

JACOB WOLL, JR., called as a witness on behalf of the People, being duly sworn, testifies
as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, you were connected with the Fire Department of the City of
New York? A. Yes, sir,

Q. The uniformed force? A. Yes, sir.

Q. And attached to Hook & Ladder Company 20? A. Yes, sir.

Q. You were at the fire at the corner of Washington place and Greene street? A. Yes,
sir.

Q. The 25th of March, 1911? A. Yes, sir.

Q. When you first got to the fire where were you at work? A. When I first got to the
fire I worked in the street in front

of the building on the Washington place side of the building.

Q. I am going to ask you to imagine that this is the Washington place side of the building (indicating east wall of the court room)? A. Yes, sir.

Q. Well, never mind about that. Before you went upstairs what work were you engaged in? A. When I first reached the building, you mean?

Q. Yes. A. I first got there and raised the extension ladder of the truck.

Q. After that tell what you did? A. Took the net off the truck and caught as many people as possible that were jumping from the eighth, ninth and tenth floors.

Q. Did you see any people jump from the ninth floor? A. From all floors, they seemed to be coming out.

Q. I ask you to confine your evidence as to whether you saw any persons jumping from the ninth floor? A. I won't say I could recollect I did.

Q. If you saw them jumping from all the floors, you must have seen some jumping from the ninth floor? A. Yes, they seemed to come from all the floors.

Q. After that what did you do? A. Well, we got them into the net, until the net broke, and then we proceeded up to the entrance on Washington place side, we got to the door, and the top of the elevator was loaded down with people who jumped through the elevator shaft, and we removed all those bodies.

Q. Do you remember how many were removed? A. Nineteen.

Q. This was the elevator on the Washington place side? A. Yes, sir, from the top of the second elevator.

Q. When you say the second elevator, do you mean the one nearest Washington place, or the one furthest in the building? A. Furthest in the building.

Q. After that did you go upstairs? A. Yes, sir, proceeded upstairs and worked on the various floors up to the ninth floor, extinguished fire on some of the floors as we went up, wherever the fire came in; the fire was dropping down.

Q. You went up the Washington place stairs? A. Yes, sir.

Q. And you went to the ninth floor? A. Yes, sir.

Q. And you went in on the ninth floor? A. Yes, sir.

Q. Now (indicating on diagram), this is Washington place, and you went in this Washington place entrance? A. Yes, sir.

Q. Where is Greene street? A. Here.

Q. And there are the freight elevators over there? A. Yes.

Q. And the Greene street stairway? A. Yes, sir.

Q. And this is the corner of Washington place and Greene street? A. And Greene street, yes, sir.

Q. And these are the toilets? A. Yes, sir -- what was left of them.

Q. Now, when you went to the ninth floor did you find any bodies there? A. We did. After we entered the floor, nearly up the stairway, up here (indicating on diagram).

Q. You came in this door (indicating)? A. Yes, sir.

Q. Indicating the door leading from the stairway at

Washington place stairs on the ninth floor into the loft? A. Yes, sir.

BY THE COURT:

Q. When you went into the ninth loft as you have described, did you see any other firemen, or other person in that loft? A. Yes, sir. I saw a company working there with a line.

Q. You saw a company working there in that loft at the time that you entered it? A. Yes, sir.

Q. And you saw about how many firemen in that loft at the time when you entered it? A. Well, I couldn't tell that, because there was smoke there that would not permit me to see them all — prevented me seeing how many men there was, but there was a company in there with a line of hose.

Q. Are you able to say whether or not you were the first fireman to enter that loft by the Washington place entrance? A. No, I was not.

Q. Are you able to tell me what firemen, if any, you saw enter that loft by the Washington place entrance ahead of you? A. No, I couldn't tell you that. I didn't see them enter. We were working on the floors between the first and the ninth extinguishing fire that had fell down, while this company was working up the stairway.

BY MR. BOSTWICK:

Q. The firemen that you saw belonged to the engine company, did they not? A. Yes, sir.

Q. And their orders and duty were to extinguish fire?

A. Proper.

Q. You were a hook and ladder man? A. Yes, sir.

Q. And your duties were quite different, were they not? A. Yes, sir.

Q. And had anybody entered that building for the purpose of doing anything but extinguish fire?

MR. STEUER: Wait a moment.

MR. BOSTWICK: Question withdrawn.

Q. Were the firemen there firemen who belonged, all of them, to engine companies? A. Yes, sir, every one I saw there.

Q. And they were working with a line? A. With a line, yes, sir.

BY THE COURT:

Q. So far as you know, were you the first fireman attached to a Hook and Ladder company, as distinguished from an engine company, to enter the ninth loft by the Washington place door? A. Yes, sir, as far as I know I was.

Q. And at the time that you reached the ninth loft by the Washington place door did you see any other fireman connected with a hook and ladder company in the ninth loft? A. No, sir, only the men that followed me in.

Q. Certain men of the Hook and Ladder company to which you belonged entered the ninth loft? A. Yes, sir.

Q. But entered the ninth loft by the Washington place door after you had entered it? A. Yes, sir.

BY MR. BOSTWICK:

Q. As you entered the ninth floor on the Washington place

side, did you see any bodies?

MR. STEUER: I object to —

A. I did, after getting in.

THE COURT: Objection overruled.

MR. STEUER: I object to that as incompetent. Won't you fix the time, your Honor.

THE COURT: Well, I think it is proper to fix the time. Objection sustained.

Q. At what time would you say that you entered the ninth floor? A. I should judge about 6:10, about 6:10 p. m.

Q. Had the fire been entirely extinguished at that time? A. No, but it was under control. There was still fire burning underneath, in a corner.

Q. When you went on the ninth floor the fire was still burning? A. Yes, sir. It was under control.

Q. At that time did you see any bodies on the ninth floor? A. Yes, sir.

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

Objection overruled. Exception.

Q. Now, will you state where the bodies were?

MR. STEUER: I object to that on the ground it is incompetent, irrelevant and immaterial; no proper foundation for the introduction of the evidence has been laid.

THE COURT: Mr. Bostwick, I should say, and I make this plain to you for your guidance ~~ that it would be

proper to show what firemen reached that floor first, and prior to negating by the testimony of the men who got there first, if that is the fact, that they touched or moved any body that they saw upon that floor; and then you finally come to the man who reached the floor first who did move the bodies, and that man may then testify as to where those bodies were.

MR. BOSTWICK: We can call all the men who belong to the engine companies, but it will simply mean an entire battalion, and it leaves the city subject to a peril that may equal the one we now have.

THE COURT: It is entirely unnecessary to do that.

MR. BOSTWICK: We can bring one at a time. To bring those men will prolong the trial very greatly, and if I had the slightest idea that it was necessary as a legal proposition we would have had them here.

THE COURT: it is material in this case conceivably to show where certain bodies were found by those who first reached the place.

MR. BOSTWICK: It is in evidence that the engine companies were engaged in extinguishing the fire.

THE COURT: I am going to adhere strictly to the rule that I have laid down, for the reason stated. It will not involve the calling of all the men whom you have named, either at one time or even separately. Before I will receive evidence as to the position of the bodies, it must

be made to appear that the testimony as to the position relates to the position in which the bodies were before they were moved, because the position of bodies after removal is immaterial to any issue in this case«

BY MR. BOSTWICK:

Q. At the time that you entered the loft, there was still fire in the loft? A. Yes,

sir.

Q. When you went in, could anybody have gotten — or, were the conditions such that anybody could have gotten in any part of that loft?

MR. STEUER: I object to that as incompetent

THE COURT: I will allow him to describe the conditions.

A. Well, the Engine Companies was in there. Outside of that I don't think anyone else could have went in there without a line of hose to protect them.

THE COURT: Strike that out. You may state when you got to the loft what you saw respecting the conditions there.

THE WITNESS: When I got to the loft it was fire all over the floor.

Q. Could a man have been in that loft unless he had a line? A. No, sir; he could not. He could not go in there without the protection of water.

MR. STEUER: I object to that as incompetent and speculative.

THE COURT: Well, it is the conclusion of the witness; I will sustain the objection. strike it out.

Q. Do you know who had entered the ninth floor? A. Members of Engine No. 33.

Q. Any others? A. Not that I know of.

MR. BOSTWICK: I will withdraw this witness.

MR. STEUER: Is he going to be recalled?

MR. BOSTWICK: Indeed he is.

THE COURT: Witness withdrawn.

MR. BOSTWICK: In view of your Honor's ruling, I shall have to ask for a few minutes time to send for certain information and papers.

THE COURT: Suppose we take the recess now instead of at the usual time, and to take it until a quarter before two; is that agreeable to you?

MR. BOSTWICK: Yes, sir. Just a moment if your Honor please --

THE COURT: I suggest, if it is agreeable to you, that you put back on the stand the fireman that you had here -- the officer that you had first -- to merely ask him the question which at the time did not occur to me, as to whether or not he himself moved or saw moved any of the bodies whose positions he described.

MR. BOSTWICK: I will call the first man who went into the building,

FELIX REINHART, (33 Engine), called as a witness on behalf of the People, being first duly sworn, testifies as follows:

MR. BOSTWICK: I call this witness out of order and will perhaps have to recall him at another time when other exhibits are in the case

THE COURT: Very well.

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Were you attached to Engine Company No. 33 of the Fire Department on the 25th day of March, 1911? A. Yes, sir.

Q. And was your company the first to arrive on the Washington place side? A. Yes, sir.

Q. And first to go to the ninth floor? A. Yes, sir.

Q. And when you got to the ninth floor, I want you to describe whether any or all of the door on the ninth floor leading to the loft on the Washington place side was there or not? A. No, sir; the largest part of the door was consumed by the fire.

Q. The largest part of the door was consumed by fire? A. Yes, sir.

Q. What portion of the door remained? A. The side jamb of the door remained, as well as small pieces of the tinder panels, of the lower panels.

Q. Tell me whether they were in the position where they would be if the door was closed, or where they would be if the door was open?

MR. STEUER: I object to that as incompetent.

MR. BOSTWICK: I withdraw the question.

Q. Where were they?

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

(Objection overruled; exception.)

A. The side jambs were in the same position as they are when

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the door was closed.

Q. And the bottom panel? A. And the bottom panel, part of it, was standing still in the earae position when the door was closed,

BY THE COURT:

Q. What do you mean by the jambs? A. The jambs ~~ to demonstrate it right by this door there (indicating in the court room) is the side part which fits into the framework; that is what I call the side jambs of the door.

BY MR. BOSTWICK: In other words, were you speaking of these two pieces of wood (Indicating on a door in the courtroom)?

A. These I call the side jambs.

Q. That piece and this piece (indicating on same door)? A. Yes, sir.

BY THE COURT:

Q. They are sometimes called the stiles, are they not, in doors, by carpenters? A. I don't know.

BY MR. BOSTWICK:

Q. Was there flame in the loft on the ninth floor? A. The flames were shooting through the door.

THE COURT: Pardon me. For the purpose of the record, let it appear that the pieces called jambs by the witness are the two upright pieces on either side of the door which immediately adjoin either the hinges on the one side or the part where the lock is on the other.

Q. When you first got to the ninth floor, could you enter

the loft? A. No, sir.

Q. Was the fire inside? A. Fire inside, shooting through the door. Where they licked this fire first -- after we licked the fire, then we kicked these pieces obstructing our way in with our feet and we entered the floor.

Q. Did you enter with a line? A. With the line we entered the floor; yes, sir.

Q. Who was with you — Meehan? Who was with you? A. Lieutenant Dunn, as far as I remember; Fireman Meehan, I guess.

Q. There was nobody else besides Dunn and Meehan, was there? A. Well, I can't remember exactly who was with me.

Q. Well, do you remember anybody else? A. I am positive about Lieutenant Dunn — he was right behind me.

Q. Were you in the presence of Lieutenant Dunn and he in your presence at that time?
A. Yes, sir.

Q. Did either of them touch any of the bodies on that ninth floor?

THE COURT: Yes or no. A. I did not.

Q. Did you see Lieutenant Dunn touch any bodies? A. I did not.

Q. And what was your duty there? What were you doing? A. Just extinguishing the fire on the floor.

Q. Extinguishing the fire? A. Yes, sir.

MR. BOSTWICK: Have I laid what your Honor considers a sufficient foundation?

THE COURT: Yes.

BY THE COURT:

Q. I suppose you are not able to tell us whereabouts on the floor of that loft you saw bodies, or are you? A. To the best of my recollection, the first bodies I seen around the wash stand a short distance from the door.

BY MR. BOSTWICK:

Q. I show you on People's Exhibit 2, Washington place; do you see? And there is the Washington place entrance from the street; that is Washington place and that is Greene street and there is the entrance at Greene street. Now you came up these stairs and you entered there (indicating on diagram People's Exhibit 2)? A. This is the door leading from the hallway?

Q. The door leading from the stairs to the loft? A. Into the loft, yes.

Q. And these are the toilets. There was a partition somewhere here still standing, was it not, of hollow tile? A. Well, I am not positive about this partition

Q. About how many bodies do you say you saw near the door?

MR. STEUER: I object. He has not said he saw any near the door.

THE COURT: Objection sustained.

Q. How many bodies did you see a short distance from the door?

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

(Objection overruled; exception.)

A. I didn't count them.

Q. How many do you think were there?

(Objected to as incometent; objection sustained)

BY THE COURT:

Q. What is your best recollection as to the number that were there?

MR. STEUER: Same objectlon and exception.

A. I should judge about nine or ten.

BY MR. BOSTWICK:

Q. What is your best recollection that the distance of the nearest one of those nine or ten bodies was from the Washington place door on the ninth floor? A. I should say about nine or ten feet.

Q. Do you know what the first Hook & Ladder Company was to get up to that floor? A. I can't say.

BY THE COURT:

Q. Did I understand you that the Engine Company to which you belonged was the first Engine company to arrive and the first Engine Company to reach the ninth loft by the Washington place entrance? Yes or no to that. Do you understand me? A. file first Engine Company arrived at the fire is 72.

Q. Was your Company the first Company to reach the ninth floor? A. Yes, sir.

Q. And, so far as you recollect, or rather, to the best of your recollection, were you and the Lieutenant of that Company, whose name you have given, the first two men to enter the ninth loft from the Washington place side? A. Yes, sir; positively.

Q. And, that time, that is to say, at the time of your entrance, there were no other persons in the ninth loft, is that so? A. (No answer.)

Q. At the moment that you got in with the Lieutenant and possibly the Officer Meehan, at that moment there were no other persons in the ninth loft besides you three, is that so? A. I didn't see any others.

BY MR. BOSTWICK:

Q. Was the fire raging to an extent that no human being could have been alive and been in that loft?

MR. STEUER: I object to that.

A. All life was extinct. The heat was so intense that we had to fight our way with quite some difficulty up from the eighth floor to the ninth floor.

Q. It was a blazing mass, was it not? A. Yes, sir; one roaring mass of flames.

CROSS-EXAMINATION BY MR. STEUER:

Q. When you got to this fire, did you go right into the building? A. No, sir.

Q. Your Company preceded you, did it not? A. Well, our

Commander —

Q. No, no, your Company as a matter of fact preceded you into the building, did it not?

A. Preceded me to the building?

Q. Preceded you by quite some time, didn't it? A. Well, a few minutes, I would say.

Q. The fact of the matter is, you are not able to tell how many minutes it was, are you? A. I can't say, no.

Q. And the fact of the matter is, that when you got to the building you were assigned to duty at the life nets, isn't that so? A. Yes, sir.

Q. And your company proceeded into the building? A. Yes, sir.

Q. Isn't that so? A. Yes, sir.

Q. You say to these jurors now that you saw when you got into the ninth floor a number of bodies; at what place was it that you said? A. Around the washstand.

Q. And you estimate that to be about ten feet, I think it was — I am not sure ~~ you had better give us the figure — away from the door?

MR. BOSTWICK: I understand he did not say the washstand was eight or ten feet away from the doort but that the nearest body was eight or ten feet away from the door,

MR. STEUER: Didn't he say eight or ten?

MR. BOSTWICK: It was not the washstand he was say-

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ing that was that far away from the door, but it was the bodies.

MR. STEUER: That is what I understood.

A. Well, of course I couldn't measure in feet, but the best of my judgment, I judged the nearest bodies were between eight and ten feet from the door.

Q. Well, now, you didn't see anything near the door when you got to the door, did you?

A. Not only flames.

Q. You didn't see any debris or anything else? A. Only flames, as far as I can recollect.

Q. On the inside of that loft as you came in from the Washington place side, you didn't see any bodies and you didn't see any debris, isn't that true? A. No.

Q. You didn't see anything at all, did you? A. Flames I seen, that's all, fire.

Q. Flames? A. Yes.

Q. I want to ask you if it is not true that on the 10th of April you were a witness concerning what you saw, and that a juror at that time asked you these questions --

THE COURT: We will take a recess 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 thereon until the same is submitted to you. You are not to talk with anybody about it or to allow any person to talk with you about it. It is not necessary to say that you are not to visit the

place of the alleged occurrence. Now you are excused until two o'clock.

(Recess till 2 P.M.)

AFTER RECESS, 2 P.M.

TRIAL RESUMED.

FELIX RHEINHART, resumes the stand and further testifies:

CROSS-EXAMINATION BY MR. STEUER, CONTINUED:

Q. At the time when you got to the ninth floor and when you could see into the loft itself, you couldn't see any debris or anything else alongside of the door, could you? A. Well, all I said before was flames and fire -- it was one mass of fire, the whole floor.

Q. Now I ask you again --

THE COURT: Would you like the answer stricken out? Whenever, Mr. Steuer, you consider that an answer is not responsive, and I conclude you are right, I will strike it out and the question then can be re-read to the witness.

Q. Now, Mr. Rheinhart, will you tell the jury, please, whether you saw any debris or anything else alongside of the door, or near the door of the ninth floor, when you got in at the Washington place side? A. I didn't to the best of my recollection.

Q. You didn't see anything at all, did you? A. Oh, as I

said, the floor was full of fire, full of flames.

BY THE COURT:

Q. How long had you been in that loft, Mr. Witness, before you did see the bodies that you say that you saw about eight or ten feet away from the door? A. Well, as soon as we succeeded in extinguishing the flames around the door —

Q. And that was about how long? A. Well, a very short time — about two minutes, I would say.

BY MR. STEUER:

Q. I want to put the question in these words to you, if you please. Was there anything visible alongside of the door, any debris or anything? A. No, sir.

Q. Nothing there at all? A. Not to my recollection.

THE COURT: I understand that this witness in a different connection is to be recalled?

MR. BOSTWICK: Yes. I call now Mr. Cunningham.

MR. RUBIN: You will be recalled later, Mr. Rheinhart.

FREDERICK A. CUNNINGHAM, called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSIWICK:

(The witness states that his address is 247 West 23rd street.)

Q. Did you visit the ninth floor of the building corner

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of Washington place and Greene street, in the month of March or April? A. I don't remember what the month was — it was about a week after the fire.

Q. About a week after the fire? A. Or a little less than that.

Q. Did you make any pictures of the main floor? A. I helped to make three photographs.

Q. I show you this and ask you whether that is one of those you helped to make?

A. It is.

Q. Is that an accurate and correct representation of the condition at that time? A. Yes. There is nothing changed. It was photographed just as it was.

MR. BOSTWICK: I offer the photograph in evidence.

MR. STEUER: Objected to as immaterial and incompetent.

THE COURT: Suppose you have it marked for the present for identification only, and then show it to some witness who was there immediately after the fire.

(Photograph marked for identification People's Exhibit 25.)

Q. Were these tables shown upon this photograph affixed to the floor? A. I believe they were; I wouldn't say for certain.

CROSS-EXAMINATION BY MR. STEUER:

Q. You said that that was a correct representation ~ this picture -- of conditions as they were on the day when you

were there?

THE COURT: I did not receive it in evidence, Mr. Steuer; it is merely marked for identification.

MR. STEUER: I understand, but afterward if someone else testifies to it, we won't have the opportunity of cross-examining this witness.

THE COURT: Very well, proceed.

Q. (Continuing) — of conditions as they were on the day when you were at the premises? A. That is the only day that I was there.

Q. Well, now, I ask you whether this portion of that picture had anything at all to do with this building (indicating on photograph)? A. The portion through the window, you mean?

Q. Yes. A. No; they are just other buildings, as we took the photograph looking towards the window.

Q. And in that way things were taken in that were not a part of those premises at all? A. Yes.

Q. That is equally true on this side (indicating on photo)? A. Yes.

Q. I wish to call your attention to what appears to be to be a cornice -- is it a cornice?
A. I believe that is the top of the building across the street.

Q. That is the top of another building across the street? A. Yes.

Q. Although it looks to be immediately on top of the radiators which purport to be there? A. Well, I wouldn't say

that.

Q. Well, now, what is it? Look at the windows underneath the cornice, are those windows in the ninth left of the building in which the fire was? A. Those are in another building across the street.

Q. And yet those radiators which were in the loft of the ninth floor stand in those windows of the building across the street on that picture, don't they? A. They appear to, yes.

Q. Anybody looking at that picture, or you, would believe that those radiators that were on the ninth loft in that building in which the fire took place were actually in windows that belonged to a building which is across the street? A. No, I wouldn't.

Q. What distance were those radiators from the nearest table? A. Why, I didn't notice particularly.

Q. Well, now, on that picture do not the tables appear to be dividing the radiators and passing by them? A. I know there was very little distance in between them, but how much I couldn't say.

Q. You don't know anything about the distance? A. I didn't pay any attention to that.

Q. And of course that photograph does not represent any such distance, does it?
A. Not on the photograph.

Q. That brings all these parts together -- the buildings across the street, the radiators and the table, doesn't it? A. It does.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. I ask you whether this is a correct representation of the corner of the ninth floor, Washington place and Greene street corner, looking eastward? A. Why, that is just as much as the camera will show it, and there was nothing changed.

Q. And is it an accurate picture of the machines and the tables, the walls and the open windows and what could be seen from the open windows at that time and at that place? A. It is.

JACOB WOLL, recalled by the People, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. In all, how many bodies were found on the Washington place side of the building?

(Objected to as incompetent, irrelevant and immaterial)

(Objection overruled; exception?)

A. Fourteen bodies.

Q. And were those bodies found on the Washington place side lowered to the Washington place sidewalk? A. Yes, sir.

Q. And were you present when that was done? A. Part of it, not all.

Q. How many of the bodies were lowered while you were there? A. About six.

Q. What were the names of the other men who engaged in lowering the bodies on the Washington place side? A. I don't know as I could give you all those names from memory; I could

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look up the records.

BY THE COURT:

Q. Give those that you can? A. Well, Lieutenant Lauth is one.

BY MR. BOSTWICK:

Q. Was Mance there? A. Yes, sir.

Q. Stafford? A. Yes.

Q. Ott? A. Yes, sir.

Q. Kuhn? A. Yes, sir.

Q. Martin O'Connor? A. Yes, sir.

Q. Do you recall whether there were any other persons than those you have now mentioned? A. Yes, Fireman Sly was there, a member of Hook & Ladder No. 20.

Q. Do you know how many bodies were taken from the top of the passenger elevator? A. Nineteen.

Q. Do you know how many were taken from the dressing room? A. From the dressing room ~~ in front of the dressing room there was eleven.

BY THE COURT:

Q. That is the dressing room on the ninth floor? A. On the Washington Place side of the building; yes, sir. That is in front of it, outside of it, and behind it there were three.

CROSS-EXAMINATION BY MR. STEUER:

Q. When you got to the building, on which side of the building was it you were on first? A. Washington place side

of the building.

Q. And on the Washington place side of the building where did you see fire at that time? A. Coming out of the eighth floor.

Q. And have you fixed the time when you got there? A. Well, I could come within a half a minute. We received the alarm at 4:45, and we reached the building about 2-1/2 minutes later.

Q. Then it was anywhere from 4:47-1/2 to 4:48? A. Even sooner; yes, sir.

Q. It was within that radius of time? A. Yes, sir.

Q. Were the flames coming out of the windows? A. Yes, sir.

Q. And leaping upward at that time? A. Yes, sir.

Q. The flames were large at that time? A. Yes, sir; the whole side of the building was one mass of flames.

Q. The whole side on the Washington place side was one mass of flames? A. Yes, sir.

Q. Showing that the fire within was very intense? A. Yes, sir.

Q. Could you see, while you were still on the street, the Washington place stairway? A. No, sir.

Q. I am not speaking of the stairway at the entrance to the building, I am speaking in the upper part of the building while you were looking up and saw the flames? A. No, you couldn't see the stairway from the street; no, sir.

Q. Well, you subsequently found out the location of that

stairway, did you not? A. Yes, sir.

Q. And you have got the location of that stairway fixed in your mind now, haven't you? A. Yes, sir.

Q. And you have also got fixed in your mind the fire flames as they were raging at the time when you took in the situation? A. Yes, sir.

Q. Well, now, the flames at that time covered that portion of the premises in which the stairs were situated, did they not? A. Well, I couldn't say. I couldn't see that portion of the building. I should think they would.

Q. Well, you saw flames across the whole width of the building? A. The front of the building, shooting out across the street.

Q. There wasn't anything that you know of that stopped the spread of those flames on the eighth floor? A. Not just then.

Q. When you spoke of taking bodies from the top of the passenger elevator, I understood you to mean in your testimony today that was on the Washington place side? A. Yes, sir.

Q. Well, now, when you testified formerly, they have got you as saying that that was on the Greene street side. Now, I don't make any point of it, if it is a mistake here, that ends it. That was a mistake, was it? A. It was a mistake. I took them from the Washington place side of the building.

Q. It was on the Washington place side? A. Yes, sir.

Q. These bodies that you took from the top of the car --

it was on the roof of the car that those bodies were? A. Yes, sir.

Q. These were on the top, on the roof of the car? A. Yes, sir.

Q. Showing that the people that were on it never could by any possibility have been in the car? A. No, sir.

Q. And they were landed there and you said there were nineteen, I think? A. Yes, nineteen all told.

Q. And which you and your fellows in the Company removed from that portion of the car? A. Yes, sir.

Q. At that time and while you were removing those persons from the top of the car, did you see any body at all coming down the steps of the Washington place side of the building? A. No, sir.

Q. And at that time, this was after you had already seen the flames that you described to the jury a moment ago? A. Yes, sir.

Q. It was perfectly obvious to you at that time that traffic by a lay person who did not have a hose, down that staircase, was impossible, was it not? A. Well, that, I don't know — how the stairway was upstairs at that time; when I went up the stairs it was much later.

Q. Some time elapsed before you got up? A. Yes, sir.

Q. When you got up, traffic between the eighth and ninth floors was possible? A. Not when I got up there. It was passable because the hose line was up ahead of me.

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Q. That had made it possible at that time? A. I don't know what conditions was up there ahead of me. When I got there I went right to the ninth floor.

Q. What time was it when you reached the ninth floor? A. I should say about 6:10, between 6 and 6:10, around that time; exactly I couldn't tell you.

Q. In your testimony previously given — of course I only know what is in these minutes, I was not there -- they have you first as saying that you got up to the ninth floor within fifteen minutes after the time that you reached the fire; is that a mistake? A. Well, it is a mistake, it was a mistake on my part in the start, -- I said fifteen, and I meant an hour and fifteen and I come back and corrected the mistake within twenty minutes later.

MR. BOSTWICK: The correction is in the record.

MR. STEUER: That is all right t there is no claim made about any false testimony or Anything of that sort.

Q. When you got to the ninth floor, did you see any vestige of any door? A. No, sir.

Q. The space on the ninth floor that is ordinarily or was in that building covered by a door, was absolutely clear, was it not? A. The doorway was absolutely clear.

Q. That is what I am speaking about? A. The fireproof material was still there.

Q. What do you mean by fireproof material? A. The wall that the door is fastened to.

Q. But we are not speaking of the wall now, we are speaking of the door. Did you see anything, any part of a shred of that door? A. Not of the door, no, sir.

Q. It was a perfectly clear space? A. Yes, sir.

Q. Everything was removed that had ever been part of that door? A. Yes, sir; the door.

Q. That was true with relation to the hardware as well as to the wood? A. Well, I couldn't say as to the hardware.

Q. Did you see anything at all in the nature of hardware? A. I see one -- that the door swings on -- a hinge, I know, there.

Q. Where did you see the hinge? A. Right inside of the door.

Q. Inside the door? A. Yes.

Q. Did you see any hinge on the jamb? A. No, sir; I didn't see any jamb.

Q. When you got there to the fire was the fire all over the ninth floor at that time? A. No, sir; not to my sight. It looked to be all over the eighth when I first got there.

Q. I ask you if it is not a fact that on the 10th of April, 1911, Mr. Rubin asked you this question: "Q. Where was the fire when you got there?" And did you answer that question in these words "All over the eighth and ninth floors"? A. I don't remember answering the ninth, I know I said all over the eighth, that I am positive about.

THE COURT: For the purpose of the record, just in-

dicate what the occasion was on which that question is said to have been put.

MR. STEUER: That was before the Coroner, your Honor.

MR. RUBIN: At the Coroner's Inquest. A. I don't remember mentioning the ninth, I remember the eighth.

Q. Here is Mr. Rubin's question to you: "Where was the fire when you got there?" That question was perfectly clear to you, was it not? A. Yes, sir.

Q. And the answer was, "All over the eighth and ninth floors"? A. I couldn't say I didn't say it, because it is some time ago, but I don't remember it.

Q. Your recollection of that incident in April was probably better than your recollection today? A. I should think so.

Q. And if you said that at that time, don't you think that that was correct? A. That I wouldn't say. I remember that part of the fire just as well today as I did then.

Q. Well, now, the next question that Mr. Rubin asked you was, "Not extinguished? A. Part had been extinguished." Do you remember that? A. Please repeat that.

Q. The question was, the next question by Mr. Rubin was, "Not extinguished?" And your answer was, "Part had been extinguished." A. That question I don't remember.

Q. Do you remember that the next question was, "What companies were there? A. 72 Engine was there with a hose, that I see on the stairway." Now, that is correct, isn't it?

A. That is correct.

Q. And the rest you say was an error? A. As far as I can remember now, it must have been an error, I don't remember that question.

Q. Now, I wish to ask you if you remember this question; "What was the condition of the doorway at the entrance to the ninth floor?" — A. I said it was burnt away when I got to the ninth floor.

Q. (Continuing) And your answer was, "The doorway was burned away completely;" do you remember that? A. Yes, sir; everything was gone.

Q. And the next question was: "And on the eighth floor? A. The same way." Do you remember that? A. Yes, sir, that is proper; I remember that, yes, sir. Both doors was completely gone.

Q. Why was it that at that time, when you were asked those questions, you didn't say anything about having seen any hinge in there? A. The question was not put to me, I was not asked anything about what I see, the same as you asked me if I saw — I probably would have been reminded of the same thing.

Q. It was because today I did ask you whether you saw anything of the hardware and at that time you don't think you were asked that question? A. Yes, sir; and for the moment I didn't think of it.

Q. I suppose that when you were inside the loft you used

lanterns or some artificial light? A. Yes, sir; we used searchlights.

Q. Do you remember whether there was any light on the stairs? A. I don't think there was, I am not positive, I don't think so.

Q. This is the Washington place stairway we are speaking about? A. Yes, sir.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. I show you People's Exhibit 13, purporting to be a picture of the doorway and landing of the ninth floor, Washington place, just after the fire, and ask you if, after seeing that picture you now recall that that was substantially the condition that it was in at that time? A. Well, I couldn't say that I recall it. I know the whole center space was open. I don't remember seeing any wood there at all when I got up there. This other company was already working when I got there, Engine 33, on the ninth floor, and I don't remember noticing the wood.

Q. You don't remember noticing that the woodwork was there? A. No, sir; I do not.

Q. You are positive, however, that there was no door? A. That I am positive about.

Q. And you are positive that the hollow tile was still there? A. Was still there; yes, sir.

Q. But as to the trim? A. That I am not sure of.

Q. That you are uncertain about? A. I am uncertain about that; yes, sir.

Q. What engine company had been there before you? A. Engine 33 was on the ninth floor.

Q. You have spoken of the fire being all over the eighth floor? A. Yes, sir.

Q. You do not mean by that to say that you could see all over the eighth floor from the sidewalk? A. No, sir; I am speaking on the Washington place side of the building.

Q. When you saw from the Washington place side the flames, indicating that the eighth floor was all fire, you could not see any of the stairway of the Washington place side?

A. No, sir; I could not; no, sir.

Q. And that stairway was an enclosed stairway, was it not? A. Yes, it was enclosed; a brick wall.

BY MR. STEUER:

Q. Do you mean on both sides it was enclosed? A. (No answer.)

BY THE COURT:

Q. Along the Washington place side of the building —

BY MR. BOSTWICK:

Q. I mean to say there were no windows in the Washington place stairway well? A. None that I remember; not sir. Q. Did you go to the roof? A. No, sir.

RE-CROSS EXAMINATION BY MR. STEUER:

Q. When you were on the stairs on the Washington

place side, did you see any skylight there? A. Not that I remember, no; it was very dark when we got up there.

Q. You couldn't see a skylight very well that was not there, could you? A. I don't remember, I don't remember seeing one.

MR. STEUER: I withdraw that last question; that speaks for itself.

Q. I want to refer to that doorway once more at the ninth floor. You had a very distinct recollection in the early part of the trial, of the condition of that doorway, did you not? A. Pretty fair, yes.

Q. And Mr. Rubin examined you, and he was the only lawyer that was there examining you, wasn't he? A. I believe he was.

Q. There wasn't anybody there representing these two gentlemen, Harris and Blanck — they had nothing to do with the proceeding? A. I don't remember; I don't think there was.

Q. I ask you if you do not recall one of the jurymen asking you, "What was the condition of the doorway at the entrance to the ninth floor?" And your saying, "The doorway was burned away completely"? A. That is what I said, to the best of my knowledge.

Q. And that is the fact? A. That was the fact.

Q. And it is not any question of lack of recollection on your part as to whether there was any wood there, is it? A. That I don't remember, the door was completely open, and that space of wood may have been there in the dark. As I say, it was dark

when we got up there.

Q. You had a searchlight? A. Yes, but even so you could overlook such blatters under the conditions. Probably that is why I overlooked it. We were not informed to take notice of these precise little things; of courset if we were, I would have done it.

Q. Nobody suggested to you at that tiiae that the question was put that the doorway was burned away completely" A. That was the fact.

MR. BOSTWICK: He still says the doorway was burned away.

Q. When you say door, you do not include all that is about the door, do you? A. No, sir; I mean the opening of the door, the door space, the opening the door was in.

Q. And the door was burned away? A. Yes, sir.

Q. Have you ever been on the roof? A. No, sir; we didn't get to the roof.

CHARLES M. LAUTH, called as a witness on behalf of the People, being first duly sworn, testifies as follows:

(Assistant Foreman Hook & Ladder 20.) DIRECT

EXAMINATION BY MR. BOSTWICK:

Q. You were at the fire on the 25th of March, 1911, at Washington place and Greene street? A. Yes, sir.

Q. And you relieved Mr. Woll, did you not? A. I did, yes.

sir.

Q. Did you go to the eighth, ninth and tenth floors? A. Yes, sir.

Q. And you were one of the men engaged in searching for the bodies there? A. Yes, sir.

Q. Were any bodies found in the eighth floor? A. No, sir.

Q. Any bodies on the tenth floor? A. No, sir.

Q. All the bodies that were found were found on the ninth floor? A. On the ninth.

Q. None on the roof? A. None on the roof. At least, I was not to the roof.

Q. Oh, you didn't go to the roof? A. No, sir.

Q. Had any of the bodies been lowered to the sidewalk when you got there? A. I saw to that myself. I relieved Lieutenant Woll about six o'clock.

Q. Was that done under your command? A. Yes, sir; under my command.

Q. Do you recollect where the bodies were found on the ninth floor? Yes, sir.

Q. Whereabouts were they found?

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

(Objection overruled; exception.)

Q. Were you on the Washington place side of the building? A. Yes, sir.

Q. Were you near the dressing room? A. Yes, sir.

Q. Were you near the Washington place door? A. Yes, sir.

Q. Now, in relation to the Washington place door, or the dressing room, or any other part of the room, state where those bodies were found?

(Same objection; same ruling; exception.)

A. Well, I was under orders of Chief Croker —

Q. Just tell us where the bodies were found.

THE COURT: Please tell us where the bodies were. A. I was on the ninth floor, and I started to search for the bodies. I found two in a little crevice behind the dressing room, one right directly in front of it.

Q. I show you the diagram People's Exhibit 2. This (indicating on diagram) is Washington place and this is Greene street? A. Yes, sir.

Q. And that is the Greene street elevator and the Greene street entrance? A. Yes, sir.

Q. You walked down Greene street and then along Washington place and you got to the Washington place -- A. No, I entered by the Washington place entrance.

Q. You entered by this Washington place entrance? A. Yes, sir.

Q. And you came up the stairway? A. Yes, sir.

Q. And there is the door that leads from the stairway into the loft? A. Yes, sir.

Q. There is the sink, do you remember seeing that? A. Yes,

sir.

Q. Here is the door? A. Yes, sir.

Q. Here are the toilets? A. Yes, sir.

Q. Now, you say that you found how many bodies, two or three was it? A. I found two right behind the dressing room and one at the opening of it.

Q. When you say behind the dressing room, do you mean in the recess behind the toilets? A. In the recess behind the toilets; yes, sir.

Q. Were there hooks on the wall there? A. Not that I noticed.

Q. You didn't notice? A. No, sir.

Q. Did you find any in front of the dressing room? A. Yes, sir, I found eleven bodies in front of the dressing room.

Q. Will you indicate with a cross about where those eleven bodies were found? A. Well, it was right at the opening of the door. Is this the opening here, may I ask (indicating on diagram)?

Q. These represent wooden partitions? A. Well, this is the dressing room (indicating).

Q. Here is the door to the stairway? A. Yes. Well, the dressing room was this side.

Q. And this was burned away, all these partitions? A. The partitions were all burned away; yes, sir.

Q. Where did you find the bodies? A. I found them right

at the opening of the dressing room from the center of the floor as you go into the dressing room; I found eleven bodies in a pile right about here (indicating).

Q. Make a cross there.

THE COURT: And put your initials there, by the mark. A. (Witness marks on diagram as directed.)

Q. Do you remember that there were toilets still left? A. I don't remember whether there were toilets there or not. It was full of burned material in there.

Q. You remember the sink? A. I remember the sink, yes.

Q. Were the bodies that were found on the Washington place side lowered to the Washington place street? A. Yes, sir; by my orders.

BY THE COURT:

Q. How near, to the best of your recollection, was the body that was nearest to the Washington place door at the time that you saw the body? A. Well, about 30 or 35 feet — Oh, that is to the door? No, that was only about 15 feet.

Q. Now, what is your answer to my question? About how many feet away from the door on the Washington place side leading into the ninth loft was that body which was nearest to the door at the time that you saw it? A. About fifteen feet.

Q. And in what direction? A. In the direction of the dressing room.

BY MR. BOSTWICK:

Q. I show you People's Exhibit 13, which is a picture of the doorway on the ninth floor leading to the stairway, and ask you whether that door when you saw it, or that doorway when you saw it, was substantially in the condition represented by that picture? A. Well, that I couldn't say, because --

Q. That's all. Did you go to the roof? I think you said you did not? A. No, sir, I did not.

CROSS-EXAMINATION BY MR. STEUER:

Q. When you came in the Washington place door, it had been burned away, there was nothing left of it? A. No, sir.

Q. And nothing left of the Greene street door? A. Well, I didn't get over there till the next morning to make use of that door. I worked on that floor all night before I used either one — I always used the Washington place door.

Q. I find here that when you testified before the Coroner that Mr. Rubln asked you the question, "When you came in the Washington place door it had been burned away, there was nothing left of it?" And you answered, "No", meaning there was nothing left of it? A. Yes, sir.

Q. And then immediately after that he asked you — what is the next question — "And nothing left of the Greene street door?" And your answer is "No"? Do you want now that it should be understood that you mean that when you saw it next morning there was nothing left of it? A. There was nothing left of either of the doors the next morning.

Q. Well, you got into the Washington place door that

Q. You started at the Washington place entrance on the ninth floor? A. Yes, sir.

Q. You have indicated by your finger upon the diagram that having entered that loft you went along the side of it opposite Greene street, that is to say, the toilet side, for some distance towards the wall where the fire escape was, in the direction of that wall? A. Yes, sir.

Q. And that you then retraced your steps and went along the Washington place side of the building And along that wall until you came to the Greene street side, is that so? A. Yes, sir.

Q. And then along the Greene street side until you came to the place where other firemen were at work? A. Yes, sir.

Q. Is that about a correct statement? A. That is a correct statement, your Honor; yes, sir.

Q. When you got to that loft At half-past six, who, if anyone, of your own Hook and Ladder company, were there besides yourself? A. Well, the company was there working under the direction of Lieutenant Woll.

evening at about six-thirty, as I understand you? A. Yes, sir.

Q. The shutters hung on the windows, what were they made of? A. Made of sheet iron or steel, whatever they make them of, either one.

Q. You are not positive one way or the other? A. No.

Q. What was the condition of the shutters on the windows hung on the ninth floor? A. Well, they were all sprung and warped.

Q. They were badly warped, weren't they? A. Yes, sir.

Q. And they were all twisted, weren't they? A. They were twisted; yes, sir.

Q. That was from the heat? A. From the heat and water.

Q. Did you see anybody in the center or near the center or at the center on the ninth floor? A. No, sir; I did not.

BY THE COURT:

Q. Are you able by taking the diagram which is in evidence, and which is a diagram which purports to be a diagram of the ninth loft of that building, to indicate on it the portions of that loft which you went into after you reached it, as you said, about half-past six on the day of the fire? A. Yes, sir.

Q. Will you do so? A. Well, I entered on the Washington place side and then I removed all the bodies on the Washington place side, and then I come over through across the loft at the windows for bodies, I couldn't find any, and I come across and I assisted the Companies working on the Greene street side.

Q. And the company at that time present at the building consisted of about how many men? A. Seven men.

Q. Did you as a matter of fact find the other six men on the ninth loft when you entered it, referring to the other six men of your own Company? A. Yes, sir.

Q. Did you enter it in conjunction with the other six, that is to say, about the same time, or some time afterwards? A. Well, the men were at work when I got there, they were just starting in when I got there, when I relieved Lieutenant Woll.

Q. Are you able to indicate by looking at this exhibit which is before you the points at which the other men of your company were at the time you entered that loft? A. Yes, sir.

Q. Will you do so? A. Well, they were right in front of this dressing room, just straightening a net, or body bag, to lower the first body. Yes, I reported there.

Q. When you say they were there you mean how many were there? A. Six men were there.

Q. That is to say all the balance of the company? A. Yes, sir.

Q. You have previously indicated on this diagram by a certain mark the point at which you say you found a certain number of bodies? A. Yes, sir.

Q. With respect to that mark whereabouts were the other six men of your company at the time that you first saw them after you first entered that loft? A. Well, the men were working, just as I say, there were only six men working at it.

Q. We had seven men out, that includes the driver, and six men were working in front of this dressing room, just stretching out a body bag when I reported there and took command of the company and relieved Lieutenant Woll.

Q. And Lieutenant Woll, so far as you know, then went away? A. No, he stayed there till 4:30 in the morning, assisting me in whatever he thought he could do, but I was in command of the company at the time under the Captain's orders. At the time of the fire I was just out.

Q. Now we will take the space that is indicated upon; that diagram as the space between the table that is nearest to the dressing rooms, and the tables shown upon that diagram next to it, in the direction of Greene street, that space there. Do you understand that that diagram shows certain tables, officer? A. Yes, sir; I see these tables here.

Q. Now, we will take that space. Are you able to state from recollection whether or not you found any bodies within that space? A. Positively no.

Q. Now, we will take the space next, that is, the space between the table next to that and ~~~ A. No, sir, there were not any bodies in between any of these spaces of any of the tables.

MR. STEUER: May I make a suggestion with relation to the answer to your question, your Honor? You asked with respect to his recollection, and the witness answered "No". That would indicate that he did not have recol~

lection. What the witness meant was positively there were no bodies there.

THE WITNESS: There were no bodies there.

Q. So you are now prepared to testify from the examination you made of the premises in conjunction with the other members of your own company at the time you have named that there were no bodies in the spaces between any of the tables on the ninth loft? A. Yes, sir.

Q. Did you at any time while you were there on that afternoon go into the space between the ends of those tables, nearest the fire-escape wall, and the fire-escape wall? A. Yes, sir.

Q. You know the space I mean, do you? A. Yes, sir; the space where the window opens.

Q. I refer now to the space between the end of the tables nearest where I have called the fire-escape wall and the fire escape wall, for the entire distance? A. Yes, sir; we went clean around the floor.

Q. Are you able to say whether or not there were any bodies there? A. No, sir, there were not any bodies there, not that I know of.

Q. I call your attention to a remaining space on that diagram, being the part within the Greene street hallway on the ninth loft — you understand the space I mean? A. Well, on the floor space?

Q. The floor space. Now, are you able to state whether there were any bodies in that space? A. Well, there was a space

only around the door that there were any bodies, say at about six feet from the door there were several bodies.

Q. And when you say six feet from the door you have referenee new to the Greene street door? A. To the Greene street door, yes, sir, about six feet.

Q. When you say about six feet from what do you mean, six feet outside of it or six feet inside of it? A. Six feet inside of it.

MR. STEUER: I have no questions.

BY MR. BOSTWICK:

Q. Do you know the names of the other members of your company, besides Lieutenant Woll? A. Yes, sir, I believe they are all present; they are all outside.

BY THE COURT:

Q. Will you kindly give us their names for the purposes of the record? Start with Lieutenant Woll: now, who are the others? A. Lieutenant Woll, Fireman Ott.

BY MR. BOSTWICK:

Q. Was Stafford one? A. Fireman Stafford.

Q. Was Lauth one? A. I am Lauth.

Q. Mance? A. Mance is onef Yes, sir. O'Connor.

Q. Kuhn? A. Kuhn, that's right. I believe that was all.

FLOYD N. MANCE, called as a witness on behalf of the People, being first duly sworn,
testifies as follows:

(Hook and Ladder 20)

DIRECT EXAMINATION BY MR. BOSTWICK: Mr. Mance, you went

to the fire in the afternoon of March 25th, 1911, at the corner of Washington place and Greene street, on the first alarm, did you not? A. Yes, sir.

Q. And you were then and are you still connected with Hook and Ladder company No. 20? A. Yes, sir.

Q. Now, you did certain work first in the street, did you not? A. Yes.

Q. And finally you got up to the ninth floor? A. Yes.

Q. When you got up to the ninth floor was Lieutenant Woll up there with you? A. Yes.

Q. Was Fireman Ott there? A. Yes.

Q. Stafford? A. No.

Q. Was Lauth there? A. No.

Q. Kuhn? A. No.

Q. O'Connor? A. Yes.

Q. Now, when you went in the ninth floor did you go in the Washington place door?
A. Yes.

Q. You had come up the Washington place stairway? A. Yes, sir.

Q. And went in the Washington place door? A. Yes, sir.

Q. I show you what purports to be a diagram of that ninth floor of that building (People's Exhibit 2). Now (indicating on Exhibit 2) this is Washington place, there is the door where you went in, this is the end of the building, you walked down there, and that is the corner of Washington place and Greene street, and if you walked north, uptown, you come

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to the Greene street entrance; is that confusing to you? A. No, sir.

Q. Have you got that in your mind? A. Yes, sir.

Q. You came up this stairway, the Washington place stairway? A. Yes, sir.

Q. And you came through this door? A. Yes, sir.

Q. Which led into the loft? A. Yes, sir.

Q. I show you People's Exhibit No. 13, which purports to be a picture of the door leading from the ninth floor, Washington place side, and ask you whether that door was in substantially the same condition as shown by that picture? A. That looks about the same.

Q. Now, that is the door which you went through when you arrived at the ninth floor? A. Yes.

THE COURT: I suggest that you substitute doorway for that.

MR. BOSTWICK: Doorway.

Q. Did you see anybodies when you got inside? A. Yes.

Q. And, where did you see those bodies? A. In front of the window and in front of the dressing room that led to the left.

Q. And when you say to the left you mean the left, walking into the loft? A. Yes, sir.

Q. It was to your left when walking into the loft? A. Yes, sir.

Q. In other words, if you went in that door, it would be on this side, to the left? A. Coming from the hallway.

Q. Do you remember a sink there? A. There was a sink there.

Q. Do you remember any toilet there? A. No.

Q. Now about how many feet from the doorway on the ninth floor did you see the bodies? A. Only seven or eight.

Q. Seven or eight bodies, or seven or eight feet? A. Seven or eight feet.

Q. So the body nearest to the Washington place door was about seven or eight feet away? A. About seven or eight feet, I should judge.

Q. Did you make an examination at all or go on the eighth floor? A. I don't recollect about being on the eighth floor.

Q. Did you go on the tenth floor? A. Yes, sir.

Q. Any bodies found on the tenth floor? A. No.

Q. Any on the roof? A. No.

Q. And all the bodies that were found on the Washington place side were lowered to the Washington place sidewalk, were they not? A. They were all lowered at the Washington place side.

CROSS EXAMINATION BY MR. STEUER:

Q. You saw Mr. Lauth when he got there, didn't you? A. Yes.

Q. He relieved Lieutenant Woll, did he not? A. Yes.

Q. And he was in command? A. Yes.

Q. Up to the time when he got there had you moved a single body? A. We had started to move them.

Q. Now, he testified here just a moment ago that he got there when you were just straightening out the first body bag?

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A. That is what I say, just about starting to let them down.

Q. Had you moved the bodies up to that time? A. Not that I recollect.

Q. So that the bodies when you saw them were in the same position as when Mr. Lauth saw them? A. Yes, I think so.

Q. You didn't make any measurements of the distance to the door at that time, did you? A. No, I did not.

Q. And you are more or less guessing at that, aren't you? A. I guess at the number of feet.

Q. But looking at the diagram do you think you could tell us where it was you saw the nearest body? A. I imagine I could.

Q. Well, look at it and see. When I say the nearest body I mean the body nearest the Washington place door? A. In the space in between the dressing room and the stairway would be the nearest body, wherever that is. This is the doorway from the hall (indicating on diagram).

Q. Mr. Bostwick says that you had better know, and I want you to know whatever was the truth, Mr. Manes, that this room, which is now marked "dressing room" was not there. Do you remember any such room as that? A. Well, the dressing room what I had reference to, must have been the toilet.

Q. The room that is marked the "toilet room"? A. A fire-proof room.

Q. The fire-proof room, you say? A. Yes.

Q. Well, is that the room where you see these toilets indicated? A. This looks like it.

Q. Well, now, with relation to that where do you place the nearest body? A. In between that room and the stairway (indicating on diagram).

MR. STEUER: Did Officer Lauth make a mark?

THE COURT: Yes, he did.

Q. Now, will you make a mark, if you will, where you think you saw the nearest body to the Washington place entrance? A. The nearest body was in between that fire-proof room, and the door leading to the stairway (witness marks upon diagram with a pencil, and places his initials by his mark).

Q. Did you ever go back to the ninth loft after that day? A. Yes, once.

Q. When was that? A. A couple or three days after, I think.

Q. Two or three days later? A. Yes.

Q. Did you do anything there at that time? A. No.

Q. Were you sent there by your commander? A. No, I was taken there.

Q. Who took you there? A. I don't know the party's name.

Q. Did you make any measurements at that time? A. They made some measurements, the party that took me there. I don't know what they measured.

Q. You don't know what they measured? A. No.

Q. But the bodies that you saw that evening were in exactly the same position when you saw them first as when Mr. Lauth got there? A. I think so. They had not been removed yet.

BY MR. RUBIN:

Q. You saw them before Mr. Lauth, though, you were first? A. Well, I seen then before he did.

BY MR. STEUER:

Q. He was in command and made a record of the number that was lowered, and everything else, did he not? A. Yes, he did.

MARTIN A. O'CONNOR, called as a witness on behalf of the People, being first duly sworn, testifies as follows: (Hook and Ladder 20.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Were you at the fire at the corner of Washington place and Greene street on March 25th, 1911, as one of the company of Truck No. 20? A. Yes, sir.

Q. And you were under command of Jacob Woll? A. Yes, sir. Lieutenant Woll.

Q. And after that he was relieved by Lieutenant Lauth? A. Lieutenant Lauth.

Q. Now, after the work that was done upon the street, you finally got up to the ninth floor, didn't you? A. Yes, sir.

Q. When you went up to the ninth floor, you went up by way of the Washington place stairway, did you not? A. Yes, sir.

Q. I show you People's Exhibit No. 13 which purports to be a picture after the fire of the entrance by the stairway into the loft on the ninth floor and I ask you whether that sub-

stantially represents the condition in which that doorway was at the time that you were there? A.

Yes, sir.

Q. It is substantially a correct picture of that doorway? A. Yes, sir.

Q. Now, I show you a diagram purporting to represent the ninth floor. This is upon the corner of Washington place and Greene street, and if you walk uptown you walk up Greene street, and there is the Greene street entrance to that building. If, instead of walking uptown, you walk westerly you come to the entrance on Washington place; do you understand that, or is it confusing? A. Yes, sir, I understand it.

Q. Now, you entered the Washington place entrance and went up the stairs till you got to the ninth floor and then you came out into the loft, did you not? A. Yes, sir.

Q. Some of this which is indicated here means a partition which was burned and not there when you were present on the ninth floor, other portions of it represent hollow tiling that still remained; do you recall that? A. Do you mean the hollow tiling? You mean the partition on the wall?

Q. Right near the stairway? A. The partition of the wall?

Q. Yes. A. Yes, sir.

Q. You remember a sink? A. Yes, sir.

Q. Do you remember any of the toilets at all? A. No, sir. Yes, sir, I remember a toilet, one sink and one toilet.

Q. The elevators were right next to the stairway? A. Yes, sir.

Q. The elevators were right to the side of that door, were

they not? A. Yes, sir.

BY MR. BOSTWICK: (Showing witness Exhibit 13)

Q. The elevators, this being the door — this picture is a picture looking into the door toward the stairway, and the elevators are here (indicating on picture)? A. Yes, sir.

Q. After you went in that loft on the ninth floor did you see anybodies? A. You mean as soon as I got in the door?

Q. Well, when you got in there did you see any bodies on the ninth floor? A. I didn't see any bodies when I first looked around the floor. I seen a pile of rubble, which turned out to be bodies afterwards, but I didn't see no bodies.

Q. Not when you first went in? A. No, sir. They were buried in this rubble.

Q. Were the bodies in a pile? A. Yes, sir.

Q. How near to the door would you say was the nearest body? A. About twenty feet, I should say.

Q. Do you mean that the pile of bodies was twenty feet from the door, - that the body which was nearest —

MR. STEUER: Now, your Honor, I submit —

MR. BOSTWICK: I withdraw the question.

Q. Were all the bodies found on the Washington place side of the building lowered to the Washington place sidewalk? A. Yes, sir.

Q. And did you assist in that work under Lieutenant Woll and under Lieutenant Lauth? A. Yes, sir.

Q. Did you find any body there that was by itself? A. Yes, sir.

Q. Where was that? Do you remember where you saw that single body? A. I can't explain, but I can show you on this diagram.

Q. Take this pencil and you can then show? A. You say this is the stairway (indicating)?

Q. This is the stairway and there you come in the door, and this was burned away, this partition here? A. What kind of a partition is this?

Q. That was hollow tile? A. They were right in here (indicating).

THE COURT: Put your initials there with a mark. (Witness marks as directed.)

Q. Now, put a circle or a cross, or something to indicate where you think that body was. (Witness marks as requested).

CROSS EXAMINATION BY MR. STEUER:

Q. Did anybody from your company get into the ninth floor any appreciable space of time before you? A. Yes, sir.

Q. Who? A. Why, the whole company. I was the last one of the company to go in on the floor.

Q. Did you get there after Lauth? A. Oh, no, not -- I was there before, but I was sent down on the store floor. I happened to have a hook --- that was the tool I had --- and there was a company working on the store floor, and I was sent in there to pull some partitions down to make room so they could get in there and during that time the rest of the company had gone upstairs and I went in after them. They might have

been in there well five minutes before I was there.

Q. When you got up there did you stop at the doorway at all, when you got up to the ninth floor, or did you walk right in? A. Well, I walked right in.

Q. You don't mean to tell the jury that you took any particular look so as to make note of the conditions at that time, do you? A. No.

Q. Just as soon as you got up there you wanted to help in whatever work there was to be done in there, and you wanted to go where you would be useful? A. Yes.

Q. There wasn't anything on that landing or at that doorway that was of any interest to you, was there? A. No.

Q. Had not the door been completely burned away long before you got there? A. It must have been, as I didn't notice any door.

Q. You didn't notice any remnant of any door left there, did you? A. No.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Did you go on the tenth floor? A. Yes, sir.

Q. Any bodies found on the tenth floor? A. No, sir.

Q. Did you go on the eighth floor? A. Yes, sir.

Q. Anybodies found on the eighth floor? A. No, sir.

JOHN E. STAFFORD, called as a witness on behalf of the People, having been first duly sworn, testifies as follows: (Hook and Ladder 23)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, you were connected with the Fire Department of the city of New York? A. Yes, sir.

Q. And attached to Hook and Ladder No. 20? A. Yes, sir.

Q. And you went to the fire and were under Lieutenant Woll? A. Yes, sir.

Q. And you finally got to work on the ninth floor, did you not? A. Yes, sir.

Q. Did you work there continuously after Lieutenant Woll went away under Lieutenant Lauth? A. Yes, sir.

Q. Now, I show you People's Exhibit No. 13, which purports to be a picture leading from the stairway on the ninth floor into the loft. So far as you recollect does that substantially represent the condition of that doorway at the time? A. Yes, sir, it does.

Q. Now, I show you a diagram of the ninth floor, and I show you People's Exhibit No. 18. That corner represents the corner of the building, that is the corner of the building? A. That is the Greene street side?

Q. There is the Greene street side over there, there is the Greene street entrance? A. Yes, sir.

Q. And this is the Washington place entrance over here. Now, you went up to the Washington place entrance, did you not? A. Yes, sir.

Q. And you went up that stairway? A. Yes, sir.

Q. And that is that door (indicating on diagram)? A. Yes.

Q. Do you see? A. Yes, sir.

Q. As you come in that door you come across that line?

A. Yes, sir.

Q. Now, you have got your bearings on that diagram?

A. Yes, sir.

Q. After you got in on the ninth floor did you see any bodies there? A. Yes, sir.

Q. How many bodies would you say were there? A. Well, I should judge about a dozen — maybe twelve or thirteen bodies. They were all in a heap, only three --

Q. How near the Washington place door on the ninth floor would you say was the nearest body? A. Well, I should judge about twelve feet, fifteen feet, somewhere around there.

Q. Did you go on the tenth floor. ? A. No.

Q. Did you go on the eighth floor? A. No, sir, ninth floor only.

Q. Did you assist in putting the bodies in the body bags and lowering them to the street? A. Yes, sir.

Q. And were all the bodies which were found on the Washington place side lowered to the Washington place sidewalk? A. Yes, sir.

Q. And when that was done did you go over and help on the Greene street side? A. Yes, sir.

Q. What time were you relieved? A. I was relieved about three o'clock in the morning. Sunday morning.

Q. Do you remember the names of any of the men who worked

with you in lowering those bodies and. hile they were found? A. Yes, sir.

Q. Jacob Woll? A. No, sir.

Q. Lauth? A. Yes, sir.

Q. Ott? A. Yes, sir.

Q. O'Connor? A. Yes, sir.

Q. Kuhn? A. Yes, sir.

Q. Mance? A. Yes, sir.

CROSS EXAMINATION BY MR. STEUER:

Q. You went up together with the other men in your company, did you not? A. Yes, sir.

Q. So that there was nobody from your company that got into the ninth floor any time before you? A. I don't think there was.

Q. Well, I don't mean a second or two, but I mean you men got there about together? A. About the same time, yes, sir.

Q. Walked in together? A. Yes, sir.

Q. Did you take any particular notice of the doorway, or did you try to get in where you would be useful as soon as possible? A. No, sir; we got orders to go to the ninth floor and we went up and right straight in on the ninth floor, and started to take the bodies, putting them into the bag, and lowering them to the street.

Q. Did you see any part, or any fraction, however small, of a door loft when you got up to the ninth floor? A. No, sir, I just walked right straight in, I didn't see nothing.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. The men of engine companies had been there prior to your going there? A. Perhaps so, I don't know; I wasn't there. I went to the fire about six thirty, you know.

Q. So you don't know what happened prior to your getting to the fire?

A. No, sir, I don't.

ANDREW OTT, (Hook and Ladder 20) called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, you were a fireman of the Fire Department of the City of New York? A. Yes, sir.

Q. And attached to Hook and Ladder 20? A. Yes, sir.

Q. And in that capacity you went to the fire at the building at the corner of Washington place and Greene street? A. Yes, sir, Washington place I went in.

Q. I say to the building, corner of Washington place and Greene street? A. Yes, that's right.

Q. And after you had done your work down on the street, you were finally ordered up to the ninth floor, were you not? A. Yes, sir.

Q. And the other officers of your company? A. Yes, sir.

Q. And you were under command of Lieutenant Woll? A. Yes.

Q. And subsequently, when he was relieved, of Lieutenant Lauth? A. Lauth, yes, sir.

Q. When you got to the ninth floor you entered through

the Washington place door, did you not? A. Yes, sir.

Q. After yuu went in did you find any bodies? A. Yes, sir, I found bodies.

Q. Are they on the right-hand or left-hand side as you went in the door? A. On the left-hand side.

Q. And about how far from the door did you see the nearest body? A. About ten or fifteen feet.

Q. And were all the bodies which were found there lowered to the Washington place sidewalk? A. Yes, sir.

Q. And did you assist in that? A. Yes, sir.

Q. Did you go on the eighth floor? A. Yes, sir,

Q. Any bodies found on the eighth floor? A. No, sir.

Q. Any bodies found on the tenth floor? A. No, sir.

Q. Did you go on the roof? A. No, sir.

Q. Any bodies found on the roof? A. No, sir.

Q. Any on the fire-escape? A. No, sir.

CROSS EXAMINATION BY MR. STEUER:

Q. You didn't count the bodies, did you? A. No, sir, I did not.

Q. And the record of the bodies was made by Lieutenant Lauth, wasn't it? A. Yes, sir.

Q. Did you go into the building when you went into the Washington place entrance with Lieutenant Woll? A. Yes, sir.

Q. He got there the same time you did? A. Same time.

Q. And walked through the same time he did? A. Yes, sir.

Q. When you got there with Lieutenant Woll was the Wash-

ington place door completely burned away?

THE COURT: Referring now to the door on the ninth floor?

Q. On the ninth floor, the Washington place doorway? A. I think it was all burned down, yes, all completely out of the way.

Q. Don't you know it was? A. I know I didn't have no trouble getting in, I know I could walk right through it.

Q. Do you remember that you were asked distinctly about that door on the tenth of April, which was only about fifteen or sixteen days after the fire, by Mr. Rubin, at page 110 —A. I don't remember.

Q. Well, your recollection at that time about it was very good, wasn't it — fifteen days after the fire? A. Well, I will tell you, I was busy working. I didn't pay much attention to it.

Q. You didn't pay much attention to what you were saying at that time? A. No, to the work I was doing there.

Q. Well, I can understand that, but you were asked by Mr. Rubin, when there was no other lawyer to ask any questions, do you remember? You were asked, "Did you notice the condition of the Greene street side of the ninth floor? A. Burned away. Q. It was so with the Washington place door? A. Yes." Do you remember that? A. I don't get you right.

Q. How? A. I don't understand you right.

Q. Well, you remember Mr. Ottt that Mr. Rubin, who is

sitting at this table, asked you some questions about this matter about two weeks after the fire, when the Coroner was there, don't you remember that? A. Yes, sir.

Q. Do you remember that? A. Yes, I remember.

Q. Well, now at that time Mr. Rubin asked you, "Did you notice the condition on the Greene street side of the ninth floor?", and your answer was, "Burned away". Was that correct?

A. Well, the only thing, there was a partition there was burned away.

Q. Well, now, the next question he asked you was, "It was so with the Washington place door? A. Yes." Do you remember that? A. Yes, sir.

Q. Was that correct? A. I think it was, yes, sir.

Q. These bodies that you saw on that evening, their heads were pointing away from the door, were they not? A. I couldn't tell you how they were pointed, because they were all in a pile.

Q. Were they not pointing towards the windows? A. There was some found near the windows, I think.

Q. I didn't ask you about that. You spoke of having found certain bodies after having got in the Washington place door on the ninth floor, and I understood you to say that the nearest one to the door was about ten or fifteen feet away from the door, in answer to Mr. Bostwick's question? A. Yes, sir.

Q. Now, I ask you whether it is the fact that the most of these bodies were pointing away from the door and toward the windows? A. Well, I couldn't tell you how the heads were.

Q. Do you know whether you correctly remembered that when Mr. Rubin was asking you about it? A. I don't remember saying how the heads were.

Q. You understand the question I am asking you, don't you? A. Yes, sir.

Q. I am not asking you what the fact is as to the way the heads were pointing, but I ask you whether you remembered it correctly at the time that Mr. Rubin asked you? A. (No answer).

MR. STEUER: That's all.

CHARLES E. KUHN (Hook and Ladder 20) called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, you were connected with the Fire Department in the City of New York, and attached to Hook and Ladder No. 20, were you not? A. Yes, sir.

Q. And in that capacity you went to the fire at the corner of Washington place and Greene street? A. Yes, sir.

Q. And you were there under the command of Lieutenant Woll, and then subsequently of Lieutenant Lauth? A. Yes, sir.

Q. Was Lieutenant Woll there when you were there? A. Yes.

Q. And there were also in your company Ott, Stafford —
A. Yes, sir.

Q. Mance? A. Yes, sir.

Q. O'Connor? A. Yes, sir.

Q. Lauth? A. Yes, sir.

Q. Woll? A. Yes, sir.

BY THE COURT:

Q. In other words, there were six other men besides yourself in that company? A. I believe there was, Judge.

BY MR. BOSTWICK:

Q. After you got through the work downstairs you finally got to the ninth floor, did you not? A. Yes, sir.

Q. And when you got to the ninth floor you went up by the stairway, did you not?

A. Yes, sir.

Q. And you went through the door into the loft? A. Yes, sir.

Q. I show you People's Exhibit No. 13, which purports to be a picture of the landing on the ninth floor and the entrance to the loft, and I ask you, so far as you can remember, whether that substantially shows the condition of that doorway at the time you went into it? A. Yes, sir.

Q. Now, I show you a diagram (People's Exhibit 2) and also People's Exhibit No. 18; that corner in that picture corresponds to that corner on the diagram, this is Washington place, and this is Greene street running north and south? A. Yes.

Q. Is that clear to you? A. Clear to me, yes, sir.

Q. There is the Greene street to this building, the entrance on Greene street to this big building? A. We had nothing to do with that.

Q. And here is the entrance to Washington place? A. That is the place we went into.

Q. That is the place you came in? A. Yes, sir.

Q. And there were two elevators there? A. Yes, sir.

Q. And next to the elevators comes the stairway? A. Yes.

Q. And you went up that stairway to the ninth floor? A. Yes, sir.

Q. And you went through this door? A. Yes.

Q. Now, this door in the picture of that door there in the diagram (indicating on picture and diagram); you came through this door? A. Yes, sir.

Q. From the stairway — there is the stairway (indicating)? A. Yes, sir.

Q. There is the picture of the stairway, there is the diagram of it, and you came in this door? A. Yes.

Q. Now as you came in that door did you see any bodies? A. No.

Q. Were any bodies found there? A. Not until about ten or fifteen feet from the entrance into the door.

Q. Now, did you go on the eighth floor at all? A. Not to my knowledge, no.

Q. Did you go on the tenth floor? A. No, sir.

Q. Did you find any bodies on the tenth floor? A. No, sir.

Q. Any on the roof? A. No, sir.

Q. Any on the fire-escape? A. No, sir.

Q. About how many bodies would you say were found on the ninth floor, on the Washington place side? A. Average around from ten to fourteen.

Q. And were all the bodies which were found on the Washington place side by your company put in body bags and lowered by ropes to the Washington place sidewalk? A. Yes, sir.

Q. And none of the bodies were taken to the Greene street side? A. No, sir.

CROSS EXAMINATION BY MR. STEUER:

Q. You got into the building together with the other men of your company, did you not? A. Yes, sir.

Q. I really meant to ask you whether you got into the ninth floor loft together with the other men? A. Do you mean with out company?

Q. Yes. A. Yes, all together.

Q. The other men of your company? A. Yes.

Q. The men about whom Mr. Bostwick asked you? A. Yes; Lieutenant Lauth was in at that time when we was on the ninth floor, he was in charge.

Q. Did you see between the doorway that has been mentioned as the ninth floor doorway and these bodies that you spoke of any separate body, on your way to these bodies?

A. Well, the nearest body I have seen is from ten to fifteen feet.

Q. And that was one of the group that you had reference to? A. One of the group, yes.

Q. Now, at the time when you got up there there was no door to the ninth floor, was there? A. No, sir.

Q. There wasn't any part of a door left, was there? A. No, sir, only the frame work I seen on that photograph there, the

interior part of what is on the picture, the frame work of the door.

Q. But speaking of the door itself, I want to get that distinct, - there wasn't a shred or a vestige of that left? A. Not at that door itself, no.

Q. Every time that Mr. Bostwick asked you whether you got in through that door, of course you meant through the space where the door had been before the fire? A. Where the door was, yes.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. And you joined the Lieutenant and the other men a little later than some of the company, didn't you? A. Yes. On arrival of the alarm I was not in quarters, I went after the apparatus responded for the fire.

Q. And you don't know what fire companies had been up there, do you? A. No, I do not.

Q. And Mance was there ahead of you? A. Yes, sir.

ALLAN LANDRY (7th Precinct) called as a witness on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, you were connected with the Chief Inspector's office, were you not? A. I was.

Q. And you were working at the Washington place fire on that evening? A. I was.

Q. And you were assisting Officer Kenseler? A. I was.

Q. And were you taking the descriptions of the various bodies that were lowered from the ninth floor? A. I was.

THE COURT: Ascertain what time he got to the premises.

Q. What time did you get there? A. About 4:50 p.m.

Q. And at what time were the first bodies lowered? A. Around eight o'clock, eight or nine o'clock.

BY THE COURT:

Q. On the evening of the same day? A. On the evening of the same day.

BY MR. BOSTWICK:

Q. Were all the bodies which were lowered on the Washington place side tagged on the Washington place side? A. They were.

Q. And put in boxes? A. They were.

Q. And removed by patrol wagons to the Morgue? A. They were.

(No cross examination.)

CHARLES KENSELER, called as a witness on behalf of the People, being first duly sworn, testifies as follow:

DIRECT EXAMINATION BY MR. BOSTWICK

Q. Did you go to the scene of the Washington place fire on March 25th, 1911? A. Yes, sir.

Q. What time did you get there? A. About 5:12 p.m.

BY THE COURT:

Q. You are an officer attached to the Municipal Police

force and you were on the 25th of March last? A. Yes, sir.

BY MR. BOSTWICK:

Q. About what time did they commence to lower the bodies from the Washington place building? A. Well, I was busy with the bodies which were on the street, and they lowered --

THE COURT: Strike out what he said. Answer the question.

Q. About what time did they commence to lower the bodies? A. About seven o'clock as near as I can remember.

Q. It was some time after 4:45 p. m.? A. Yes, sir.

Q. Were all the bodies which were lowered on the Washington place side tagged on the Washington place side? A. Yes, sir.

Q. And then they were taken in patrol wagons to the Morgue? A. Yes, sir.

Q. And the same is true of the bodies on the Greene street side? A. Yes, sir.

Q. And who assisted in that work besides you and Officer Landvoe? A. I had patrolmen Jahalka and Patrolman Taglianlo of the Second ~~~

BY THE COURT:

Q. When you say "tagged" what do you mean? A. I described a body and Patrolman Jahalka, who was a stenographer, took notes as I described the body; then Taglianlo put a tag on the body with a number to correspond to the description I had just called off to the stenographer.

Q. You caused the descriptions which you gave to your

stenographer, to be separately taken down and numbered? A. Yes.

Q. And then upon tags which were attached to the body were placed numbers corresponding to the different descriptions? A. Yes, sir.

MR. BOSTWICK: In view of the concessions I don't think we will call the Officers Taglianlo and Jahalka.

(No cross examination.)

DOMINIC HENRY (Captain Police Department, 16th Precinct), called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You were a captain of the Police Department on the 25th of March, 1911? A. Yes, sir.

Q. And as such you had charge of the bodies which were lowered from the 8th floor of the Washington place and Greene street building? A. Yes, sir.

Q. And all the bodies that were lowered were tagged by the police Department? A. Yes, sir.

Q. And a description taken by them, and then they were removed in the patrol wagons to the morgue were they not? A. Yes, sir.

(No cross examination.)

CORNELIUS G. HAYES, called as a witness (4th Inspection District) being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You are an Inspector of the Police Department of the

City of New York, are you not? A. I am.

Q. Were you present on the 25th of March, 1911, at the building on Washington place and Greene street? A. I was.

Q. And did you have charge of all of the bodies that were lowered from the Washington place and Greene street side of that building? A. Not all, no.

Q. Well, on which side? A. All that came down on the Washington place side.

Q. Were all those bodies taken in charge by the police and tagged? A. They were.

Q. And then they were removed in patrol wagons in boxes to the Morgue? A. They were.

WILLIAM HOGAN, (Captain, First Precinct), called as

a witness on behalf of the People, being first duly sworn,

testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You were a captain of the Police Department on March 25th, 1911? A. Yes, sir.

Q. City of New York? A. Yes, sir.

Q. And you were in attendance at the Washington place and Greene street fire? A. Yes, sir.

Q. And you were one of three officers — that is, in connection with Cornelius G. Hayes, and Captain Dominic Henry, that attended to the tagging and removal of the bodies to the Morgue? A. Yes, sir.

Q. And all of the bodies that were —

MR. STEUER: What is the purpose of multiplying this evidence?

THE COURT: It will only take a moment to complete this.

MR. BOSTWICK: I can finish it by one.

MR. STEUER: All right.

Q. And all the bodies lowered from the Washington place or Greene street side of that building were tagged and removed to the Morgue? A. Well, most of them, yes, sir.

Q. Weren't they all? A. I was not there all the time. I went around on Greene street side afterwards and finished up there. That was a part of the time.

Q. Weren't all of the bodies that were lowered on the Greene street side kept on the Greene street side and tagged there? A. Yes, sir.

Q. And weren't they removed in patrol wagons to the Morgue? A. Yes, sir.

(No cross examination.)

JOHN W. O'CONNOR (Captain, 29th Precinct) called as a witness on behalf of the People,
being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Were all the bodies which were lowered and tagged at Washington place and Greene street brought in patrol wagons to the Morgue? A. They were.

Q. And did you receive them there? A. I did.

Q. And you turned them over to Mr. Fane? A. To whom?

Q. To the keeper of the Morgue? You left them in charge of Keeper Fane when you left there? A. No, I was in charge of them and delivered them to their relatives as they were claimed or as they came. They remained in my charge until they were claimed, and removed after identification.

Q. They remained in your charge until they were removed? A. Yes.

BY THE COURT:

Q. When you say removed you mean removed from the Morgue? A. Yes, sir.

IT IS CONCEDED on the record that there was only one Margaret Schwartz on the ninth floor of the building at the time in the employ of these defendants.

THE COURT: During the progress of this triad there is no objection to the exhibits remaining in the custody of the District Attorney's office rather than with the Clerk of the Part?

MR. STEUER: Not the slightest, your Honor.

THE COURT: Do you want to concede on the record anything respecting the apparent age of the deceased? That is to say, whether an adult or a child?

MR. STEUER: We have no record, your Honor, but I will make inquiry with relation to it and will stipulate with the district Attorney.

MR. BOSTWICK: I have had made a copy for defendants'

counsel and each member of the jury and for the court, for convenience, a useable sized diagram, which is a counterpart, a mineature, of the larger diagrams. If there is no objection on the part of counsel I will allow the jury to use them.

MR. STEUER: Suppose you let me go over those after adjournment this afternoon, Mr. Bostwick.

MR. BOSTWICK: Very good.

JAMES P. WHISKEMAN, recalled on behalf of the People, having been previously duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. I show you People's Exhibit No. 25, marked for identification, which purports to be a picture of the southeast corner of the ninth floor of the building, at the corner of Washington place and Greene street. I ask you whether you saw that portion of the premises immediately after the fire, that is, within a day or two? A. Yes, sir.

Q. And I ask you whether you examined the tables and machines in that portion of the floor? A. I did.

Q. And I ask you whether you didn't take measurements from some of those tables and machines? A. Yes, sir, I did.

Q. I ask you whether that is an accurate representation of the condition of the tables and machines in the corner of the building when you saw it? A. It is.

MR. BOSTWICK: I now offer it in evidence.

MR. STEUER: Objected to on the ground that it is incompetent and clearly confusing and entirely inaccurate, as appears from the examination of the photographer.

THE COURT: I have looked at the picture. I have reached the opinion that it is not confusing. If the objection to its reception is pressed I shall feel constrained to sustain the objection. Do you press the objection?

MR. STEUER: I don't want to seem to be captious about it. If Mr. Bostwick really has a purpose that is important for his side of the case to have it introduced, I would prefer to have it introduced.

THE COURT: It is a couple of days after, and of course it is open to objection, but —

MR. STEUER: It is a week later.

THE COURT: No, he says about two days. This gentleman has now testified that that is a correct representation as of two days afterward.

MR. STEUER: I beg your Honor's pardon, I was referring to the stenographer.

MR. BOSTWICK: I only offer it because I think it gives the jury a more complete notion of what the machines looked like and the tables, than any amount of words.

THE COURT: Shall we take it for what it is worth?

MR. STEUER: I want to be frank with, your Honor, and say if I were looking at that picture — I don't know

how to take photographs, I should imagine that that was all in one place. I wouldn't ever imagine that that was an outside building.

THE COURT: Well, I certainly would not. But I leave it entirely to you. It is technically open to an objection, and if you press the objection I will sustain it.

MR. STEUER: No, I won't press any technical objection, but, your Honor, I might be permitted to explain, and I don't care whether it is at this time or at any other proper time —

THE COURT: Yes, the jury will now be told in connection with that picture, by way of explanation, that the portions which are white, or about white, in the upper part of the picture, represent window openings. That that which is seen between the dark upright lines surrounding those white portions are objects not within the loft but outside of the loft, being portions of a building on the opposite side of the street from the loft in question, and portions of buildings still further removed. Does that cover it?

MR. STEUER: Yes, sir.

(The photograph is now received in evidence and marked People's Exhibit 25.)

BY MR. BOSTWICK:

Q. I show you People's Exhibit No. 19, which is a picture

of the roof, and I ask you what these two skylights are over, if you know? A. I know, yes, sir.

Q. Is one of them over the stairway and the other over the elevators? A. Yes, sir.

Q. And that is Washington place? A. Washington place, yes.

Q. There has been some doubt or confusion in somebody's mind as to whether there were skylights over the stairway ~-

MR. STEUER: It was not mine.

MR. BOSTWICK: That's all for the present.

CROSS EXAMINATION BY MR. STEUER:

Q. I wish you would point out to the jury and mark which is the skylight that is over the Washington place stairway. Just put a mark there so everybody can see it ~ mark right above it.

THE COURT: Yes, with your initials. (Witness marks as requested.)

MR. STEUER: That's all.

IT IS CONCEDED on the record that Margaret Schwartz was an adult, twenty-four years of age, and at the time of the fire in good health.