	1583	1584	
TONY SURAMALLI,	1584	1585	
GUSSIE RAPP,	1587	1591	
IDA WILLINSKI,	1601	1604	
LOUIS SILK,	1608	1613	
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BERNARD ENSER	1619	1622	
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YETTA KREITZBERG,	1625	1627	
LENA HANDSCHUH,	1628	1632	1633 1634
LOUIS SEDERMAN	1635	1639	
LOUIS BROWN,	1645	1652	1661
WILLIAM GREENSPAN,	1663	1666	1676 1693
HARRY KESTENBAUM	1695	1695	1701
WILLIAM GREENSPAN, (Recalled)	1702		
ROSE ROSENFELD,	1704	1706	
NATHAN SALUB,	1707		

New York, Friday, December 22nd, 1911.

TRIAL RESUMED.

NATHAN SALUB, resumes the stand and further testifies,

(Through. Official Interpreter Rosenthal)

BY MR. BOSTWICK:

Q. At the time of the fire did you see some of the employees rush to the fire escape? A.

When I was standing at the box ringing the bell I saw.

Q. Did you see some of them rush to the Washington place side of the building, to the passenger elector, or to the door? A. No.

Q. Do you know whether the door of the Washington place side near the elevator was open or locked at this time? A. I don't know.

THE COURT: (Addressing Interpreter) You said, "Open or shut" — open or locked.

A. (Witness Continuing) I don't know anything about it, I was not at the door at that time.

Q. Who told you to look at the pocket books? A. The bosses.

BY THE COURT:

Q. By the bosses whom do you mean? A. Mr. Blanck and Mr. Harris.

BY MR. BOSTWICK: Q. Did he tell you why he wanted this done?

Objected to as immaterial. Overruled. Exception.

A. I heard once two waists were found that a girl had taken

along and since that time I know that the pocket books were examined.

THE COURT: Strike it out, it is not responsive. Q. (Question repeated)

THE COURT: Yes or no to that.

A. Yes.

Q. What did he tell you?

MR STEUER: I object to that as immaterial and irrelevant.

Objection overruled. Exception.

A. I should look that the girls should not carry out any laces or other goods.

MR STEUER: (Addressing Interpreter) Laces, embroideries or waists.

A. (Witness continuing) Or waists.

Q. What, spools of cotton? A. Spools of cotton.

Q. How long had you been standing at your usual place when you heard the cry of fire, or know that there was a fire? A. About three minutes.

Q. How many people had already passed out when you heard the cry of fire, or knew there was a fire? A. I can't know that.

FRANK PASTERNECK, called as a witness on behalf of defendants, being first duly sworn, testifies as follows (through Official Interpreter Rosenthal).

(The witness states that he resides at 234 east 19th Street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. (Without interpreter) now long are you in this country? A. (Through interpreter) Four years.

Q. Well, you ought to be able to tell the jury in English? A. No.

Q. (Without interpreter) Do you work for Harris & Blanck? A. (Without interpreter) Yes.

MR. STEUER.: Well, you really don't understand if you say you work for them.

(The following questions are put and answered through Official Interpreter Rosenthal):

Q. (Question repeated by stenographer as follows) Do you work for Harris and Blanck? A. No, not now.

Q. When did you work for Harris and Blanck? A. Up to the fire, three years and a half.

Q. What did you do for Harris and Blanck while you were working for them? A. A body maker two months before the fire, and before that time I only made the sleeves.

Q. That means that you worked at a machine, doesn't it?. A. Yes, sir,

Q. Where was your machine while you were working for Harris and Blanck -- on what floor? A. On the ninth floor.

Q. And whereabouts on the ninth floor? A. Three years and four months I was working at a table near the Washington Place --

Q. Where did you work the other period? A. At the fourth or fifth table, I don't remember, about in the middle.

Q. Is there where you working at the time of the fire? A. Yes.

Q. While you were working at the sleeve table, is that the first one? A. Sleeves alone.

Q. While you were working at the sleeve table, how far was that from the Washington Place stairway door? A. I can't tell exactly whether five yards or six yards, seven yards. In front of me was staging a table with the buttonhole machines on.

BY THE COURT:

Q. Well, can you show in this room about how far away you were at that time from the Washington Place stairway door, ninth loft? A. The door was from me as far as the chair on which counsel for defendant is sitting -- perhaps a little nearer (indicating about twenty feet).

Q. From where you sat at the machine could you see that door? A. Yes, just about the same as I can see the chair now.

Q. Did you see people during the three and a half years or three years and four months that you were sitting at that machine -- did you see people coming in through that door or going through that door? A. Yes, people used to come in -- customers, the boss, the managers.

Q. Whom do you mean by the manager? A. Mr. Bernstein.

Q. Did you see the forelady go in and out through that door? A. Once in a while, but seldom.

Q. Did you yourself ever use that door? A. No, only once I went down three floors lower and then I turned back again.

Q. What do you meant you went down three floors lower? Did you go to see somebody on the sixth floor or what was that? A. No, it was in the summertime, it was very hot, and the doors were open and I just walked down.

MR. STEUER: (Addressing the Interpreter): Didn't he say that that door had been kept open by a box put alongside of it to keep it open.

A. (Witness continuing) Near the door as the door was going to one side a box was standing, and on the box were lying waists, and on the shelf there there were lying the sleeves, and the sleeves and the waists were then packed together and given to the sleeve setter. The employees used to put in the sleeves into the waists.

Q. Did you ever see Mr. Blanck go to that door? A. All the time when he used to enter the shop from Greene Street he used to cross over the whole loft and walk out through the Washington Place door. When he used to enter through the Washington Place door then he used to cross the left and go out through the Greene street door,

CROSS EXAMINATION BY MR. BOSTWICK:

Q. (Showing witness diagram, People's Exhibit 2) That is Washington Place, where you have your hand? A. No.

THE COURT: Suppose you put it (the diagram) as he

would have the loft before him as he goes up the freight elevator? A. Well, I will turn it so as to suit myself. This is the Greene Street side, here are the two elevators, and these are the stairs and this is the door, and this is the Washington Place elevator, and this is the Washington Place door, and that is the ladies' toilet and that is the men's toilet, there was one dressing room, there was one dressing room to go in and another dressing room to go in, and here was a shelf on which the goods were lying, and as the door opened it turned towards the shelf (indicating on diagram).

Q. Were the boxes that you speak of where I point my pencil? A. It seems that here was standing a small box, a narrow box (indicating).

Q. And the place that I point to is where there is a double circle? A. It is a narrow one.

MR. STEUER: He says it is a narrow place.

A. (Witness continuing) As the windows were here there was a small narrow box, and the first table was the tables of the buttonhole machines, and on the second table I was at, and here was belting, strap-belting that was covered over from the machines, and at this place here I was sitting for three years and four months (indicating).

MR STEUER: Did he face in that direction?

A. (Witness continuing) With my face facing the Washington Place door.

THE COURT: Let the witness make a mark on the dia-

gram at the point where he was sitting and put your initials after where you make the mark/

(The witness marks his initials on the diagram in Yiddish) .

Q. The shelves of which you speak, they were not in the dressing room, were they?

A. No, outside.

Q. And nearer to the Washington Place windows? A. About opposite one of the windows.

THE COURT: Referring in that connection to the windows on the Washington Place side.

Q. You don't know anything about the condition of the doors the day of the fire, do you?

A. No, I can't know that.

THE COURT: It appears from the record when he left, does it?

MR. STEUER: We will ask him, your Honor. I don't think it does.

RE-DIRECT EXAMINATION BY MR STEUER:

Q. Did you work on the day of the fire? A. Yes, sir.

Q. Where were you when the signal was given and the power was shut off? A. I was standing near my machine with my coat on, and the box I put on the table, just about to go away.

Q. You mean a basket, don't you? A. The basket with the work we used to put on top of the table.

Q. When you get through with your work you put the basket on the table? A. Yes, then I take the basket and put it on the table.

Q. What happened then? What was the first thing that you knew that there was any trouble? A. All of a sudden there was a scream of "Fire".

Q. What did you do? A. I didn't believe it.

Q. When you did believe it what did you do? A. I looked around and I saw that there was no fire at all.

Q. What did you do? A. Then I turned around towards Greene Street, perhaps there would be the fire.

BY THE COURT:

Q. When you found out there was fire, what was the first thing you did? A. I started to run.

BY MR STEUER.:

Q. Where did you run to? A. To Washington Place. The whole crowd was running towards that side, and I ran after them.

Q. And what did you do? A. I am an older man than the others and I could not run as fast as the others, I couldn't jump over tables like the others, and I came a little slower than the others. When I reached the Washington Place side I couldn't get nearer than the dressing room.

BY THE COURT:

Q. When you say nearer than the dressing room you mean what place? A. I mean the dressing room nearer to the Washington Place door, not the dressing room nearer to the toilet.

Q. Then what did you do? A. When I saw the people were jumping out of the windows already, and there were no flames and no smoke as yet in the shop, then I looked into the dress-

ing room.

BY MR STEUER:

Q. What then did you do? A. I saw there standing Jacob Felzer and Jacob Bernstein, two more people.

Q. What did you do? A. Then I passed the threshold and I asked them what—

THE COURT: Never mind that, what did you do?

Q. What did you do? A. Nothing, I only tried to get out.

Q. Well, did you stand there and get burned up by the fire? A. No, I was standing there for about a second and I turned around and saw already a dense smoke.

Q. What did you do then? A. Then I took off my coat, my overcoat and my coat, so that it would be easier for me to run; then I ran towards the Greene Street side, there there was no smoke as yet.

Q. What did you do? A. Then I opened the door and I saw neither flame nor smoke.

Q. Then what did you do? A. I was afraid to go downstairs because I was afraid that the flames may be there, fire may be there.

Q. Well, what did you do? A. Then I went to the roof.

BY THE COURT:

Q. Did you at any time on the day of the fire see the door leading from the ninth floor to the Washington Place stairs open? A. No, it couldn't be seen from afar.

Q. Do you remember on the day of the fire you saw any-

body pass through that door? A. I can't remember.

EVA KAPLAN, called as a witness on behalf of the defendants, being first duly sworn, testifies as follows:

(The witness states that she resides at 161 East 103rd Street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You work for Harris and Blanck now? A. I do.

Q. How long have you worked for them? A. Two and a half years.

Q. Do you mean two and a half years before, from now? A. From now.

Q. So that at the time of the fire you were only working for them a little less than two years, is that it? About a year and nine months, according to that? A. Yes.

Q. Where were you working at the time of the fire? A. On the eighth floor.

Q. Had you always been working on the eighth floor? A. Always working on the eighth floor.

Q. Were you a girl that worked at a machine? A. Well, I worked on the machine and I was on the floor also.

Q. What do you mean by being on the floor? A. Well, I took charge of the girls on the eighth floor.

Q. What does that mean, taking charge of the girls? A. I looked after the work and I gave them the work out.

Q. After certain machines? A. Yes.

Q. You don't mean all over the floor at all the tables? A. No, sir, just a few girls.

Q. At what tables did you have charge of giving the work and taking the work and things of that sort? A. First and second tables.

Q. Which side? A. Greene Street side.

Q. How long did you do that work? A. About six months.

Q. And the rest of the time you were working at a machine? A. On a machine.

Q. While you were working at a machine where did you sit? A. In the middle of the floor.

Q. Which way did you face? A. Washington Place.

Q. Did you ever have to go, while you were working on the floor, up to the ninth or tenth floors? A. I did.

Q. What for? A. To see Bernstein or to go up and work on the tenth floor .

Q. When you went up from the eighth floor to the ninth floor or from the eighth to the tenth floor, how did you go? A. I went up the Greene Street door.

Q. Always by the Greene Street door? A. Yes.

Q. When you had charge of the table and had to go upstairs you were right near the Greene Street side? A. Right near the Greene Street door.

Q. Did you ever go up to the ninth floor when you were working on the eighth floor, when you did not go up for work or did not go up to see Bernstein? A. I did.

Q. When was that? A. That was during lunch hour.

Q. And how did you go up when you went up during lunch hour? A. Well, when I was nearer to the Washington Place side I used to jump up, run up through that Washington Place door.

Q. And when you were nearer to the Greene street side which way did you go up? A. I went up the Greene street side.

Q. At any time when you went from the eighth floor to the ninth floor and you went by the Washington place side, how did you go? A. The door was open.

Q. And did you walk through? A. And I walked through.

Q. When you got to the ninth floor did you have any key with you? A. No, the door was open.

Q. And you walked through? A. I walked in.

Q. In the summertime how was the door kept at the Washington Place side? A. It was always open.

Q. By open do you mean it was standing open? A. Standing open.

Q. In the wintertime how was the door kept? A. It was closed.

Q. Did you ever walk through that door in the wintertime? A. I did not.

Q. You did or did not? A. I did not.

Q. On the day of the fire where were you working? A. I was working on a machine, on the eighth floor.

Q. Which way did you get out? A. Greene Street door.

Q. What was the first thing that you knew about a fire?

A. Some girl came running over to me and says. "Eva, run, there is a fire".

Q. Speak louder? A. I was standing on the eighth floor, I was going to have my card punched, and some girl ran over to me and hollered, "Eva, come, there is a fire," so I ran back for my set of fur and then I walked down to the Greene street door.

Q. There were two clocks on the eighth floor, weren't there? When I say clocks I mean card punching clocks? A. Only one.

Q. Where was that one? A. That was near the Greene Street entrance.

Q. And that is where you were when a girl ran over and said something? A. Yes.

Q. From that punching clock where did you have to go to get your furs? A. I went back to my machine.

Q. Where was your machine? A. That was right in the middle of the floor.

Q. And after you went to get your furs then you turned around and went to the Greene Street door, is that right? A. I did.

Q. From the Greene Street door did you go, on the occasion of the fire, upstairs or downstairs? A. Downstairs.

Q. And you walked out of the building that way? A. I walked out.

CROSS EXAMINATION BY MR BOSWICK:

Q. At the closing time at night you would go and punch your

card, wouldn't you? A. Yes, sir.

Q. And then after you punched your card what direction would you go? A.
Anywhere I wanted to.

Q. Which way did you go? A. Sometimes I went down Greene Street door and
sometimes I went down through the Washington elevator.

Q. You never went down the Washington Place stairway when you went home? A.
Never, no, sir.

Q. You never saw anybody else do that? A. Never saw them going down, no.

Q. At night when they closed now did the operators go out? A. Well, some of them went
through the Greene Street door, the majority of them went down through the Greene Street
entrance.

Q. Didn't all excepting the foreladies, as a rule go out the Greene Street door? A.
Well, a few of them went down the Washington Place elevator.

Q. Weren't they either foreladies or somebody connected with the office in some way?
A. Well, I saw lots of girls which were not connected with the office—I myself was not
connected with the office.

Q. You were not an operator, though, were you? A. I was after I went back to my
machine, and then I used to go down the elevator when I wanted to.

Q. Don't you think you were one of the favored ones who were permitted to go down by
the elevator way? A. Not that I know of.

Q. You say that the majority went out by the Greene Street door? A. I did.

Q. And when they went out was there anybody there to see their hand bags? A. There was.

Q. And did the girls open their hand bags as they went out? A. They did.

Q. And about how long would it take, if you know, for all employees of the eighth floor to get out? A. Well, I never took notice of that.

Q. Did you ever see anybody go in or out of the Washington Placer door? A. I did.

Q. Whom? A. Well, about three days before the fire, Wednesday, the 22nd, I saw Blanck walk in that door with another man. I don't know if he went up or down, or if he came back again, I didn't notice that, but I saw him walk in.

Q. And you don't know whether he locked that door when he came in from the other side, or not? A. I do not.

MR. STEUER: "The other side", that means from the outside?

MR. BOSTWICK: Meaning the stairway side.

Q. That was about what time of day? A. Well, it was about the afternoon, after lunch.

Q. And everybody was at their machines? A. Everybody.

Q. The factory was going? A. Yes, sir.

Q. And you only saw the Washington Place door open in summertime? A. I did.

Q. But you always saw it closed in the wintertime? A. I don't know if it was locked or not, but the door was shut.

MARY ALTER, called as a witness on behalf of defendants, being first duly sworn, testified as follows:

(The witness states that she lives at 1516 Charlotte Street, Bronx).

DIRECT EXAMINATION BY MR. STEUER:

Q. You are the daughter of the Mr. Alter that has charge of the tenth floor, are you not?

A. Yes, sir.

Q. Well, I mean by that, when you were over at 23 to 29 Washington Place? A. Yes, sir.

Q. And you worked over there yourself, did you? A. Yes, sir.

Q. As what? A. Stenographer.

Q. What floor did you work on? A. On the tenth .

Q. You and your father -- that is, your families are in some way related to one of these defendants, or to both of them? A. Yes, sir, Mr. Steuer, to both of them.

Q. Do you know what the relationship is between your father and them? A. Uncle.

Q. Which is it? They are your father's uncles, or your father is their uncle? A. No, my father is Mrs. Harris' uncle.

Q. That also makes him Mrs. Blanck's uncle? A. Yes.

Q. They are sisters, aren't they? A. No.

Q. Or cousins, or something? A. Yes.

Q. Mrs. Blanck and Mrs. Harris are cousins? A. Yes, sir.

Q. Now, in that way you are related to them? A. Yes, sir.

Q. Where did you sit on the tenth floor? A. Well, my desk was at the entrance of the door to the office, right on the angle, right near the Washington Place window.

THE COURT: Suppose you show her the diagram of the tenth floor.

MR STEUER: Have we got one?

THE COURT: I think so.

Q. (showing witness People's Exhibit 3) The way you are holding that, that is Greene Street down there? A. Yes.

Q. And this is Washington Place here, you see? Now, these are the passenger elevators? A. Yes.

Q. And there is the door that leads to the Washington Place stairs? A. Yes.

THE COURT: And the little circles there are columns, posts.

Q. These circles are posts throughout the loft. This is the northerly side of the fire escape wall, and over here are the toilet rooms? A. Yes.

Q. Can you tell the jury now where you used to sit? A. Where is the office?

Q. Well, the office isn't drawn there.

THE COURT: Suppose you just keep in mind the posts; they may give you an idea.

Q. You see this would be the first post from the passen-

ger elevators? A. Right about here?

Q. No, you could not sit there, that is the hallway, those are the stairs going down to the street? A. Well, I couldn't make this out.

Q. Well, I will try and help you in some way. You see, here are the stairs going down from the tenth to the ninth floor on the Washington Place side. Now, you are always in the hall until you get up to this point, do you see? You are in the hallway outside of the tenth loft, from here to there; now, when you get in through this door that is the first time you are in the loft—that is the Washington Place door? A. These are the Washington Place windows (indicating on diagram)?

Q. Yes. A. I sat just about on an angle with the Washington Place door.

Q. On an angle to the Washington Place door, bringing you nearest which window on the Washington Place side or University Place wall? A. Where the windows were here at the end of the third table.

Q. Which end of the third table? A. From University Place

Q. University Place? A. No, there are two windows in the private office, and then one in our office—at the end of that window.

Q. Was Mr. Blanck's office there also? A. Yes, sir, right here by the windows, Mr. Blanck's.

Q. Mr. Blanck's office was off the passenger elevator? A. Yes.

Q. And it took in two windows on the Washington Place side, is that right? A. Yes, sir.

Q. And next to Mr. Blanck's office on that side and on an angle with the door and taking in the third widow, is where you sat? A. Yes, sir.

Q. From where you sat could you see the Washington Place door? A. Yes, sir, open which it was most of the time.

BY THE COURT:

Q. In other words, there was a door to the room in which you sat? A. Yes.

Q. And when that door was open you could look through it? A. Yes, sir.

Q. And looking through it you could see the Washington Place door? A. Yes, sir. And there was a glass on the top of the partitions—you could see the shadows anyhow.

Q. When you said the door to the show room, you meant that if you walked from where you were sitting through that door you were in the show room itself? A. It was a salesmen's room.

BY MR STEUER:

Q. How long, by the way, did you work there? A. About three and a half years, I believe.

Q. From the place where you sat as a rule, could you see people coming in or going out of that tenth floor, Washington Place side door? A. Yes, sir.

BY THE COURT:

Q. Was your typewriting machine right up against the win-

dow? A. Yes, sir.

Q. Right up by the window? A. No, sir, it was on the desk.

Q. Was the desk at the window? A. No, it was not close to the window.

BY MR STEUER:

Q. Did you yourself ever go downstairs from the tenth floor? A. Once.

Q. You mean once by the stairs? A. All the way downstairs.

Q. But that was not my question -- it may have amounted to that—but I meant did you ever go to any other floor from the tenth floor. A. No, sir.

Q. Well, now, didn't you? A. I went with the elevators.

Q. You didn't go? A. But by the elevators.

Q. You did go down by the stairs? A. Yes.

Q. You never walked from the tenth to the ninth floor or from the tenth to the eighth floor by the stairs? A. Oh, yes, yes. Listen, Mr. Steuer, I went to the ninth from the eighth, by the elevators.

Q. But not by the stairs? A. No.

Q. So that when you went down to the eighth floor you always went by the passenger elevator? A. Yes, sir.

Q. And when you went to the ninth floor you always went by the passenger elevator? A. Yes, sir.

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

Q. When did you go to the ninth floor, or to the eighth floor most often? A. Well, some times it would happen in the

the morning sometimes In the afternoon, but very often I was there during the strike.

Q. Wasn't there a time when you used to go down at lunch time? A. Oh, yes, almost every day.

Q. That is the time you went down every day? A. Yes.

Q. What floor would you go to? A. I was on both. I was on the ninth or on the eighth, whichever way.

Q. Is that the time you had music and dancing there? A. Yes, that is when I used to go down.

Q. At that time you always used to go down by the passenger elevator? A. Yes, sir.

Q. Did you see anybody at that time coming into the ninth loft by the Washington place elevator door? A. Oh, sure.

Q. Whom did you see come in? A. Why, the different girls, the operators, they used to—

THE COURT: Mr. Steuer, you said "elevator door".

Q. I meant by the Washington Place stairway door? A. They used to come in both ways, by the elevators and the stairs.

Q. Did they come up the Greene Street way? A. Yes.

Q. Did they go down by the Greene Street way? A. Yes.

Q. Did they also go down by the Washington Place doorway? A. Yes, sir, they ran back and forth.

Q. You have now described practically all the times that you went down from the tenth floor to the ninth floor, or to the eighth floor, have you not? A. Yes.

Q. At the times when you did not go down during the lunch

period what did you go down for? A. To see Mr. Blanck or Mr. Harris.

Q. And on those occasions you always went by the elevator? A. Yes, sir.

Q. Where were you on the day of the fire? A. In the office.

Q. You mean by that where your place is? A. Yes, sir.

Q. What was the fire, tiling that you know about any fire? A. First of all I heard our telautograph buzzing, but I went over to it, but couldn't get any writing on it. Now, a good many of the girls downstairs —

Q. What do you mean, you couldn't get any writing on it? A. That was a machine that was connected with the eighth and the ninth floors, but the central of them was the tenth floor in the office. Now, it was a new machine, you know, and a good many of the girls didn't know how to operate it, and they often made mistakes and didn't connect things right, you know.

Q. Well, we are not interested in anything prior to the time of the fire? A. I am talking ~~~

Q. Well, at the time of the fire what happened, if anything with respect to this machine that you are talking about? A. When I heard the buzzes, - you know, the right that something is writing on the other side, but on looking at the paper, the pen didn't move. It simply stuck into the inkwell there. So I sat back thinking somebody was fooling with it.

Q. When a person wanted to send a message on that instrument from the eighth floor and the machine worked right,

would it write out the message; was that the idea? A. Yes, sir.

Q. There is paper that runs across the face of the machine where it does the writing? A. Yes, sir.

BY THE COURT:

Q. Did you have in addition to that a telephone on the tenth floor connecting with the ninth and the eighth floors? A. Yes, sir, a switchboard.

BY MR. STEUER:

Q. The switchboard was on the tenth floor? A. Yes, sir.

Q. And the communication was through the tenth floor? A. Yes, sir.

Q. Did you operate the switchboard? A. On that day I did.
because the switchboard operator was home sick.

Q. But that was not your regular employment, as part of your stenographic duties? A. Oh, yes, once in a while I used to operate it. She would go out to the bank and I would do it.

Q. But you did have a girl for that purpose? A. Yes.

Q. When did you say that you first learned that there was any trouble? A. So right after that I heard a telephone buzz, I was very busy on my typewriter and I waited, I can't tell the exact time, I don't know now how long it was, till I got through with that bill, and I went over to the switch board and answered, and there was the eighth floor ringing. I couldn't at first make out any sound, it was just like yelling, you know, the operator, and I asked her, I said, "What is the trouble down there, what are you yelling about?" Then I heard

distinctly, "There is a fire", so I immediately got up and told Mr. Levine, our bookkeeper, to telephone to the Fire Department which he immediately did; while I myself started to go out to tell Mr. Harris or Mr. Blanck that there was a fire on the eighth floor.

Q. Where was Harris at that time, do you remember? A. I believe he must have been in the show room.

BY THE COURT:

Q. Before you left the phone did you ring up the ninth floor? A. No, sir.

BY MR. STEUER:

Q. Where did you go? Did you find Blanck at all, do you remember? A. Yes, sir; they met me.

Q. Both Harris and Blanck? A. Yes, sir, the whole crowd.

Q. Whom do you mean by the whole crowd? A. Well, there was some of the pressers coming out and they got right into the elevator that was there at the time.

Q. Who, the pressers? A. Yes, sir.

Q. What did you do? A. I went out to the back to see about my father, to the Greene street side, to see whether he was all right, and I found him all right.

Q. Where did you find him? A. At his desk. At the same time I noticed the flames coming up the windows in the packing department.

Q. Where is that? A. That is on a level with the Washington place door.

Q. Whereabouts on a level with it? A. I don't know, just—

Q. Can you show us on that diagram again?

THE COURT: She means on a line.

Q. On a line with it. Whereabouts on the line? There is the Washington place door (indicating on diagram); which door do you mean, elevator door or stairway door? A. Stairway door.

Q. There (indicating on diagram) is the stairway door; show us where that packing department was? A. Somewheres over around here.

Q. Was it over towards the fire escape wall? A. Yes, sir.

Q. Then it would be over in this direction (indicating on diagram)? A. Yes, sir.

MR. STEUER: Pointing to the northwest corner of the loft.

A. (Witness continuing) There is a room here and windows here (indicating), and a fire-escape here, and I saw the flames through that.

Q. You saw the flames in the neighborhood of the fire-escape? A. Yes, sir.

Q. And you are speaking of the tenth floor? A. Yes, sir.

Q. Go ahead and tell us what you did? A. So I immediately thought if the flames were on that side —

Q. Don't tell us what you thought, but tell us what you did? A. I went to the Washington place door in order to try and get out that way, but Mr. Blanck was behind me at the time and upon opening that door the smoke struck me --

Q. Who opened it? A. I did. I opened the door and the smoke struck me full in the face. At the same time I heard Mr. Levine yell out, "For God's sake, close the door."

Q. Levine is who? A. Our bookkeeper. He was in the office getting the books away. So I immediately closed it, and I knew that the stairway don't go away to the roof.

Q. You knew that that stairway did not connect with the roof? A. Yes, sir, I knew that, therefore I went right back, and we went back to the Greene street side, where I found my father and Mr. Blanck and Mr. Harris. Then I heard Mr. Harris yell out, "To the roof, through Greene street", which we all did, and we all went to the roof.

BY THE COURT:

Q. How much time do you think passed from the time that you heard the voice on the telautograph until the time when you answered the telephone? A. Oh, perhaps it was a minute and a half, perhaps it was a minute -- I am not a good judge of time.

BY MR. STEUER:

Q. You have been down to the District Attorney's office, haven't you? A. Yes, sir.

BY THE COURT

Q. How far did you have to go to reach your telephone switch board to where you were at the telautograph? A. Well, there was just one desk between us.

Q. After you had been to the telautograph, did you return

to your desk Before you went to the telephone? A. Yes, I sat down again.

Q. And it was after you sat down that you had sat down that you heard the telephone? A. Yes, sir. I sat down and finished the totaling of a bill — you know I do my billing on the typewriter — and I simply put the total down, it was all figured, and then I heard the buzz, and I immediately went to the board just as soon as I finished.

Q. You merely had certain figures to put as a total to a bill? A. Yes, sir.

Q. And having put those, you went at once? A. I went to the board, yes, sir.

Q. And that board was about now far from your desk? A. One desk between — it was a desk about that much larger than this (indicating about a foot longer than stenographer's table in the court room.)

CROSS EXAMINATION BY MR. BOSTWICK:

Q. What was the telephone operator's name? A. On our floor? Edna Barry.

Q. How old was she? A. I don't know. I never asked her her age.

Q. Do you know how much wages she got? A. I don't know what she was getting at the time.

Q. About now old would you say she was? A. About eighteen.

BY THE COURT:

Q. Who was the telephone operator, if you know, on the

ninth floor? A. The girls used to call up, they only had one single telephone there.

Q. There was no special person on the ninth floor for the telephone? A. No. Whoever needed the tenth floor called on that wire.

RE-DIRECT EXAMINATION BY MR. STEUER:

Q. You mean, whoever on the ninth floor needed the tenth floor would call by that wire?

A. Yes, sir.

Q. Do you know where the telephone was on the ninth floor? A. It was on the bookkeeper's desk.

Q. What was the name of that girl? A. Mary Lowenthal.

Q. The telephone was at the table that was described in the evidence as Mary Lowenthal's desk? A. Yes.

RE-CROSS EXAMINATION BY MR. BOSTWICK:

Q. Do you know whether you saw any flames as well as smoke? A. Well, you know the stairs curved in. I think you walked down about --

Q. Just try to tax your recollection, that is you try and remember just as well as you can. A. Yes.

Q. Well, do you remember now? What is your best recollection whether you saw any flames when you opened that door on the tenth floor?

THE COURT: Referring to the door leading into the Washington place stairs.

MR. BOSTWICK: That is the only door she testified

she opened?

A. I am trying to tell you that. About nine steps down, you know, there is a curve in the stairs.

Now, what met me was smoke, and then I seemed to see a red streak ~ bright, you know, in that smoke.

Q. You saw something bright? A. Yes, sir.

Q. But you don't know whether that was a reflection, or flame, or what? A. I don't know. I positively remember seeing that bright streak about eight steps below.

Q. You saw something bright? A. Yes.

LOUIS ALTER, called as a witness on behalf of the defendants, being first duly sworn, testifies as follows:

(The witness states that he lives at 1516 Charlotte street Bronx.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You are a relation of Mrs. Harris and Mrs. Blanck, aren't you? A. Yes, sir.

Q. What relation? A. I am uncle to Mrs. Harris and to Mrs. Blanck.

Q. Did you work for Harris and Blanck when they kept their place at 23 to 29 Washington place? A. Yes, sir.

Q. And you work for them now, don't you? A. Yes, sir.

Q. How long did you work for them when they were at Washington place? A. Eight years.

Q. And what floor did you work on at the time of the fire? A. Tenth floor.

Q. And as long as Harris and Blanck had the tenth floor did you always work on the tenth floor? A. No answer.

BY THE COURT:

Q. From the time that they took the tenth floor was your place of work always up on that floor? A. Yes, sir, I worked on the tenth floor.

Q. Before they got to the tenth floor what floor did you work on? A. On the eighth floor.

Q. Do you remember how long before the fire they had the tenth floor, how many years? A. No.

Q. You don't remember that? A. No.

Q. You can't tell how many years you worked on the tenth floor? A. No, I can't remember sure.

BY MR. STEUER.:

Q. When you worked on the eighth floor then Harris and Blanck only had the eighth and ninth floors? A. Yes.

Q. And when they got the tenth floor and the office moved up to the tenth floor you were made the manager of the tenth floor, is that the idea? A. Yes, sir.

Q. Will you tell the jury please who was the last man, if you know, of the working people to leave the building? A. I, on the tenth floor.

Q. You, from the tenth floor? A. Yes, sir.

Q. Were you the man on the tenth floor that would look at the girl's bags when they went out? A. Yes, sir.

Q. Will you tell the jury what would happen if a girl

brought a package, a closed package into your place ~~ into Harris and Blanck's place, I mean? A. If a girl come in the morning and bring a package then she has to give to me this package, and I keep this package by me, and when she has to go home -- and I sign this package as belonging to this and this people — and then she has to go home, and I put a stamp on the package and I give her this package back. And a girl passing with a pocketbook, she opened and I looked; if she not open I leave her go, I don't stop her.

Q. Well, if you thought the girl had waists, or anything in the bag you would stop her, wouldn't you? A. Yes; if a girl carried a big package I said "Wait" and opened the package and see what is in this package. If not belonging to the place I pack it up and put a stamp on, and give it back.

Q. Who had the keys of the place? A. I.

Q. Will you tell the Jury please what keys you had? A. I got the keys from the front elevators that belonged to Washington place.

THE COURT: I understand he is talking now exclusively of the tenth loft.

MR. STEUER: I know, your Honor. I will ask him.

Q. Are you speaking now of the tenth loft or of all the lofts? A. All the lofts.

Q. Well, now, tell the jury what keys you had? A. I had the keys from the Washington place elevator doors and from the Greene street door from the stairs and the Greene street elevator

doors is locking with a bolt.

Q. Well, it is something that goes up, and there is a little thing up there that catches it?

A. Catches, yes, and the top and the bottom the same.

Q. Well, we call those bolts? A. Yes.

Q. Who gave you the keys every day? A. The night watchman.

Q. What is his name, do you remember? A. Salub.

Q. Where did he give you the keys, and when? A. Every morning.

Q. Where? A. When he have to go from the place he come over to me and give me the keys.

Q. Where did he give the keys? A. Every night when he come there to his work he come to me and I give him the keys, and he is going down on the ninth floor.

Q. Did you ever have the keys for the Washington place stairway doors? A. Never.

Q. Where were the keys for them? A. The key for the Washington place door is every time inside in the lock and tied with a piece of strong string, and all the time on all three floors, on the tenth, ninth and eighth, from the Washington stairs to the Washington place door is the key inside in the door all the time.

Q. You went down to Mr. Bostwick's office to be examined, did you not? A. Yes, sir.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. And at that time do you remember being asked this

question: "You had the keys to the ninth floor? A. The watchman had the keys"? A. No, I tell you I gave him the keys every night.

Q. You don't remember making that answer., do you? A. I don't know what you mean.

Q. You don't remember that question being asked you and that answer being made, do you? (no answer).

Q. Do you remember coming downtown? A. Yes, sir.

Q. Do you remember somebody saying to you, "You had the keys to the ninth floor?", and do you remember your saying "The watchman had the keys"? A. I gave him the keys, sure; I gave him the keys every night. In the morning he give them back.

EDWARD N. MARKOWITZ, called as a witness on

behalf of the defendants, being first duly sworn, testified as follows:

(The witness states that he resides at 29 West 117th street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. Do you work for Harris and Blanck? A. Yes, sir.

Q. Did you work for them when they were over at 25 to 29 Washington place? A. I did.

Q. Have your wages been increased since that time? A. No.

Q. What did you do when you were over in the old place? A. I had charge of the shipping department.

Q. What do you do now? A. Charge of the shipping department.

Q. Where was the shipping department in the old place? A. On the tenth floor.

Q. And whereabouts on the tenth floor was the shipping department? A. Why, I would say in about near the Greene street side.

Q. No, I didn't ask you where you were at the time the fire; I said whereabouts in the tenth floor was the shipping department? A. About the middle of the floor, I believe.

BY THE COURT:

Q. Do you remember the two skylights there? A. Yes, sir.

Q. Under which skylight was it? A. It was under one skylight. You said was under one skylight -- I don't know which skylight you refer to. I know there were two skylights.

BY MR. STEUER:

Q. There are two marks there (indicating on diagram), one is here and one is there. So that you should understand these skylights, that is the Greene street wall down there (indicating on diagram)? A. Yes, sir.

Q. There are the freight elevators, you see? A. Yes, sir.

Q. And here are the Greene street stairs? A. Yes.

Q. And now over here are the passenger elevators, the Washington place elevators, and there are the Washington place stairs? A. Yes, sir.

Q. There are the toilets on the tenth floor? A. That I remember.

Q. And I understand Mr. Blanck's office was somewhere over here? A. Yes, sir.

Q. And the stenographer down in there (indicating)? A. Yes, sir, and the shipping department was over here under this sky light (witness indicating on diagram).

Q. That is the skylight nearest to the Greene street side? A. Nearest to the Greene street side, yes, sir.

Q. How many years did you say you worked there? A. I am with Harris and Blanck two and a half years.

Q. Now? A. Now.

Q. Then at the time of the fire you were less than two years there? A. Less than two years.

Q. In the course of your work did you ever have to go down to the ninth floor or the eighth floor? A. Yes, sir.

Q. What for? A. I would go down to see that I got my lots out that I wanted to ship out, and I would go down to see Mr. Blanck if he was on that floor, or Mr. Harris or Mr. Bernstein, to push a lot out.

Q. What do you mean? A. To get a lot out, that was special.

Q. That is, to hurry it up? A. Yes, that is all about the reasons.

Q. How many times a day or a week or a month, whichever is convenient for you to state would you go down to the ninth or the eighth floor? A. Oh, I should about ten or twelve times a day.

Q. During all the times that you worked there? A. Yes, sir.

Q. Now, how did you go down to the ninth or the eighth floor? A. I used the Greene street stairway when I would go down.

Q. Always? A. Yes, sir.

Q. How did you come up from the ninth or the eighth floor? A. Greene street stairway.

Q. At the time of the fire where were you? A. I was in the back of the shipping department.

Q. When you first learned that there was any trouble? A. Yes, sir.

Q. Tell us what you did when you first learned that there was any trouble? A. Immediately upon being informed that there was a fire, I went down to the ninth loft.

Q. Which way did you go down to the ninth loft? A. With the Greene street steps.

Q. The stairs and not the elevator? A. The stairway yes, sir.

Q. That brought you to the ninth floor, at the Greene street entrance to the ninth loft? A. Yes, sir.

Q. I want you to tell the jury what you saw, if you saw anything when you got to the Greene street entrance of that left? And you are now speaking of the ninth loft? A. On the ninth floor, yes, sir. When I got down to the ninth floor the girls were all standing up with looks on their faces, sort

of amazed. I said, “What seems to be the trouble?”, with that kind of a look, and they all started to push towards this door at once.

Q. Towards which door? A. Towards the door I was standing in — the Greene street door.

Q. There are two doors there at Greene street, one that leads to the stairs and one that goes from the loft through the partition; I want you to tell the jury which door you are now speaking of? A. The door that was by the partition.

Q. Into the loft itself? A. Yes, sir.

BY THE COURT: In other words, you had already passed in through the stairway door into the loft? A. Yes, sir. I was in the loft — opened the stairway door and was in the loft.

Q. Did you leave that door open behind you, or did you close it after you passed it?

A. It had as attachment on and closed itself. It is a self-closing —

BY MR. STEUER:

Q. It has something as on top of that door (indicating door in north wall of court room)?

A. Yes, it can't remain open unless you put something under it.

Q. You mean if you want to keep it open you have to put something under it?

A. Yes, sir.

Q. Otherwise that some sort of an attachment works and closes the door? A. Yes, sir, sort of a safety catch.

Q. Inside of the loft? Now, you are looking into the loft? A. Yes, sir.

Q. And you see the girls? A. Yes, sir.

Q. Now, I want you to state what you saw happen and what you did? A. Well, the girls were standing there, the girls were beginning to push towards this door and I shouted to the girls "Go nice, there is a fire, go easy;" and I saw there that watchman who was on the floor. He said, "What is the matter?", I said, "There is a fire, push the girls to the fire-escapes", and I stood at that door I don't know exactly how long, I stood at this door and took the girls one by one and cautioned them to go nice.

BY THE COURT:

Q. What is the door you had passed through and that had, this attachment? A. The second door, yes, sir.

Q. You are talking now about the door that is inside? You stood at the door leading into the partition into the loft? A. Yes, sir, that is the door.

Q. Where did you tell the girls to go if you told them anything?

MR. BOSTWICK: I have not objected to these conversations because they have come out involuntarily —

MR. STEUER: I think they are competent. It doesn't matter much one way or the other. If you exclude it I don't want any exception.

THE COURT: I don't think it signifies very much.

Q. I want you to tell the jury what was the first thing you saw of any flame, if you saw any? A. Why, in the other corner of the loft ~~

Q. Which corner are you speaking of? A. The Washington place corner. I could see the flames and the smoke coming in little sheets of flame shooting through the smoke.

Q; Whereabouts did you see that? A. Around the windows.

Q. Around the windows on the Washington place side? A. Washington place side windows.

Q. At that time were you standing at the Greene street end of the loft? A. Yes, sir.

Q. At that time did you see any flames or feel any flames at the Greene street side of the loft? A. While I was standing there, no, sir.

A. Did you see the flames as they were working their way through the loft? A. You mean if I sat the flames --

MR. BOSTWICK: I think he should ask what he saw about the flames.

Q. Well, what did you see? Tell the jury in your own way.

MR. BOSTWICK: And I ask counsel to be just a little careful just at this point.

MR. STEUER: All right.

Q. You tell the jury without any questions being put to you all that you saw and all that you did, and leave out anything that you said or that anybody else said, but just tell what you saw and did from that moment on until you left the ninth loft? A. When I came down the girls were all standing up in their chairs, all that I could see and beginning to come towards this door, and the watchman was standing there; he said, "What is the matter?" and I said —

Q. We told you to leave out what he said? A. As the girls were coming by me I cautioned them to go nice, putting my hand on their shoulders and said, "One at a time, and go down the steps and get out", and I waived my hand in the direction of the fire-escape, which was on that side of the building. And I stood there, I can't say how long, and an inspiration came to me to go back to the tenth floor and save my order book, because that was very valuable to the firm; and I got back to the tenth floor and I had the order book in my hand, and I turned around and I saw Mr. Blanck standing there with one of his children on his arm, and one by his hand, and Mr. Blanck —

Q. What do you mean by "on his arm"? A. I think he had one, holding one.

Q. Holding her up? A. Holding one and one by the hand, and Mr. Blanck was standing there with a look of terror on his face, so I dropped the order book and I picked up one of his children, and I pulled him by the coat and I said, "Come on along. ~~ I just pulled him, come ahead"; then we went through the loft up the Greene street steps to the roof, and then when I got on the roof we handed Mr. Blanck's children over, and then we handed the other girls that were there on the roof, and finally I got over myself and came down on the other building.

Q. While you were telling us this you didn't say a word about any fire or any flames. Will you tell us all that you know about that, if you know anything? On the ninth loft? A. I was standing on the ninth floor, every second it seemed to be getting darker and great big clouds of smoke were coming up, and the flames just beginning to shoot through that smoke and the place was getting darker every minute while I was standing there, and after I got back to the tenth floor and I had Mr. Blanck's child in my arm, I could feel the flames in back of me, I could feel the heat of them as we went to the roof.

Q. What I want to know is, on the ninth floor where was the first place you saw any flames, and after that how did the flames continue to go? A. I can't tell you how the flame continued to go after I left the ninth floor.

Q. Not after you left. I mean while you were still on that

floor? A. While I was on the ninth floor the first flame that I saw was in the Washington place of the building, and that is where I saw the fire was burning more fiercely than at any other part of the loft while I was there. That is the Washington place corner of the building.

Q. How near to the place where you were standing at the Greene street door had the flames come at the time when you left the ninth loft? A. Well, I couldn't answer that, Mr. Steuer; I couldn't answer that question.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. How far did you go into the loft on the ninth floor? A. You mean the time of the fire?

Q. Yes, when you came down from the tenth floor you went to the ninth floor? A. Yes, sir.

Q. And you went through the door? A. Yes, sir.

Q. That separates the stairway from the enclosure just in front of the freight elevators?

A. There was one door that separated --

Q. When you left the stairway you go through a door, don't you? A. After you leave the stairway you go through a door.

Q. And you said there was some sort of a spring on that door? A. Yes, sir.

Q. You went through that door? A. Yes, sir.

Q. After you got through that door you were through an enclosure that enclosed the freight elevators? A. Well, there

was a little partition there from the stairway to the left.

Q. And that partition was really the north side of the clothes closet, in fact, was it not? A. That I couldn't answer. I don't know.

Q. But you were in this enclosure? A. I was on the loft. In the loft there was nothing ---

Q. When you came through the door from the stairway --the doorway that had this thing on it that you speak of -- you were in the enclosure, were you not? A. Yes.

Q. After you got in that door you had to turn to the right didn't you? A. I had to turn to the right? Yes.

Q. Then you came to another door? A. There is another little wooden door.

Q. And that led into the loft itself? A. Yes, sir.

Q. Did that door face south or did it face west, do you know? A. I can't recall that.

BY THE COURT:

Q. Did it face towards the fire-escape wall, or did it face towards Greene street?

Did the door face towards the Greene street stairway?

MR BOSTWICK: It couldn't possibly face Greene street, your Honor?

THE COURT: Why not?

Q. I am speaking now, when you got out of the stairway you turned to the right, you went to a door? (No answer).

Q. In other words, you were walking in the direction of

University place and that door would be a door facing Greene street? A. (No answer).

MR. STEUER: It would be a door facing both.

THE COURT: Facing both University place and Greene street, running parallel with Greene street wall.

BY MR. BOSTWICK:

Q. Here is the Greene street freight elevator (indicating on diagram)? A. Yes, sir.

Q. There is the Greene street stairway? A. Yes, sir.

Q. And this door that you say you came in — A. Yes, sir.

Q. This is the next door you want through, is it not? A. Yes, that is the door.

Q. That door faces west, doesn't it? Is this is west and that is east -- A. That is the door where I stood.

Q. And you went in here? A. I went in there, yes, sir.

Q. Did you go far in the loft? A. No, I didn't go far.

Q. Just went here? A. Passed the door, say about two or three feet at the most, ~ two feet.

Q. Every quarter of an inch here is a foot, so then it would be about half an inch, it would be about there? A. About two feet.

Q. Will you make a mark there and put your initials there? A. Right here?

Q. Yes. A. (Witness marks on diagram as requested.)

Q. That is where you went in the loft? A. That is where I stood.

Q. Then, you went back this way into the stairway? A. Yes, sir, up to the tenth floor.

Q. And up again to the tenth floor? A. Yes, sir.

Q. How long would you say you wars on the ninth floor at that time? A. Do you mean what length of time?

Q. Yes, what length of time? A. I can't recall that, there was so such happening.

Q. You didn't stay very long did you? A. I didn't stay very long, certainly not.

Q. You went right to the tenth floor? A. To the tenth floor.

Q. And you were there just long enough to do what you have testified to in your direct examination? A. Yes, sir.

Q. And went right up to the roof? A. To the roof.

Q. As you went up to the roof from the ninth to the tenth floor the heat on the Greene street side was terrible? A. You could feel the heat in back of me.

Q. And didn't you describe it as being terribly hot? A. I said when I went from the ninth to the tenth floor I could feel the flames in back of me, the heat in back of me.

Q; I ask you, didn't you say it was terribly hot behind you? A. I don't recall saying that, that it was terribly hot, I could feel it in back of me. I didn't turn around to look.

MR. BOSTWICK: I ask permission now to show the jury where the last witness indicated that he went on the ninth

floor, that it may be clear in their minds in connection with the testimony.

MR. STEUER: I think they know. He said right inside the partition.

MR. BOSTWICK: (Showing the diagram to the jury) The spot indicated by the last witness was right there, right inside the wood partition door.

DORA TIGER, called as a witness on behalf of the

defendants, being first duly sworn, testifies as follows:

(The witness states that she lives at 516 East Houston street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You work for Harris and Blanck, don't you? A. Yes, sir.

Q. How long have you worked for them? A. Veil, about a year and a half.

Q. You mean a year and a half now, or it was a year and a half at the time of the fire? A.

At the time of the fire.

Q. Have your wages been raised since the fire? A. No, sir.

Q. What did you do when you were working for them before the fire? A. An operator, the same as now.

Q. On what floor? A. Ninth floor.

Q. And whereabouts did you sit? A. Second table, facing Washington place side of the door.

Q. When you were sitting down and working did your eyes face the door, or did they look at the Greene street? A. No, sir, facing the door of the Washington side.

Q. Did you ever go up to the tenth floor from the ninth? A. Yes, sir.

Q. Did you ever go down from the ninth floor to the eighth floor? A. Yes, sir.

Q. What would take you to the tenth floor? A. For the work.

Q. To get work? A. To get work.

Q. What would take you to the eighth floor? A. To get work.

Q. Did you get work from both floors? A. Both floors.

Q. Did the operators come for the work? A. Well, the forelady often used to send us if she had no time, for it.

Q. When you went from the eighth floor to the ninth floor how did you go? A. To the Washington side stairway.

Q. Did you go down by the elevator or by the stairs? A. No, sir, by the stairs.

Q. When you got to the door what did you do? A. Well, just opened the door, turned the knob and the door opened and we walked down.

Q. When you got to the eighth floor what did you do? A. Same thing.

Q. Did you use any key? A. Well, the key wasn't to be needed there because the door was open.

Q. The key wasn't needed you say. When you went to the tenth floor was it the same way? A. Same way.

Q. How often would you say that you went up those stairs,

and down those stairs? A. I went about ten times during the day -- I couldn't count just now many.

Q. You went as often as —

BY THE COURT:

Q. Can you tell me whether there was on the Washington place stairway door at the ninth left any spring that closed the door after a person passed through, of itself? A. I never took notice of that.

BY MR. STEUER:

Q. Were you working on the day of the fire? A. No, sir.

Q. You were not working on the day of the fire? How long had you been off before the fire? A. Two weeks.

Q. Does that mean that you were not working for them at all, or that you were just laid off? A. No, I was just laid off.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. You say you went up to the tenth floor by the Washington place stairs about ten times a day? A. Yes, sir.

Q. When you got up to the Washington place stairway and opened the door going into the loft, where would you go first? A. I can't quite understand what you mean.

Q. Well, I mean to say that having opened the door from the stairway into the tenth loft, what would you see there? A. I see the table, -- first of all see the show room, pass through, the table and the examiners were standing there.

Q. Isn't it a fact that you couldn't see the examiners at all when you opened the stairway door of the tenth floor?

MR. STRUER: She said she passed through the show room.

THE COURT: I will allow the question. A. I first seen the show room.

Q. You would go through the show room? A. Yes, sir.

Q. When you say the show room do you mean the show room or the salesmen's room? A. I don't remember that, which is salesroom or showroom.

Q. You don't know what was the sales room and what was the show room? A. I know I passed through all the rooms, and I don't know which was the show room or sales room. Of course it was written out the difference between, but I remember passing through from the door over there.

Q. And you went to that place ten times a day for a year and a half? A. Not at the tenth floor. I went to the ninth, but went to the tenth, on the tenth floor ten times a day. You didn't ask me if I went through the tenth.

Q. How many times in all will you say you went to the tenth floor? A. I don't remember how many times I went through the tenth. I know I used to go to the eighth.

Q. And you say that you went to the tenth floor and you can't tell us when you got out of that door where you were standing, in what room? A. No, sir.

Q. Isn't it a fact that over on the Washington place side, on the tenth floor, were the offices of the concern? A. Yes, sir.

Q. And you couldn't get any work there could you? A. Well, passing through the offices.

Q. Wasn't where you had to get the work way over by the Greene street side? A. At the tenth floor.

Q. Yes. Then why did you go up the Washington place stairway and go through the office of the bosses in order to pass through all their offices to go to the place where you got your work? A. Because it was nearer for me to come through the Washington side door than through the Greene street side.

Q. And for two weeks before the fire you were not at this factory, were you? A. No, sir.

Q. Did you ever see anybody go in or out the Washington street stairway door on the ninth floor at closing time? A. I can't understand that.

Q. Well, imagine that door over there to be the Washington place door on the ninth floor (indicating door in north wall of court room)? A. Yes, sir.

Q. That leads to the stairway? A. Yes, sir.

Q. And it is right next to the passenger elevators? A. Yes, sir.

Q. Do you remember that door? A. Yes, sir.

Q. That is the door that you say you went by to the tenth floor? A. Yes, sir.

Q. When it came time to go home at night did you ever see an operator go out of that door and down those stairs? A. Well, there was no such room —

Q. No, answer my question: did you ever see an operator go out that door? A. Yes, sir.

Q. At night? A. Yes, sir.

Q. And go down the stairs? A. Not the stairs.

Q. Well, where did they go? A. They went down to the eighth floor to get the elevator for the Greene street side door, because it was nearer.

Q. You mean to say they went to the Washington place stairway door on the ninth floor and walked down one flight to get to the elevator because it was nearer? A. Because it was nearer, there weren't as much operators on the eighth floor as there was on the ninth.

Q. How many employees had you seen go through that Washington place door on the ninth floor and go down to the eighth floor to get the passenger elevator because it was nearer? A. I couldn't count them.

Q. There were so many? A. I should say so.

Q. Can you tell us the names of any of these people that went through that Washington place ninth floor door, down to that eighth floor to get to the passenger elevator and go home? A. Yes, sir.

Q. Name them? A. Rose Rosenfeld.

Q. Anybody else? A. Well, most of them I know the faces but I can't know their names. I can point them all out when I see them.

Q. Is it a matter of fact that most of these employees

used to go out the Washington place stairway at night? A. Not most of them; most of them vent to the Greene street side.

Q. Most of them went to the Greene street stairway, but the rest went out of the Washington place stairway, didn't they? A. Yes, sir.

Q. And this happened every night that you worked there.

Q. And you would see them all go out to this Washington place door? A. Yes, sir.

Q. And was there any watchman there? A. No watchman at the Washington place door.

Q. And was the door wide open? A. Yes, sir.

Q. And at night the door was wide open and these employees that didn't go out the Greene street way would all go out to this Washington place door? A. Well, nobody told them to go that way.

Q. I didn't ask you that? A. Well, they went very often.

Q. All that didn't go out of the Greene street way would go out of this open door on the Washington place side of the building? A. Not those that were at the Greene street –

Q. No, but all the others? A. Those that were facing the Washington side of the door.

Q. They would all go by this Washington place door? A. All go by this Washington place door.

Q. And there was no watchman there? A. There was no watchman there.

Q. And the door was wide open? A. And the door was wide

Q. And is that the same door you always went to the tenth floor by? A. The Washington side.

Q. It was the same door, this door that stood open every night? A. No, sir, this door we are talking about is the stairway. The way we went home we went by the elevator.

Q. By the elevator? A. Yes, sir.

Q. Just give me your attention a minute. Did you ever go down from the ninth floor to the eighth floor to get the passenger elevator to go home? A. Yes, sir.

Q. Did anybody else ever go with you? A. Yes, sir.

Q. Through the Washington place door? You know the door I mean, this door I have described to you? A. Yes, sir.

Q. Did you ever have anybody else go with you through that door and down to the eighth floor and into the loft to get the passenger elevator to go home? A. No, sir.

Q. Why didn't you walk down stairs when you were on these stairs? A. Do you think I would have been such a fool to walk down eight flights?

Q. So you would go in that eighth floor and you would go around to the elevator and you would wait there until the elevator came? A. Not all the time.

Q. What would you do? A. I would take the Washington side elevator.

Q. That is what I just asked whether that is what you would do, to take the Washington place elevator? A. Well, that is what I do.

Q. While you worked there did you ever go to the Greene street stairway at all? A.

Yes, sir.

Q. How many times? A. I couldn't remember now many times I went through there.

Q. But you did go occasionally through the Greene street side? A. No, not through the Greene street side.

Q. Where did you go through? A. Through the Washington side.

Q. Did you ever go through the Greene street stairways in your life? A. Very seldom.

Q. You most always went by the Washington place door? A. Yes, sir.

Q. I want to be very sure that you have not misunderstood me, and I want to ask you this question, and I want to ask you to be very careful because if you have been mistaken I want you to correct it: can it be possible that you have mistaken all this time the words "Washington place door" for "Greene street door"? A. No, sir.

Q. You are sure of that? A. Sure of that.

Q. You don't want me to attempt to show you where these doors are to make sure about it? You feel sure about it? A. Well, if you show me the door, why not?

Q. I want to make sure whether you have not made a mistake as to these doors (showing witness diagram)? A. I couldn't tell from this diagram.

MR. STEUER: Explain it to her the same as you did

with your witnesses.

MR. BOSTWICK: She says she couldn't tell.

MR. STEUER: Your witnesses said that half a dozen times.

BY THE COURT:

Q. The side nearest you is Washington place (indicating on diagram), this side here is Greene street, that dark thing over there is the fire escape, the Washington place passenger elevators are there, the Washington place stairway door is shown by that line, and these are the Washington place stairs, these are the tables on which were the machines; now do you understand it? A. I quite can't understand this.

Q. Could you point out on that diagram where you used to work on the ninth floor, at what place? A. Well, I would take a chance, but I don't think it would be possible for me to do it.

BY MR. BOSTWICK:

Q. When you used the place Washington place stairs, do you mean the stairs which when you went all the way down to the street would land you out into Washington place? A. Well, I never took a chance to go all the way down to the street with the stairway.

Q. Well, I mean when you say Washington place stairs do you mean those stairs which were right next to the Passenger elevators, which if you had gone down them all the way to the street would have brought you out on Washington place? A. I

couldn't tell you, I never took a change of going to see they would.

BY THE COURT:

Q. Did you ever go up by the Washington place elevators? That is to say, did you ever enter the building on the Washington place side? A. Yes, sir.

Q. And go up on the passenger elevators to the ninth floor? A. Yes, sir.

Q. You have done that? A. Yes, sir.

Q. Entering the building by the Washington place door did you notice that alongside of the elevator there were stairs? A. I did, along side of it.

Q. You have seen them, haven't you? A. I haven't seen the stairs, I couldn't see that from the elevator, the way you ask.

Q. No, but I mean, having stepped into the hallway of the building on the ground floor and having gone, we will say, to the elevator that was furthest away from the door, have you ever before going up in the elevator noticed that near you there were stairs? A. I never noticed anything of the kind; I never took notice of anything.

Q. You know which was the Washington place side of the building, do you? A. Yes, sir.

Q. And you knew where the passenger elevators were? A. Yes, sir.

Q. And you know the elevators that were used as freight elevators, is that so? A. Yes, sir.

Q. On what side of the building were the freight elevators? A. Greene street side.

Q. Was there any stairway near the freight elevators? A. Yes, sir.

Q. Did you ever go down those stairs? A. I never went all the ways down.

Q. Did you ever go down on the freight elevators all the way from the ninth floor to the street? A. Yes; sometimes.

Q. Did you ever go down on the passenger elevators all the way from the ninth floor to the street? A. Yes, sir.

Q. Did you ever go down the stairs that were near the passenger elevators from the ninth floor to the eighth floor and take an elevator, a passenger elevator at the eighth floor? A. Will you please explain me that question again.

Q. Did you ever walk down the stairs which were near the passenger elevators from the ninth floor to the eighth floor? A. No, sir.

Q. What is that? A. No, sir.

Q. You know that there were certain stairs that were near the passenger elevators — do you know what I mean by the passenger elevators? A. Yes, sir, the Washington side door.

Q. What elevators do I mean? A. The Washington side.

Q. You know there were stairs near the passenger elevators? A. Yes, sir. Not quite as near as they were to the Greene street.

Q. You mean to say there were no stairs as near to the

passenger elevators as they were to the Greene street -- A. Yes, sir.

Q. Is that what you mean? A. Yes, sir.

Q. How many flights of stairs, how many different stairways were there in that building in which you worked? A. There was only two stairways.

Q. Was either one of those stairways nearer to the passenger elevators than to the Greene street elevators? A. Your Honor, explain that question again.

Q. You say there were two stairways in the building in which you worked. Now, if you don't understand me, say so? A. Yes, sir, that's right.

Q. Was either one of those stairways nearer to the passenger elevators than to the freight elevators? A. According to the side I would go, that is the side that would be nearer to me; they were just about the same.

Q. You know where the freight elevators were? A. Yes, sir.

Q. Do you remember whether there were any stairs that were near the freight elevators?
A. Yes, sir.

Q. Were there any? A. Yes, sir.

Q. How many flights of stairs were near the freight elevators? A. One flight of stairs.

Q. How many flights of stairs were there in the building? A. Two stairways.

Q. Where was the other stairway? A. On the Washington side.

Q. And how close was that to the passenger elevators? A. Well, a little distance away.

Q. Did you walk down that flight of stairs? A. Not all the ways down.

Q. Did you ever walk down that flight of stairs from the ninth loft to the eighth loft? A. Yes, sir,

Q. And when you got to the eighth loft having walked down that flight of stairs what would you do? A. Go over to the table by the examiner and take the work away that was laying in the case.

Q. But suppose having gone down that flight of stairs, you wanted to go down to the street, what would you do? A. I can't understand that question.

Q. Did you ever walk down the stairway that was near the passenger elevators, from the ninth loft to the eighth loft, when you were going home at night? A. Yes, sir.

Q. And when you got to the eighth loft and were going home at night, what would you do? A. Take the elevator.

Q. And what elevator would you take then? A. The one which I would see that there was the least of a crowd standing.

Q. And on which side of the building? A. Well, usually at the Washington side.

Q. Could you tell me whether you had at any time on the of the fire passed through the door leading from the ninth loft?

MR. STEUER: She said she stopped working two weeks

before that.

Q. Oh, I beg your pardon, ~ you weren't working there? A. No.

Q. How long before the fire, if you recollect, was the last time that, as you say, you passed either up or down the Washington place stairway? A. Saturday, - do you want to know the day?

Q. You say on a Saturday? A. Yes, sir.

Q. How long before the fire? A. Two weeks before.

Q. You mean on the Saturday two weeks before the fire, what did you do? A. I went through the Washington side door down to the ninth floor -- to the eighth floor, rather.

Q. At what hour of the day? A. It was about pretty near quarter to five that time.

Q. What were you going to do then when you did that? A. Spoke to the manager.

Q. And after you did that on that day, what did you do? A. Well, after I got through, I went home.

Q. Did you go back to the ninth loft? A. No, sir.

BY THE SEVENTH JUROR:

Q. When you went to work in the morning how did you go to work? What streets did you take? A. The Washington side of the building.

Q. Would you come down Broadway? A. Would I come down Broadway?

Q. Yes, where did you live? A. I live on Houston street.

Q. You would come up from Houston street, would you, ~ walk up Broadway?

A. Yes, sir.

Q. As far as Washington place? A. Yes, sir.

Q. Then you would walk down toward Greene street? A. No, sir, to Washington place.

Q. Then you would walk down as far as Greene street? A. Well, then I would have to walk up to the entrance.

Q. You would have to turn when you got to ninth street? A. No, sir, I went straight up.

Q. You would go in Washington place, in the passenger elevator? A. Yes, sir.

BY MR. STEUER: (Re-direct examination)

Q. On the last day that you worked you say that about quarter to five you went from the ninth floor to the eighth floor to speak to the manager? A. Yes, sir.

Q. Who was the manager? A. Mr. Bernstein.

Q. What did you speak to him about? A. About why he discharged me, why he laid me off.

Q. And at that time he was on the eighth floor? A. Yes.

Q. And you went down at that time by the Washington place side? A. Yes, sir.

Q. Was that after the power had been turned off? A. Yes.

RE-CROSS EXAMINATION BY MR. BOSTWICK:

Q. You worked for Harris and Blanck until that Saturday you were discharged? A. Yes, sir.

Q. And you didn't work for them up to the date of the fire? A. No, sir.

Q. But since the fire you have re-entered their employ, have you not? You are now again in their employ? A. Yes, sir.

Q. And you are now working for Harris and Blanck? A. Yes.

Q. And when did you begin to work for Harris and Blanck? A. Well, about six months ago.

Q. About what month was that? A. I couldn't tell you, I guess about July or June, around that time, when the place opened.

Q. About four or five months after the fire? A. I couldn't tell you just what time it was -- I remember during the summer.

Q. Do you know who Mr. Fletcher is? A. Yes, sir.

Q. Did you have any conversation with Mr. Fletcher? A. No sir.

Q. Not today? A. No,

Q. Nor yesterday? A

Q. Nor any other time? A. No, sir.

Q. And no one knew that you were going to testify when you came up? A. No, sir.

Q. And you have seen no one? A. No one.

Q. How did you happen to come? A. Well, Mr. Steuer gave me a subpoena.

Q. And no one has asked you any questions, and you came here without seeing Mr. Fletcher, or talking to Mr. Fletcher?

A. Well, they asked me whether I worked for the place and that is about all.

Q. And who asked you that about all? A. Mr. Steuer. Nobody asked me “about all” — they asked me if I was working at the place.

Q. And didn’t you have any conversation yesterday or today in the hall with Mr. Fletcher? A. No, sir. I had nothing to do with Mr. Fletcher.

Q. Do you know Mr. Goldsmith? A. No, sir.

MR. STEUER: Who is Goldsmith?

BY MR. STEUER:

Q. Is it the fact that you girls stood in a line and that young man (indicating), that he was writing names on the green papers, and as you came into the room, the little room there by the desk, I asked you “Did you work for Harris and Blanck before the fire”? A. Yes, sir.

MR. BOSTWICK: Now, you know I am trying to get an objection in. This is not a proper subject of redirect examination.

MR. STEUER: Isn't it, your Honor, in view of his last examination?

MR. BOSTWICK: And what is more the nature of the question in form is wholly improper and I object to it.

THE COURT: I think the question is objectionable as leading. I think the subject is one for inquiry.

Q. Tell the Jury when it was and where it was that you saw

me and that young man (indicating the same young man, one of Mr. Steuer's assistants)? A. In Mr. Fletcher's room -- the cashier.

Q. And tell the jury what happened — tell them all about it? A. Sent in for me and the young man over there come over and asked me did I work for the firm. I answered him, "Yes, sir", and he went and give me a green slip of paper to come tomorrow morning.

Q. And you have got the paper have you? A. Yes, sir, (producing a paper).

Q. And that young man there wrote it out while you were there? A. Yes, sir.

BY MR. BOSTWICK:

Q. So you did see Mr. Fletcher then?

THE COURT: No, now we have been all over it. Step down, Madam.

THERESA ELBAUM, called as a witness on behalf

of the defendants, being first duly sworn, testified as follows:

(The witness states that she resides at 520 Cleveland street, Brooklyn.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You work for Harris and Blanck? A. Yes, sir.

Q. Did you work on the day of the fire? A. Yes, sir.

Q. Have your wages been raised since the time of the fire?

A. I didn't work for them after the fire.

Q. Well, you are working for them now, aren't you? A. No, sir.

Q. Oh, I beg your pardon. How long had you worked for them up to the time of the fire? A. Five years.

Q. What did you do while you were working for them? A. The last thing I did, I was a forelady on the tenth loft.

Q. How long were you a forelady? A. About a year's time.

Q. And while you were a forelady were you always on the tenth floor? A. No, I was on all the floors.

Q. I mean, is that the place where you did your work? A. Yes, sir.

Q. Where the girls that were under you worked? A. Yes.

Q. They were on the tenth floor? A. Yes, sir.

Q. Before you were that forelady — A. I was on the ninth floor, taking care of the sleeve makers — they count it factory bookkeeper.

Q. And you always worked while with Harris and Blanck either on the ninth or tenth floors? A. Or on the eighth.

Q. How long did you work on the eighth? A. Two years.

Q. Altogether you worked five years? A. Five years.

Q. Two years on the eighth floor, two years on the ninth floor and one year on the tenth? A. Yes, sir.

Q. During the year that you worked on the tenth floor as a forelady over the girls upstairs, did you have to go to the ninth floor for anything? A. Very often.

Q. What for? A. To find out if the lots are complete. Sometimes I missed some waists and I have to find out if they have them, and to find out from the bookkeeper; sometimes I needed Mr. Harris or Mr. Blanck and they were not on the tenth floor, and I had to go to the ninth or the eighth floor.

Q. How often did you go to the ninth or eighth floor a day? A. So many times, but I really can't tell you.

Q. Near which door of the tenth floor were your tables? A. Well, I think it would be the same time between the Greene street and Washington door.

Q. When you say the same time, you mean the same space or distance? A. Yes, sir.

Q. When you went downstairs to the ninth or eighth floor now did you go? A. Sometimes I used to walk to the Greene street door, but sometimes I used to walk to the Washington place door. Going to the Washington door because I usually thought I would meet Mr. Harris or Mr. Blanck and I wouldn't have to go down.

Q. You walked over to the Washington place door, because that is where their offices were? A. Yes.

Q. And you felt that you might meet them over there? A. Yes.

Q. When you went down by the Washington place door through the tenth floor how did you go? A. Through the stairway. Of course if the elevator was there I used to take that elevator, but we couldn't trouble the elevator fellows so many

times a day, so I used to go down through the Washington stairway.

Q. When you got down to the ninth floor what did you do? A. I opened the door and come straight into the ninth floor.

Q. Did you ever find any trouble opening it and walking right is? A. No, at all.

Q. How about the eighth floor, did you find any trouble opening that and walking in? A. No.

MR. STEUER: You may examine her.

MR. BOSTWICK: No questions.

PETER WORTMAN, called as a witness on behalf of the defendants, having been first duly sworn, testified as follows:

(The witness states that he resides at 50 East 112th street)

DIRECT EXAMINATION BY MR. STEUER:

Q. Wortman, do you work for Harris and Blanck? A. Yes.

Q. What do you do? A. I was in the tenth floor, I keep charge of the stock department.

Q. There is nothing the matter with you, is there? A. No.

Q. How long have you been working for Harris and Blanck? A. Five years.

Q. And did you always work on the tenth floor? A. Yes, sir.

Q. Did they have the tenth floor five years? A. The whole tenth floor — I was working on the tenth floor about

two years and then I used to work on the eighth floor.

Q. Have your wages been raised since the fire? A. No, sir.

Q. What do you do for your wages? A. I was working on the tenth floor, taking charge of the stock department.

Q. When you take charge of the stock what kind of stock do you take charge of? A. embroideries and laces.

Q. That is not finished waists, - you don't have anything to do with finished waists? A. No.

Q. It is materials that Harris and Blanck buy? A. Yes.

Q. And that you give out to the foreladies and other people isn't it? A. I have to give out to the cutting department.

Q. Do you measure it off for them, or do they give you tickets, or what? A. No, I used to give them as much as the superintendent, Mr. Bernstein and I have to get down for him--as much as he needs for any lot.

Q. Did that bring you from the tenth floor to the ninth floor at any time, and the eighth floor? A. Yes, I always used to bring down on the eighth floor.

Q. You never went to the ninth floor? A. Sometimes I used to go down on the ninth floor, yes.

Q. But you went to the eighth floor many more times than you went to the ninth, is that it? A. Yes, I went to the eighth many more times than I went to the ninth.

Q. Where was your place where you had the stock? A. Near Washington place.

Q. Near the Washington place side? A. Near the Washington place side.

Q. Which way did you go from the tenth floor to the ninth floor or the eighth floor? A.

When I go up or down?

Q. Well, when you go down? A. When I go down I go mostly on the Washington place door.

Q. How did you go, with the elevators or the stairs? A. No, always the stairways.

Q. Did you ever have any trouble getting into the ninth floor? A. No, sir. When I go down, then I mostly go down on the eighth floor I used to slip in there in the ninth floor too.

Q. What do you mean, you slipped in? Why did you have to slip in? A. Because my lady friend was working there.

Q. Oh, I see. You went down to the eighth floor on account of work, is that it? A. Yes.

Q. And then you used to slip into the ninth floor when the bosses didn't see you, is that it? A. Yes.

Q. How did you come upstairs? A. When I go upstairs, I go always to ~~~ most of the times I go back in the stairway or I go to the Greene street side.

Q. Near which side did your lady friend work? A. Near Washington place side.

Q. On the eighth floor where did you have to go? Any particular place or all over the floor? A. On the eighth floor?

Q. Yes. A. Only to the cutting department.

Q. The cutting department was nearer to the Greene street side, wasn't it? A. Yes, sir.

Q. When you went down to the eighth floor and you were over at the Greene street side, which way did you go up stairs? A. Greene street side.

MR. STEUER: You may examine.

MR. BOSTWICK: No questions.

IDA OKAN, called as a witness on behalf of the defendant,

being first duly sworn, testifies as follows:

(The witness states that she resides at 69 West 115th street.)

DIRECT EXAMINATION BY MR. STEUER,;

Q. Do you work for Harris and Blanck? A. Yes, sir.

Q. What do you do? A. Mark.

Q. You mark? Mark what? A. For the buttons.

Q. You make a mark where they sew buttons on, is that the idea? A. Yes.

Q. Where did you do that in the old building? A. On the side of Greene street.

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

Q. What floor? A. Ninth floor.

Q. Did you work there at the time of the fire? A. Yes, sir.

Q. And you still work for them now? A. Yes, sir.

Q. Have your wages been made larger since the fire? A. No, sir.

Q. Where were you at the time of the fire? A. I was sitting

near the door, Greene street side.

Q. Did your work take you to any other floor? A. Tenth, floor.

Q. So you would have to go from the eighth to the tenth floor? A. From the ninth on the tenth.

Q. Oh, you worked on the ninth, you would go from the ninth to the tenth floor?

A. Yes.

Q. Did you ever have to go from the ninth to the eighth floor? A. Yes, sir, I did.

Q. What would you go upstairs to the tenth floor for? A. With the Washington place door.

Q. What would you go upstairs for? A. To do some work there.

Q. Where? A. On the eighth floor.

Q. What kind of work? A. To sew some labels on.

Q. Did you do that on the eighth floor? A. On the eighth floor.

Q. What did you go up to the tenth floor for? A. I have to do some work there.

Q. What kind of work? A. Trim some cottons for the waists.

Q. That was done on the tenth floor, was it? A. Yes, sir.

Q. When you went up to the tenth floor, if you were on the Greene street side of the building, which way did you go up? A. Washington place side.

Q. Why did you cross over to go up the Washington place side if you were on the Greene street side? A. Because it was

nearer for me.

Q. How was that nearer? How was it nearer to go up on the Washington place side if you were on the Greene street side? A. It was near for me to pass by there on the tenth floor.

Q. On the tenth floor? A. Yes.

Q. Did you ever use the Greene street stairs? A. Yes, sir.

Q. And you used both stairs? A. Yes, sir.

Q. Going up and down? A. Yes.

Q. Which stairs did you use more often, the Greene street stairs or the Washington? A. The Greene street.

Q. You went up more times by the Greene street stairs than you did by the Washington stairs? A. Yes.

Q. But you are sure you went up both? A. Yes, I did, I am almost sure of that.

Q. You are what? A. I am sure about it.

Q. When you went by the Washington place stairs did you ever have to lock or unlock a door? A. It was not locked.

Q. The door was not locked? A. No.

Q. And you never used any key to lock or unlock the door? A. Never.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Washington place door? Did you shake your head or did you answer? A. What is the Washington place door?

Q. Did you shake your head? A. Yes, I shook my head.

Q. What did you mean by shaking your head? A. I didn't know what you asked me was the Washington door.

Q. Didn't you shake your head up and down? A. Well, what is about the Washington door?

Q. In answer to the question of the counsel for the defendants when he said you are sure you used both stairways, you first said "Almost sure"? A. I didn't say "almost", I said I am sure about it.

Q. Didn't you first say "almost sure"? A. I didn't say "almost", I said, "I am sure about it".

Q. You didn't say "almost sure"? A. No, I did not.

Q. Well, you are sure that you used the Washington place door? A. Yes, sir.

Q. You know all about that Washington place door, don't you? A. I do.

Q. And you know whether it was locked or unlocked? A. It was not locked.

Q. When you went home at night did you ever have to go out the Washington place door? A. With the elevator.

Q. Are you talking all the time about the Washington place elevator doors? A. Well, when I went upstairs I with the Washington door.

Q. When I say "Washington place door", you say "elevators". I want to know what door are you talking about and what door have you been testifying about? A. I always used to go with the elevator home.

Q. Always? A. Always.

Q. Did you ever see anybody go to the Washington place stairway door? A. Yes, sir, I did.

Q. At night? A. Yes.

Q. Where they were going home, to go down the stairway? A. The stairway.

Q. Stairway? A. When they were going home?

Q. When they were going home? A. Yes, I did.

MR. STEUER: Is this a dramatic performance?

Q. Now, now often do you —~

MR. BOSWICK: I object to the comment by counsel.

MR. STEUER: They are complimentary. I just want to know whether he means it that way.

THE COURT: No, no; that was not orderly. Now, proceed.

Q. I understand you to say that at night when the employees were leaving the factory you have seen them go by the Washington place stairway door on the ninth floor, and go down the stairs towards home? A. The foreladies I used to see go there.

Q. Was that door kept unlocked? A. It was open.

Q. It was wide open? A. Wide open? Of course it was not wide open — it had a key in there.

Q. Well, was it open? Do you know what I mean when a door is open? A. Well, I will tell you, it was open on the summer time, it was closed in winter time, and had a key.

Q. I am talking not about the closed time, but about the

foreladies going home; you just told me you saw them go out the Washington door? A. It was open.

Q. Did it stand open? A. It did.

Q. It stood wide open? A. Yes.

Q. And you saw the foreladies at night? A. I did.

Q. Go out the Washington place door? A. Yes.

Q. You don't mean the elevator door? A. Well, I mean the stairway door.

Q. And you mean to say that you saw the foreladies go out at night by the Washington place stairways? A. At night I had to go down or upstairs.

Q. At night when the fore ladies went home did they go by the Washington place stairway ever? A. I didn't see that, but I see them many times.

Q. Do I understand you that you have many times seen foreladies go to the Washington place stairway door on the ninth floor? A. Yes.

Q. And go down by the stairs? A. Yes. sir, I did.

Q. Will you tell us the name of any forelady that you ever saw go that way? A.
The name of them?

Q. Yes. A. I can't exactly remember the names.

Q. Did this happen every night? A. Well, I didn't watch them all the time.

Q. Did it happen vary often? A. it did.

Q. Once a week? A. More than that.

Q. And you would see that Washington place door standing

wide open? A. Yes, sir.

Q. And you would see the foreladies going out and going down the Washington place stairs at night? A. Yes, sir, I did.

Q. And that in the same door you mean you went in and out when you went to the ninth and tenth floors? A. Yes, sir, that is the same door.

Q. Was anybody ever standing as a watchman by that Washington place door? A. Washington? Never.

Q. Do you remember making a statement? A. I didn't make no statement.

Q. You didn't make any statement. You never saw me before, did you? A. I never did.

Q. Do you remember coming down before me on May 9th, 1911, at my office? A. No.

Q. Do you remember calling upon Mr. Ellison, Deputy Assistant District Attorney on April 8th, 1911? A. No.

Q. Did you not state to me in ay office — A. (Interrupting) no.

Q. No? A. Yes, sir.

MR. BOTWICK: That's all.

RE-DIRECT EXAMINATION BY MR. STEUER:

Q. You say you never saw him and never were in his office? A. I was never there, I never saw him.

MICHAEL IACOVELLA, called as a witness on behalf of the defendants, being been first duly sworn, testifies as follows;

(The witness states that he resides at 2515 Amsterdam avenue)

DIRECT EXAMINATION BY MR. STEUER:

Q. Do you speak English.? A. Yes.

Q. You work for Harris and Blanck? A. Yes, sir.

Q. What do you do? A. I am a buttonhole maker.

Q. Did you work at the time of the fire? A. Yes, sir, I was away a month before.

Q. Oh, you did work for them before the fire? A. Yes, sir.

Q. But you didn't work for the firm just before the fire, is that it? A. Yes, I just moved away from the other place.

Q. You mean to one of their other lofts? A. No, he has another place and I went there.

Q. You did work in the other place? A. Yes.

Q. But you were working for Harris and Blanck all the time, even at the time of the fire? A. Yes. sir.

Q. But you didn't work in 23 to 29 Washington place, is that it? A. No, sir, I was in the other place on No. 9 University place.

Q. For a month before the fire? A. Yes, sir.

Q. What we want to make sure of is did you ever work for Harris and Blanck at 23 to 29 Washington place? A. Yes, I did for a month — one year and eight months, then I moved on the

other place.

Q. A year and eight months; which floor? A. Ninth floor.

Q. Did you work at a machine when you worked? A. Why sure, by a buttonhole machine,

Q. Where was the buttonhole machine? A. About three yards and a half that was from the door what they say there.

Q. The door, which door? A. The Washington place door.

Q. The door that everybody is talking about? A. That is what I mean.

Q. The door that you talk about and that the other working people talk about, and that everybody is talking about? A. Correctly.

Q. Is that right? A. Correctly.

Q. In your mind have you got a sort of a picture of the ninth loft? Could you tell us about it, if you saw it? A. Well, there wasn't anything else there only the machines table.

Q. Did you ever have to go to the tenth loft or to the tenth loft? A. Sometimes.

Q. For what? A. Sometimes in the day time, - to take fun down there.

Q. To take fun down there? A. Yes, just to walk down and see some friend down there.

Q. On which floor? A. Eighth floor.

Q. When they used to dance on the eighth floor did you go to the eighth floor? A. Yes, sir.

Q. Were you one of the dancers too? A. No, I don't know

how to dance but I think I am going to learn soon.

Q. The only time that you went then was during the dancing and that was when the strike was, wasn't it? A. Yes, sir.

Q. That strike lasted five months, I think, didn't it? A. Well, I think so, - yes, about that long, yes.

Q. When was it, in the summer time or the winter time? A. That was in the winter. I remember then was snow on the ground.

Q. Did you go downstairs then through that Washington place door? A. Yes, sir.

Q. How often did you go down through the door then? A. Well, sometimes four or five times, nearly every day, sometime I miss in the week, but then and the time at dinner time to go that way, because during the day I am mostly sat at work by my machine.

Q. During the day you never went down? A. No, in the dinner time.

Q. When you said four or five times a week you mean four or five times, during dinner time, is that it? A. Yes, sir.

Q. Which way did you come up when you came up? A. Some times I came right up that way, and sometimes I went up through the Greene street door stairs.

Q. What is all you know about this matter, is it? A. Yes, that's all.

Q. During the day time when you were waiting you said you never went downstairs, or you never went upstairs through that

door or any door you used to sit at your machine and work, is that right? A. Yes.

Q. From where you sat could you see whether people went through that door or not, other people now? A. I know what you mean, yes.

Q. You could see other people. Where did you see any people go in or out through that door? A. Why, sure, I see many times a forelady, Mr. Bernstein and a very lot of times and Mr. Blanck used to come around and try the door to see whether it was open or not, and sometimes he would go out that way too.

Q. Did you see him open and shut that door? A. Yes, sir.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Did you say you saw Mr. Blanck come around many times and try that door? A. Yes, sir.

Q. What do you mean by “try that door”? A. Try it to see if the door was shut.

Q. Would he turn the handles above that? A. Turn the door knob.

Q. Would he turn ~— A. No, turn the door knob and went out sometimes.

Q. What do you mean by trying the door, and turning the handle and going through?
A. Sometimes he just opened the door to see whether it was open or not, and let it down again and go on the floor again, and he went out and would stay in again.

Q. So you did see him many times try the door? A. Yes, sir.