

New York, December 12th, 1911.

TRIAL RESUMED.

BECKY ROTHSTEIN, resumes the stand, and further testifies (through Official Interpreter Rosenthal)

CROSS EXAMINATION BY MR. STEUER:

Q. When you came over to the Greene street door you say there was already there a large crowd of girls? A. Yes.

Q. And you were sitting very near to the Greene street door, weren't you? A. Yes.

Q. But these girls got to the door before you? A. Yes.

Q. Could you give the jury any idea of how many girls there were there? A. I can't say, because there was a little part of a wall there and I couldn't see.

Q. Could you tell the jury whether there were ten girls or one hundred girls? A. The place was filled with girls and I don't know how many were there.

Q. And you couldn't give us any idea between ten and one hundred, could you? A. There were a great many there, the place was filled with them.

THE COURT: Perhaps you might put it this way, are you prepared to say there were more than ten?

Q. Are you prepared to say to the jury that there were more than ten girls there? A. A great deal more. I think even more than fifty.

Q. Where do those girls come from? A. How can I know that where they came running from.

Q. Well, you sat within five or six girls of that door yourself, did you not? A. I was sitting in the first line from the window, and there were other lines.

Q. But you knew that there was trouble before there was any outcry said before you saw any flame, didn't you? A. I didn't know.

Q. Why, didn't you tell the jury only yesterday that you saw a little smoke and because you saw a little smoke you spoke to Samuel Geldman? A. Yes.

MR. STEUER: It might be well here to note that there should be a correction made in the record. The stenographer noted the name as Gillman; the name used by the witness was Geldman, you will find almost at the beginning of her testimony.

THE COURT: Well, that correction can be made.

MR. RUBIN: I think his name is Gillwund.

MR. BOSTWICK: Page 533, third line.

Q. What was the name of the young man that you spoke to? A. Sam Gellman.

THE COURT: I may say that I struck that conversation out.

MR. STEUER: I understand.

Q. Now, it is true, is it not, that you did not hear of any trouble, and did not know of any trouble, until you saw a little smoke? A. Yes.

Q. When you saw the smoke, you already had your hat and

coat? A. I just started to go out and Gellman, just looked out of the window to see whether there was a fire.

Q. Did you or did you not have your hat and coat when you saw the smoke? A. No.

Q. Where was your hat and coat at that time? A. In the small dressing room, when I go away from the machine.

Q. That small dressing room is right near to the Greene street door, is it not? A. Yes.

Q. And it is right near to the Greene street elevator, isn't it? A. Yes.

Q. And when you saw the little smoke you started right out for that dressing room, didn't you? A. Yes, sir.

Q. Did you get your hat and coat? A. Yes.

Q. At that time you were right near the Greene street elevators and the Greene street door, weren't you? A. No, I couldn't get near it.

Q. Then instead of waiting at the door you walked back to your machine, didn't you? A. No.

Q. You didn't go back to your machine at all? A. No.

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

Q. Did you start to go to the Washington place elevators, then? A. Yes.

Q. You didn't go to the Washington place elevators, did you? A. Yes, I did go.

Q. Are you sure about that? A. Yes.

Q. You are sure that from the Greene street door you went to

the Washington place elevators? A. Yes.

Q. Was there a crowd at the Washington place elevators? Yes, it was full there.

Q. Did you stand there? A. Yes.

Q. The elevator came up, didn't it? A. No, at that time. In about two minutes or five minutes it came up.

Q. When it came up you were crowded in with the rest, weren't you? A. Yes.

Q. When you were standing in front of the Washington place elevators were you in the middle of the crowd? A. Yes.

Q. There were people on either side of you, weren't there? A. Yes.

Q. Did you go anywhere else at that time? A. I went to the window and leaned out, but I saw there no way of saving myself, and I went back.

Q. From the Washington place elevators, you went to the window? A. Yes.

Q. Did you have to fight your way through the crowd to get to the window? A. Yes.

Q. And then when you came back from the window did you have to fight your way through the crowd again? A. Yes.

Q. In the meantime were the girls all crying and shouting and generally excited? A. Yes.

Q. Now, have you told us every place that you were to that afternoon after you saw that there was fire? A. Yes.

Q. Are you sure about that? A. Yes.

THE COURT:

Q. Do you mean that you have told us all the places that you went to in answer to the questions put to you both by Mr. Bostwick and Mr. Steuer, or that you have told us all the places that you went to in answer to the questions put to you by Mr. Steuer? A. I would anyway say everything, tell everything.

BY MR. STEUER:

Q. In answer to the questions that I have put to you, this morning, and leaving out what you said yesterday afternoon, I ask you whether you have told the jury this morning every place that you were to after you saw the smoke on the day of the fire? A. Yes, I can swear to it.

Q. I would like you to take as much time as you think you need and go over in your mind that whole shop and every place that you were to that afternoon after you saw smoke in the shop, and tell us again whether you are sure that you told us this morning every place that you were to after you saw smoke in that factory? A. Yes, I can swear by my life.

Q. Which way did Sam Bernstein leave that shop? A. From his machine.

Q. I mean on the day of the fire. A. Yes, the day of the fire, and the time of the fire.

Q. Did you see Sam Bernstein go to the Greene door? A. No.

Q. You went to the Greene street door, did you not? A. I

couldn't reach it, it was too crowded there.

Q. But you went in the direction of the Greene street door, did you not? A. Yes, I passed that ~ it was near the door.

Q. When you passed by near the Greene street door did you see Sam Bernstein then? A. No.

Q. When you came over to the Washington place elevators, and you were in the middle of the crowd, did you see Samuel Bernstein then? A. Yes.

Q. And Sam Bernstein was the first person right by the Washington place elevator doors, was he not? A. He was at the elevator, and then he ran to the other door and tore it.

BY THE COURT:

Q. What do you mean by the other door? A. Leading out to the steps.

BY MR. STEUER:

Q. When he ran to the door that you say leads to the steps that is the time that you were at the Washington place elevator doors? A. Yes.

Q. And at the time when he ran over to the door leading to the steps, it was after that that you went to the Washington place windows? A. No.

Q. Did you remain at the elevator doors in the crowd? A. Yes.

Q. How many people were between you when you were in that crowd and Sam Bernstein when you say he went to the Washington place steps door? A. It was filled with people; I didn't

count how many.

Q. Well, could you say there were as many as fifty people between you and Sam Bernstein at that time? A. I don't know; perhaps there were more, perhaps less.

Q. Will you please tell the jury the smallest number of people at any time that were between you and Bernstein while Bernstein was at that door? A. I don't know. It was filled with people. I didn't count, I can't tell.

Q. Do you mean that the space between you and Bernstein was filled with people? A. Not quite filled, it is not far.

Q. How many rows of people were there between you and Bernstein?

THE COURT: At the moment when he, as you say, was at the Washington place door? A. Not many.

BY THE COURT:

Q. How far away were you from Bernstein at the moment when you say Bernstein was at the Washington place door? A. Not far.

Q. Show us in this room how far away you were from Bernstein at that time? A.
(Witness indicates the distance from the witness chair to the eighth juror).

THE COURT: Well, that is a distance of ten feet.

MR. BOSTWICK: I ask that the record show the motions of the witness when she made her answer a few moments ago, and I asked to have it put on the record but the court said no, let her answer again. I would like to have it

on the record that the witness before the jury indicated by her hands something.

THE COURT: I didn't see her hands.

MR. STEUER: May we stipulate the distance, your Honor, from the witness chair to the eighth juror.

THE COURT: Yes.

MR. STEUER: I think the jurymen indicate that they think it is eight to ten feet.

MR. RUBIN: About eight feet, yes, sir.

Q. At that moment, when you say you were about eight feet away, or have indicated that you were about eight feet away from Sam Bernstein, and Sam Bernstein was, as you say, at the Washington place door were you nearer by that distance the Washington place windows than Bernstein?

THE COURT: I think that question is involved, and I withdraw it.

Q. At the moment when you say Sam Bernstein was at the Washington place door who was the nearer of the two to the Washington place windows, you or Sam Bernstein? A. I was nearer.

BY MR. STEUER:

Q. Had you gotten to the Washington place window at that time? A. I had left the window, I was then running towards the door? A. Towards the Washington place elevator doors? A. I was at both doors.

BY THE COURT:

Q. At the moment when you left the window towards what door did you go? A. Elevator door.

BY MR. STEUER:

Q. Can you give the jury any idea as to how many people were in front of you that time when you got back to the Washington place elevator doors? A. I didn't count.

Q. Who got into the elevator car first, you or Bernstein? A. I.

Q. Can you give us an idea of how many people got in after you and before Bernstein got in? A. I don't know.

Q. These people that were in front of you at the time when Bernstein was at the door which leads to the Washington place steps, some of them were shorter than you and some of them taller than you? A. Yes.

Q. Won't you try, please, and give the jury an idea of how many people there were at that door at the time when you got there -- the Washington place door -- when you got to the place from which you saw Bernstein? A. I don't know; I didn't count.

Q. Would you say that there were as many as twenty? A. I can't say; I don't know.

Q. Would you say there were as many as fifty? A. It was crowded; I don't know how many were there.

BY THE COURT:

Q. What parts of Sam Bernstein's body did you see, when, as you say, you saw him at the Washington place door? A. The side.

Q. And when you say the side indicate on your own person

what you mean? A. I saw him from my right side as he was standing at the door.

Q. Yes, but how much of Sam Bernstein did you see when he was standing, as you say, at the Washington place door? How much of his person did you see? Did you see his head? A. Yes.

Q. Well, how much did you see? A. (Witness indicates at a point on the chest).

Q. Did you see his feet at that time? A. No.

Q. Did you see his knees? A. No.

Q. Did you see his hands? A. Yes, I saw the hand as he was holding it at the door.

BY MR. STEUER:

Q. When he was standing at the door did he have his hands up? A. No.

THE COURT: You put your hand as nearly as you can in the position in which you say you saw Bernstein's hands at the moment when he was at the door?

MR. BOSTWICK: I ask that the witness be asked to rise, because the witness sitting can by no possibility give —

THE COURT: Well, she may stand. Stand up, Madam. (The witness arises and indicates with her arms and hands.)

THE COURT: The witness indicates by the arms bent at the elbow, the hand somewhat above the level of the elbow — that is to say the forearm rising somewhat from

the elbow, the elbow being somewhat lower than the wrist and with the fists clenched.

BY MR. STEUER:

Q. He had both hands then, or both elbows then, at about his waist line; is that right?

A. I don't know. I didn't observe that exactly. I saw him tearing at the door.

Q. Were his hands higher than the place where I have got mine now — where I have got my right hand (indicating by resting hands on top of front rail of jury box)? A. It was not higher.

Q. I meant from the ground where I am standing up to the top of this rail? A. It was lower.

(By measurement the distance from the floor where Mr. Steuer was standing in front of the jury box to the top of the rail of the jury box is now found to be three feet and a half.)

Q. If there were this crowd of people in front of you and between you and Bernstein, some of whom were taller than you, and some of whom were shorter than you, how could you see Bernstein hands lower than this railing? A. Because he was standing at the door and he tried from higher up and lower, from the top and bottom.

Q. Where higher up did he try the door? A. He tore it from the top and from the handle, and I can't tell any more.

Q. Where from the top did he tear it? A. At the beginning of the door.

Q. You mean the top of the door? A. Yes.

Q. Bernstein reached up to the top of the door and he was tearing the door there, was he?

A. Was pushing the door open? A. Yes.

Q. You mean that Bernstein got his hands in the Washington place elevator doors and that is where he was rattling the door? A. No.

Q. Did you hear him rattle the elevator door? A. No.

Q. Was he at the Washington place elevator door? A. I didn't see him.

Q. You didn't see him at the Washington place elevator doors at all, did you? A. At first we were at the elevator, then he ran to the other door and I ran in another direction.

Q. Did you see Bernstein knocking at the Washington place elevator doors? A. No.

Q. Did you see him at the Washington place elevator doors? A. No.

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

(The witness states that she resides at 263 Rivington street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

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

A. Yes, sir.

Q. Were you in the building at the time of the fire? A. Yes, sir.

Q. Did you work on the ninth floor? A. Yes.

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

Q. Where were you when you first knew there was a fire? A. I was just putting my hat and coat on.

Q. What part of the ninth floor were you on when you first knew there was any trouble or knew there was a fire? A. On Greene Street.

Q. Were you at your machine, or in front of your machine, or away from it? A. Just by the door of Greene Street.

Q. As soon as you heard there was fire or trouble where did you go? A. To the passenger elevator on Washington Place.

Q. Where were the other girls going at the same time? A. I seen the girls reach the same place where I ran, Washington Place.

Q. Were they come from the Greene Street side to the Washington Place side? A. Yes sir.

Q. When you got to the Washington Place side of the building where did you go? A. I just happened to go over to the door and I was just about the first one to catch hold of the knob and I twisted it and turned it and it was closed and we couldn't open it.

BY THE COURT:

Q. What door was that? A. That was on the Washington Place door.

Q. You mean the elevator door? A. No, the entrance to go

downstairs - the steps.

BY MR. BOSTWICK:

Q. Did you see anybody else try that knob? A. There was two girls besides me to come up but I was about the first one to hold the knob.

THE COURT: Just answer the questions in as few words as you know how.

Q. How long had you been working for the Triangle Waist Company on March 25th? A. Seven months.

Q. At night when you went out which way would you go out? A. The Greene street door.

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

Q. And what would you do as you passed the watchman? A. Show the pocketbooks, open them and show them to the watchman.

Q. When you say pocketbooks do you mean such a pocketbook as you have now in your hand? A. Any kind of --

Q. Did people who had handbags such as you now have with you open those? A. Yes sir.

CROSS EXAMINATION BY MR. STEUER:

Q. When you use the words "pocket-book" you have reference -- you call that a pocketbook which you now have, don't you? A. Yes sir.

MR. STEUER: May we stipulate the size of that? (By measurement with a rule the bag is found to be eight and one-half by twelve inches).

Q. On the day of the fire where were you working? A. Near the Greene Street door, at the machine.

Q. How? A. At the Greene Street door at the machine, just about the Greene Street door.

Q. There were a number of tables with machines on them, in that loft, were there not?
A. Yes sir.

Q. And you worked at one of those tables? A. Yes sir.

Q. What table did you work at? A. About the second table.

Q. From the Greene Street side? A. Yes sir.

Q. When you were sitting at the table which way did you look while you were at work?
A. Towards Washington Place door.

Q. Now, which side of the table were you on ~ near the Greene Street side or near the Washington Place side? A. Near the Greene Street side.

THE COURT: She does not quite understand that. Were you near the Washington Place end of the building, or the fire escape wall? Those are the opposite walls.

THE WITNESS: The fire escape wall.

Q. And the table ended very near to the Greene Street side of the building? A. Yes sir.

Q. Near where that partition was in which the door was to

go out of the Greene Street — A. Yes sir.

Q. That is right, isn't it? A. Yes sir.

Q. How near that end of the table did you sit? A. About four machines away from there.

Q. The bell had rung for the power to stop, had it not? A. Yes sir.

Q. And you were about putting your hat and coat on? A. Yes.

Q. What did you hear or see at that time? A. I heard the watchman, I was just going to give him my pocketbook to open it, and just as I opened it I heard him say, "Fire", and I didn't see nothing, no fire or smoke, but I seen all the girls ran towards Washington Place there; I ran towards there too.

Q. At that time you must have been right alongside of the Greene Street door, weren't you? A. Yes, I was right there.

Q. And the Greene Street door was the door by which you went out every evening?
A. Yes sir.

Q. And the door by which you came every morning? A. Yes.

Q. And the door near which you worked and to which you were perfectly used every day? A. Yes sir.

Q. But you didn't go out right by that door? A. No sir.

Q. What was the name of that watchman that you heard cry fire at that time? A. I don't know the name of him, I don't exactly know his name.

Q. You worked there how many months? A. Seven months.

BY THE COURT:

Q. If you heard his name do you think you would remember it? A. No, I never heard his name either, because I never had much business with him,

Q. If you should see him would you recognize him? A. Yes.

Q. Have you seen him at any time since the fire? A. No.

BY MR. STEUER:

Q. Is he a Jewish man? A. Yes sir.

Q. Do you mean to tell the jurymen that you handed him the pocketbook --

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

THE COURT: Well, leave that out. Did you hand him?

MR. STEUER: I don't really think there is any legal objection to "Do you mean to tell the jurymen." What is there offensive about that? That does not violate any legal principle that I have ever heard of. I will try and leave it out, I do it from habit.

Q. Do you say that you handed the man your pocketbook? A. Yes sir.

Q. Isn't it the fact that as you walked by you opened it? A. I just had it open at that time.

Q. Well, that is what you mean? A. Yes.

Q. And you didn't mean that you handed that man your pocketbook? A. No.

Q. You opened it for him to look in if he wanted to?

A. Yes.

Q. And you passed right out? A. Yes sir.

Q. So. that you were right by that door? A. Yes sir.

Q. But you didn't go to that door, you didn't go to the elevator that you use every night and every morning? A. No sir.

Q. There was nobody in your way? A. No sir.

Q. Nothing to stop you from going down? A. Well, I heard one of the fellows saying that, "There is the flames there," and they were hollering, "There is the fire right at the steps".

Q. That fellow was not as near to the door as you were? A. No sir.

Q. You don't even know who he was? A. Yes, I do. I think it was Mr. Bernstein, the one that worked on the eighth floor, the fellow that gave out laces.

Q. Bernstein that worked on the eighth floor? A. Yes, he worked.

Q. And that gave out laces? A. Yes.

Q. Was he on the ninth floor? A. No, he just ran up on the tenth floor at that time.

Q. Why, you were inside in the loft on the ninth floor? A. Yes sir.

Q. Do you know Miss Monick? A. Yes sir.

Q. You and she have seen each other since the fire? A. Yes.

Q. And have had quite a number of talks? A. Yes sir.

Q. And you and she gave out interviews to the newspapers after the fire, didn't you?

That is the little girl that testified here yesterday? A. I wasn't here yesterday.

Q. Oh, you were not down town yesterday? A. No.

Q. Where have you seen Miss Monick? A. I haven't seen Miss Monick yesterday.

Q. When did you last see her? A. Last week, upstairs on the ninth floor ~ on the fourth floor.

Q. In this building? A. Yes sir.

Q. When did you see her before then? A. I didn't see her before then.

Q. At no time? A. No time.

Q. Did you see her the day of the fire? A. No, I didn't see her the day of the fire, but in the morning I did see her, before the fire.

Q. Did you see her on the ninth floor at the time of the fire? A. No sir.

Q. Was she in the loft at the time of the fire? A. Yes.

Q. How do you know if you didn't see her? A. I heard all the girls say she was there.

Q. When? A. When we got down.

Q. Was she downstairs when you got down? A. I don't remember seeing her down there, but some of the girls seen her go home at that time.

Q. Was there anybody between you and that Greene Street

door at the time when you showed the watchman your pocketbook? A. There was no one but me and the watchman.

Q. And you could see the door plainly? A. Yes, I seen the door plainly there.

Q. And you were about five feet away from the stairs? A. Yes sir.

Q. But you turned around and followed a crowd of girls? A. Yes sir.

Q. Over to the Washington Place elevators doors? A. Yes.

Q. Then you must have been the last girl that started for the Washington Place elevator doors? A. No, I was not the last girl, because not all the girls knew there was a door there, because that door was always closed up.

Q. You know that the other girls didn't know there was any door there — you and Miss Monick both knew that, didn't you? A. I don't know whether she knew it or not; I know I know it.

Q. You know she knew yesterday afternoon that the other girls didn't know there was a door there, and you know it this morning? A. I knew it before that.

Q. Do you want to add anything to that? A. I knew that when I worked there the fifth month, because my cousin worked there the fourth year and she always told me.

Q. Your cousin always told you that she didn't know there was a Washington Place door? A. Yes, she told me there was a door there, that is how I know it, otherwise I would never know it.

Q. Your cousin told you there was a Washington Place door? A. Yes sir.

Q. When did your cousin tell you there was a Washington place door? A. The fourth month I worked there, about the fourth month.

Q. What season of the year was it when you started to work there? A. Winter season.

Q. Seven months before March is the winter season? A. I remember it was around November I come in.

Q. Then you didn't work there any seven months, did you? (No answer).

Q. Did your cousin tell you that that door stood wide open for three months, every day? A. No, she didn't tell me anything about that.

Q. That part of it your cousin never mentioned, did she? A. No sir.

Q. And no other girl ever told you that that door had stood open for three months every day? A. No sir.

Q. Did your cousin ever tell you that they had a phonograph on the ninth floor and that all the girls used to come up at lunch time from the eighth floor to the ninth floor by that stairs? A. No sir.

Q. Nothing about that, they never told you? A. No sir.

Q. Nobody ever mentioned that that door was open, did they? A. No sir.

Q. Every time that that door was mentioned it was mentioned as being tight shut, wasn't it? A. Yes sir.

Q. You heard your cousin speak of it many times? A. Yes.

Q. As being tight shut? A. Yes sir.

Q. Your cousin always kept telling you that the Washington Place door is kept tight shut, didn't she? A. Yes sir.

Q. Long before a fire was dreamt of your cousin told you that? A. Yes sir.

Q. Told you that almost every day, didn't she? A. Not almost every day.

Q. Very often? A. When we come to talk about it.

Q. When you came to talk about it she told you that the door is tight shut, every day? A. Yes sir.

Q. Or every time she mentioned? A. every time I seen her, but not exactly all the time, but when we coma to talk about the doors I always used to say, "What is that there with boxes?" and she always used to tell me, "There is a door there to go out".

Q. She told you there was a door there to go out? A. Yes.

Q. But you had never been to that door yourself, had you? A. On the ninth floor? I had been once to that door. I just seen the door but I never went out.

Q. Then you knew there was a door there, seeing it with your own eyes? A. Yes sir.

Q. Was it any different from any other door? A. No.

Q. Was there any curiosity about that particular door? A. There was no curiosity, but the other doors were all open and that one was always closed.

Q. In the winter time? A. Always.

Q. Didn't you girls even complain that the Greene Street door was open? A. It was open.

Q. Didn't you complain about it? A. Yes, we complained that it was open.

Q. You didn't want it open, did you? A. Why didn't we?

Q. Well, why did you complain about it if you wanted it open? A. We didn't want it exactly closed with keys.

Q. Oh, you didn't want it closed with keys? A. No.

Q. But you wanted it closed? A. Yes, closed because it was too cold with the draft.

Q. The Washington Place door, you wanted it closed because it was too cold? A. Yes, closed that you could open it again, tout they had it closed with locks and other kinds of things.

Q. And you say they kept it closed with all kinds of things? A. Yes.

Q. You saw them keep it closed with the locks, didn't you? A. I seen the locks myself.

Q. You saw the locks. What locks did you see on that Washington Place door? A. there was patent locks, closed with keys.

Q. And you saw them close the patent locks with keys?

A. No, I didn't see them close them, but you could see the patents.

Q. How many times did you see the patents? A. As many times as I passed.

Q. How many times did you pass? A. I don't know.

Q. Well, about how many times? A. As many times as I worked there.

Q. How many times did you work there? A. About the seventh month.

Q. And you saw it every day? A. Yes, whenever I passed.

Q. Don't you know you told this jury only a few moments ago you saw that only once?

A. Once? Whenever I passed I always seen that door.

Q. Do you say that you didn't tell here a few moments ago that you saw that door once?

A. (No answer).

Q. Well, that is your answer. A. I know as many times as I passed there I seen the door.

Q. Well then you saw the door now every day? A. I didn't always pass through there that way, I didn't have any business on that aisle, but sometimes when I passed there I seen that door.

Q. What took you over there when you passed there? A. Just to see some girls I knew there.

Q. What girls did you know there? A. That girl that was killed -- Rosie Carlton.

Q. That is only one. You cannot tell us any girl that lives that you visited there, can you?

A. One girl by the name of Jennie. She used to give out the laces.

Q. What is her last name? A. I don't know.

Q. Jennie didn't work any machine, did she? A. No, she used to give out laces.

Q. Where did she work? A. Ninth floor.

Q. What part of the ninth floor? A. Near the Washington Place door.

Q. There were a lot of girls that sat at machines in front of that Washington Place door, weren't there? A. Yes sir.

Q. But none of those girls got there before you, did they? A. They were all at the elevator at that time.

Q. You are sure about that? A. Yes sir I am sure about that.

Q. And you were the girl that got to the door, were you? A. Yes sir.

Q. And you were the one that tried the knob? A. Yes.

Q. Did you cry to the other girls, "Girls, there is a door here that you don't know about"? A. I didn't cry out anything because there were many girls beside me there.

Q. Did you say anything like that? A. I didn't say anything.

Q. Did you hear anybody say anything? A. Nothing at all.

Q. You were right by the door? A. Yes.

Q. Had your hand on the knob? A. Yes sir.

Q. I ask you whether at that time there was any girl that had her hand on the knob and that called out, "Girls, there is a door over there"? A. All the girls, when I had my hands there, the girls knew there was a door and they all helped with their hands to open it.

THE COURT: Repeat the question. (Question repeated by stenographer)

A. No girl.

Q. What you are positive about? A. Yes sir.

Q. Was there a crowd of girls behind you? A. There was many girls behind me — fifty girls, I can say.

Q. About fifty? A. Yes.

Q. And they were crowding up, weren't they? A. Yes sir.

Q. You turned around and went to the Washington Place elevator? A. Yes sir.

Q. That is where you started for first, wasn't it? A. No, I started first for the door.

Q. You knew that you were nine flights up, didn't you? A. Yes sir.

Q. You were in a hurry and anxious to get out of that building, weren't you? A. Yes sir.

Q. You knew the elevator goes faster than you could go downstairs, didn't you? A. Yes sir.

Q. And you knew the fire started on the eighth floor, didn't

you? A. Yes sir.

Q. You knew if you walked downstairs you would pass the fire, wouldn't you? But you preferred trying a door that you knew was always locked with keys, didn't you? A. Yes sir.

Q. How did you expect to open that door if it was always locked with keys? A. We couldn't all get down the elevator because there was too many girls there.

Q. How did you expect to open a door that you knew was locked with keys? A. Well, we tried to open it anyway.

Q. A door that you knew was locked with keys, you went over there to open with your hands without keys? A. Not only me, about fifty girls.

Q. You were the one that tried the knob? A. Yes sir.

Q. Although you knew that the door was locked with keys? A. Yes.

Q. So you expected by turning the knob to open a door that you knew was locked with keys, didn't you? A. Yes sir.

REDIRECT EXAMINATION BY MR. BOSTWICK:

Q. When you say no girl cried out, you mean you didn't hear any girl cry out while you were there? A. I didn't hear anybody cry out at all.

Q. When you left that place you don't know what happened, do you? A. No sir.

Q. And when you say you expected to open that door, you mean you hoped to open it, don't you? A. Yes sir.

MR. STEUER: You make a fairly good witness, Mr. Bostwick.

THE COURT: No comments.

MR. STEUER: I never heard of an examination where a witness used a word and then the counsel arises and says you mean so and so.

THE COURT: There was no objection to the question; any argument, therefore, is uncalled for.

SOPHIE ZIMMERMAN, called as a witness on behalf of the People, being first duly sworn, testifies as follows (through official interpreter Rosenthal):

(The witness states that she lives at 82 Avenue C).

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March the 25th, Saturday, the day of the fire, for whom did you work? A. For the Triangle Waist Company.

Q. And how long had you been employed by them? A. Over three years.

Q. On what floor were you employed on that day, and working? A. On the ninth floor.

Q. Where were you when you first learned that there was disturbance or fire? A. I was right at my machine, I had brought my clothes.

Q. And then where did you go when you learned of this disturbance or fire?

THE COURT: Find out where her machine was.

MR. BOSTWICK: I withdraw the question.

Q. In what part of the loft was your machine? A. It was in the middle of the shop, the table was in the middle of the shop and near the Washington Place side window.

Q. Did you go or did you see anybody go to the Washington Place side of the building? After the cry of fire, or after you knew there was a fire? A. I went there and I saw others go there.

Q. Did you know that there was a stairway on the Washington Place side? A. Yes.

Q. Did you ever see anybody before the day of the fire use the door to the stairway ~- go through it? A. No, never.

Q. At the time of the fire did you see anybody go to or near that Washington Place door on the ninth floor leading to the stairway? A. They went to the door. I also went to the door when the fire took place.

Q. Did you see anybody try that door? A. Yes.

Q. Do you know what the handle of the door is? A. I don't remember the handle of the door.

Q. Do you know what the handle of a door is? A. Oh yes.

THE COURT: The knob of the door.

Q. The knob of the door? A. Yes.

Q. Did you see anybody touch the knob of that door? A. Yes.

Q. What did you see them do to the knob or that door. If anything? A. They took hold of the handle and they turned it

and they tore it — tried to tear it, but they couldn't ~~ to open it.

Q. The door didn't open? A. No.

Q. At night when you left that building how did you go out? A. Through the Greene Street door.

Q. Did all the employees, the operators, go out that Greene Street door? A. Yes sir.

Q. Was there a watchman by that Greene Street door as they went out? A. Yes.

Q. What would you do as you passed the watchman? A. We had to open our pocketbook and show whether we had anything in our pocketbook.

Q. And in wintertime did you ever see anybody go in or come out of that door which lead to the Washington Place stairway on the ninth floor? A. No, never.

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

Q. How old were you last March? A. I believe nineteen.

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

CBOSS EXAMINATION BY MR. STEUER:

Q. Did you work for Harris & Blanck during the summer time? A. Yes.

Q. Well, about this Washington Place side door in the summer time, was it locked? A. Yes, I never saw it open.

Q. You understood that last question, did you not? A. The question was whether I had seen the door open and I answered no.

Q. And you say now that you worked there for three years, don't you? A. Yes.

Q. And during the three years in the summertime that Washington Place side door was locked? A. I always saw it closed.

Q. Isn't it the fact that that door stood wide open from the time that the porter opened the door until at night when you girls went home? A. No.

Q. Do you belong to the Union? A. No.

Q. Did you go in the march? A. No. I attended the mass meeting.

Q. Well, you went to several meetings, didn't you? A. No.

Q. You say that the Washington Place door all the year around was closed, wasn't it?
A. As near as I can remember it was always closed, I never saw it open.

BY THE COURT:

Q. Now, we are talking about the Washington Place door on the ninth floor, do you understand that? A. Yes sir.

BY MR. STEUER:

Q. And you worked there for three years before March, 1911? A. Yes.

Q. And in July and August that door was closed every day, wasn't it? A. I never saw it open.

Q. Were you working there when they had the phonograph on your floor? A. Then I came up the phonographs were there.

Q. And they used to play the phonographs during the lunch hour for you every day, didn't they? A. A short time when I used to go up they used to play it.

Q. Didn't the girls come from the eighth floor to the ninth floor during that time while the phonograph was playing? A. I don't remember.

Q. Did you have a forelady on the ninth floor that used to give out work? A. Yes.

Q. Didn't she go down to the eighth floor to get the work? A. Yes, she used to go.

Q. Will you swear that that girl didn't go at least a half dozen times every day down through that Washington Place door to go from the ninth to the eighth floor? A. She used to go through the Greene Street door from the ninth floor.

Q. You had your eyes to the Washington Place door, didn't you? A. Yes.

Q. But you always used to see her go down the Greene Street steps? A. The Washington Place door was never open.

Q. But you used to see her go down, when you were looking at the Washington Place door you used to see her going down the Greene Street door? A. I hadn't my eyes fixed all the time on the Washington Place door — once in a while I turned my head to one side and the other side.

Q. And when you turned your head that is the time you saw the forelady going down the Greene Street steps? A. I used to see how she used to go down from Greene Street to bring up the

work.

Q. Now, you have seen this paper (Diagram Exhibit No. 2) before, haven't you? A.

No.

Q. Didn't they show it to you in the District Attorney's office? A. No.

Q. You see here eight tables, don't you? A. I know the building but I don't know anything from the paper.

THE COURT: While you sit in that chair you will try and study that diagram carefully, and you pay strict attention to the explanation that is given by the defendant's attorney about it.

THE WITNESS: I don't understand it, I have never seen it.

THE COURT: (Addressing official interpreter) You tell her that she has to obey me. And you (addressing the witness) pay careful attention to what the lawyer says about that plan. Now, proceed, Mr. Steuer.

Q. Down here at this end where I pointed from one end to the other, that is the Greene Street wall of the loft? A. Yes.

Q. This here that I am pointing to now is a machine table where the girls and men worked at the machines, and that is the table that is nearest the Greene Street wall —

THE COURT: Do you understand that?

THE WITNESS: Yes.

Q. This that I am pointing to now is the second table from the Greene Street wall? A. Yes.

Q. All of it that I am pointing to now are the tables at which the operators sat, beginning from the Greene Street wall and coming over towards the Washington Place side? A. Yes.

Q. You just show the judge and the jury at which table in that loft you sat when you worked?

THE COURT: Put your finger on it.

A. I can't tell exactly at what table it was, whether the third or the fourth.

THE COURT: Put your finger where you think you sat.

THE WITNESS: This table (indicating the fourth table from the Greene Street wall).

Q. And you sat on the side where the gentleman just had his finger now, did you not? A. Yes, right next to the window my friend was sitting at her machine and next to her I was sitting at my machine.

Q. Now, will you please put a mark where you sat.

THE COURT: It is fair to the witness to say that she says she is not certain as between the third and fourth tables.

MR. STEUER: Suppose we ask her whether she is sure that it was either the third or fourth.

THE COURT: Yes, because that is immaterial.

Q. Are you sure that you sat at either one, the third or the fourth table from Greene Street? A. Yes, one of the two tables it was.

Q. Will you put a mark at both the third and the fourth

tables at the point where you sat? A. (Witness marks as requested).

Q. Don't you know that sitting there you could not see the Greene Street door at all? A. I could see.

Q. You could see from where you sat at that place the door which led to the Greene Street steps? A. Yes.

(Mr. Steuer now shows the diagram to the jury, and indicates where the witness marked on it).

Q. Where did you work last month? A. You mean the month after the fire?

Q. No, last month. A. In Twentieth Street.

Q. Where did you work in October? A. Also in the same place.

Q. Did you receive on the 12th of October, 1911, a letter inviting you to a meeting at 151 Clinton Street, on the third floor, to meet the lawyer for the Ladies Waist & Dressmakers' Union?
A. No sir.

Q. Did you ever go to 151 Clinton Street? A. No.

Q. Didn't you go on the 16th of October, 1911 to 151 Clinton Street, and didn't the lawyer go over the story of the fire with each one of you girls? A. No.

Q. Do you know a man by the name of Abraham or Abe Baroff? A. I heard of him.

Q. Well, you know he is the general manager, don't you, of the Union? A. Yes.

Q. Well now, didn't every one of the girls get a letter from

Abraham Baroff to come down to 151 Clinton Street? A. No.

Q. You say you are not a member of the Union? A. No.

Q. Have you ever been a member of the Union? A. Yes.

Q. How long were you a member of the Union? A. A short time only, as long as the strike lasted.

Q. You were a member of the Union only during the strike and after the strike you were not a member of the Union? A. No, because I didn't work at such a place where I was needed to be -- where I needed to be a member of the Union.

Q. On the afternoon of the fire, or the evening of the fire, you were with your clothes at your machine? A. Yes, I took my clothes to my machine before I knew that there was a fire.

Q. When you heard there was a fire you didn't go to the same elevator that you always went down by, did you? A. No.

Q. Did you look around to see where the fire was? A. Yes.

Q. Where did you look? A. Greene Street.

Q. Did you see the fire? A. Smoke.

Q. Where did you see smoke? A. Greene Street, at the windows.

Q. Which windows? A. Greene Street, by the fire escape by the door. I looked at the window in Greene Street and I saw fire -- smoke I saw.

Q. Then did you go to the Washington Place elevators? A. Yes, I went to the Washington side door.

Q. You didn't go to the Washington Place elevators, did

you? A. No.

Q. You also wanted to walk down the nine stairs, didn't you? A. I thought in case of a fire I could save my life there, because the other place, it was very much crowded.

Q. What other place was very much crowded? A. Greene Street door.

Q. What about the Washington Place elevators — why didn't you go to them? A. I knew we couldn't go down there because we were never permitted to go down there.

Q. Even in case of a fire you were not permitted to go down? A. This I didn't know.

Q. Your story is, is it not, that you were not allowed to go to the Washington Place door even?

MR. BOSTWICK: I object to the question.

Objection sustained. Exception.

Q. Had you ever gone to the Washington Place side door before? A. No.

Q. Did Mr. Blanck ever tell you that you could not go down by the Washington Place side elevators? A. I didn't ask him.

THE COURT: Do you want that out?

MR. STEUER: No.

Q. Do you mean by that that he didn't tell you that you could not go down? A. I was afraid to ask. I saw nobody went down and I didn't dare to go there.

Q. Did Mr. Harris ever tell you — and the judge said you

should say yes or no, and won't you please try to obey what he says? Did Mr. Harris tell you you could not go down those elevators? A. No.

Q. Did Mr. Bernstein tell you you could not go down those elevators? A. No.

Q. Did you see other girls go to the Washington Place Elevators the night of the fire? A They were standing in a row of girls — it was very much crowded there.

Q. Were there a lot of girls around the Washington Place door? A. Yes.

Q. And there were a lot of girls around the Washington Place elevators? A. Yes.

Q. Didn't you know at that time that girls were going to go down the Washington Place elevator? A. No.

Q. Hadn't the girls got down the Washington Place elevator?

THE COURT: You mean at the time she was at the Washington Place door?

A. No.

Q. Did you go down on the first trip by the Washington Place elevator door? A.

No, I wasn't saved there.

Q. Which way did you get down? A. Greene Street.

Q. By the Greene Street elevator or Greene Street steps? A. Greene Street, up to the roof.

Q. So that after you had gone to the Washington Place door there was time enough for you to go to the Greene Street side

and go upstairs and go on the roof?

MR. BOSTWICK: I object to the question.

THE COURT: Objection overruled.

A. I went over to the Washington Place door —

MR. STEUER: No matter what question I ask I am bound to get the answer that they tried the Washington Place door —

THE COURT: No, no comment of that kind, Counsellor. You pay attention to the question, Madam. Tell her that, Mr. Interpreter, and that she must answer it.

Q. (Question repeated by stenographer)

THE COURT: Yes or no.

A. Yes.

Q. Did anything happen to you at all? A. I was damaged -- my hands injured.

Q. How were your hands injured? A. Just scratched.

Q. Scratched? A. On the wrist when I tried to get over to the next roof.

Q. But nothing happened to you until you got on the roof? A. No.

Q. Although you first went to the Washington Place side and then went over to the Greene Street side?

THE COURT: You have got that on the record, Counsellor.

MR. STEUER: All right.

Q. Didn't Mr. Blanck take you up on the roof? A. No.

Q. Didn't Mr. Blanck help you up on the roof? A. No.

Q. Who did? A. I don't remember who did.

Q. Don't you know that Mr. Blanck put you up on the roof before he put his own little daughter up? A. No. When I came to the street I met Mr. Blanck already.

Q. I didn't ask you anything about the street, I asked you about the roof. Do you now say that Mr. Blanck didn't hand you up on the roof? A. No.

Q. Do you know Mr. Silk? A. No.

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

Q. Didn't Mr. Blanck hand you up to those two men and didn't they take you up from one roof to the other? A. No.

Q. Who did? A. We ourselves helped ourselves on the wires -- one girl helped the other up.

Q. You didn't see Mr. Blanck on the roof at all? A. No.

Q. Do you say it is not true that Mr. Blanck was the last man that went from one roof to the other — the last person, not the last man? A. I don't know that.

KATIE WEINER, called as a witness on behalf of the People, being first duly sworn,

testifies as follows:

(The witness states that she resides at 1457 Madison Avenue).

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, Saturday, the day of the fire, you

wars employed by the Triangle Waist Company, were you not? A. Yes sir.

Q. And how long had you been working for them before the fire? A. About five months.

Q. And on which floor were you working? A. Ninth floor.

Q. What sort of work did you do? A. Cutting out lace.

Q. In what part of the loft did you work? A. Washington Square, right in the corner.

BY THE COURT:

Q. When you say the corner, what corner do you mean? A. At the Washington Square there was a little corner, like a little corridor, and right at the window I was sitting — my back towards the window, my right hand alongside of the radiator.

Q. In other words, you sat with your back towards the Washington Place window, is that so? A. Yes sir, and my face facing the factory.

Q. Your face facing the — A. The loft — facing the Greene Street entrance.

BY MR. BOSTWICK:

Q. Do you remember when the bell rang to quit work on that Saturday afternoon?

A. Yes sir.

Q. What was the time to quit work on Saturday afternoon? A. Quarter to five.

Q. What did you do and where were you when the bell sounded to quit work. A. I was at the dressing room near the Greene

Street entrance.

Q. There are two dressing rooms, one nearest to the Washington Place side and one further away from the Washington Place side? A. I was at the one further away from the Washington Place side.

BY THE COURT:

Q. You don't mean you were in the coatroom over on the Greene Street side, do you? A. No sir, there is another one right away from the Washington Place dressing room, right in the fact of there.

BY MR. BOSTWICK:

Q. (Showing People's Exhibit 2) This along here is Washington Place and that is Greene Street, you see? A. Yes sir.

Q. And that is the corner of the building in Washington Place and Greene Street, and if you walk up north, up town, on Greene Street, you would come to the freight elevators, do you see? And if you went another direction — if you went west along Washington Place — you would come to the passenger elevators? A. To the Washington Place elevator?

Q. Yes. A. Yes sir.

Q. To the Washington Place passenger elevators? A. Yes.

Q. So that there are the freight elevators, and here are the passengers elevators. This is the wall of the building and on this wall is a fire escape which is shown right there. Next to the passenger elevators were the stairway, Washington Place

stairway, and under that stairway was a dressing room, and there is another dressing room further away from Washington Place, and that is the dressing room of which you have spoken? A. Yes sir.

Q. That is front of the ladies toilets? A. Yes sir.

Q. And this place is where the ladies toilets were (indicating on diagram)? A. Yes sir.

Q. That is properly shown on this diagram, and this is the men's toilet right next to it. How, there were examining tables in the space marked "Examining Tables", were there not? A. Yes sir, right alongside of the toilet.

Q. And some examining tables near the fire escape, and there was a clothes closet in front of the Greene Street freight elevator? A. Yes sir.

Q. And also a partition ran along in front of the stairway and then there was an extra little screen, was there not? A. Yes sir.

Q. The machines ran north and south — they ran the same way that Greene Street ran, did they not? A. Yes sir.

Q. There is the first row of machines that ran right along next to the Greene Street windows, didn't they?

THE COURT: Do you understand it?

A. Just a minute — they all ran the same way, Mr. Bostwick.

Q. Yes. Now, didn't they run the same way that Greene Street ran? A. They all ran the same way, I think.

Q. Now on the ninth floor, the first table of machines near the Washington Place entrance was short, was it not? A. Short.

Q. Shorter than the others? A. Yes sir.

Q. And right there is the Washington Place door that led to the stairway, right next to the Washington Place elevators? A. Yes.

Q. And these are the dressing rooms. What were you doing at the dressing room at the time that you speak of just after quitting work? A. Putting on my hat and coat.

Q. What was the first thing that you knew that there was a fire in the place? A. I heard screams of fire.

Q. Where were you standing when you heard those screams of fire? A. Near the Greene Street side there are examining tables, just alongside of the ladies room, and there was a little table where a girl used to sit and cut out, and I was standing there talking to some of the girls while putting on my hat and coat.

Q. Do you remember the girls you were talking to? A. Yes.

BY THE COURT:

Q. Was that near the time clock near the fire escape? A. Right opposite.

Q. When you say opposite, about how far away? Show us in this room how far away you were from the time clock? A. From here down to the first row of windows, and perhaps a little further ~ about a distance of about —

Q. About thirty feet away from the time clock on the — A. I should judge that, yes sir.

BY MR. BOSTWICK:

Q. As soon as you heard the cry of fire where did you go? A. Back to the Washington Place corner where I sought to call my sister.

Q. And then where did you go? A. I went back again towards Greene Street where I was standing looking for her near the dressing room as I thought I could find her; I couldn't, and I tried to run to Greene Street and it was full of smoke and I couldn't and I turned back to the Washington Place side. Then I was trying, I was knocking at the elevator ~-

Q. You mean the passenger elevator? A. Yes sir.

Q. The Washington Place elevator? A. Yes sir.

BY THE COURT:

Q. Just tell what you need yourself? A. I went back again from the Greene Street side towards the Washington Place passenger elevator, I knocked at the door and thought the elevator would come up, I seen he didn't come, and the smoke was coming very thick, he was not up —he didn't come up — and I was choking with smoke, I couldn't stand it no more, I went to the windows and put my face out to get some sir, and I called down — I cried "Fire" downstairs, and people were looking up. Then people pushed me towards the windows and I went away from the windows back again towards the elevator. Suddenly he come up, and there was a whole lot of girls and they rushed there

and I was pushed back. Then I seen the flames were coming up from the Greene Street entrance toward Washington Place; I went back to the door -- I always knew there was a door because I couldn't help seeing it.

BY MR. BOSTWICK:

Q. Which door are you now speaking about? A. Washington place door.

Q. You went to the Washington Place door on the ninth floor that led to the stairway?

A. Yes sir. I tried to open that door and I couldn't.

Q. Will you go to this door and show me exactly what you did with the door when you say you tried to go out that door?

MR. BOSWICK: I ask that the jury be in a position that they can see.

THE COURT: Yes, the jury may stand up.

A. I turned the knob this way and that way (indicating) I pushed it towards myself and I couldn't open it, than I pushed it inward and it wouldn't go. I then cried out, "The door is locked." And there was a lot of girls behind me, I ask them for assistance, so I knocked at the door, I seen the flames were too strong ~~

Q. State after that where you went awl what you did. A. I pushed the door and when I seen the door didn't open I began to holler, "Girls the lock was locked".

THE COURT: What did you do?

Q. What did you do? A. I turned the knob and I tried to

open it, and there was a lot of girls with me.

BY THE COURT:

Q. What did you do after you left the door, if you did leave the door? A. I stood back a little ways from the door and I stood right beside the door again, in the door, but I took my hands off the knob.

BY MR. BOSTWICK:

Q. Then where did you go? A. Nowhere. I stood right at that door still.

Q. How long do you suppose you remained at that door? A. Yes sir.

Q. I say, how long do you suppose you remained at that door? A. About three minutes or five minutes.

Q. It seemed like three minutes or five minutes to you? A. Yes sir.

Q. Then where did you go? A. Then I still cried, "Girls, help me".

BY THE COURT:

Q. What did you do? Where did you go? A. I stood at that door still till the last minute.

BY MR. BOSTWICK:

Q. When you did go away from that door where did you go and what did you do? A. Suddenly I seen the Washington Place passenger elevator come up, and all the girls that were at that door all went towards that elevator and I went also there, all the girls went into the elevator and I was pushed back again.

Then the elevator went downstairs, and I seen the flakes were approaching quick and I left — and the elevator left the ninth floor, it went down. It went between, I should judge, about the eighth and ninth floor, when I got hold of the cable and I threw myself in.

Q. You threw yourself on the top of the elevator? The elevator had gone down? A.

The elevator had left the ninth floor and the door was left open.

Q. What did you do? A. I got hold of the cable nearest toward my hand.

Q. Did you jump from the floor to the cable? A. Yes sir.

Q. And you got hold of the cable? A. Yes sir.

Q. And then what happened as you caught the cable of the elevator? A. Then the elevator was not far down yet -- it was, I think, between the eighth and ninth floor — and I landed — I don't remember -- on top of the girls' heads or on top of the elevator, until I got down to the street. My face was facing down and my feet extending out and as I was going down my feet were hurting me, my ankles were hurting on the doors and I cried, "Girls, my feet are being" --

Q. Never mind that. How long had you worked for these people? A. About five months.

Q. During the period of time you worked there did you ever see anybody go in or out of the Washington Place door on the ninth floor? A. No sir.

Q. At night when you went home how would the employees, the

operators, leave the factory? A. By the Greene Street entrance.

Q. Was there a watchman who stood near the Greene Street entrance as you went out?

A. Yes sir.

Q. And as the operators passed out before the watchman what would they do? What would the girls do? A. If they had bags they had to open the bags and show them. Any possible, we had to show them what we had in them.

Q. There was only one watchman on that floor? A. Yes sir.

Q. Did you have any relatives working for the same company at the same time? A.

I had a sister working there.

Q. Only one sister? A. One sister.

Q. What is her name? A. Rose Weiner.

Q. Is she dead? A. Yes sir.

Q. Do you know whether any of your family have brought any lawsuit against Harris and Blanck? A. I beg your pardon?

Q. You don't understand what lawsuit is? A. No sir.

Q. How old are you? A. Seventeen.

Q. Were you seventeen in March last? A. Yes sir, I am past seventeen now.

Q. Were you born in this country? A. No sir.

Q. How many years have you been in this country? A. Eleven years.

CROSS EXAMINATION BY MR. STEUER:

Q. You say you don't know what a lawsuit is? A. No sir.

Q. Your mother's name is Sarah, isn't it? A. Yes sir.

Q. And the sister who lost her life in the fire was Rose? A. Yes sir.

Q. Don't you know that your mother has sued Harris and Blanck for a very large sum of money? A. I don't know nothing about it -- my mother never spoke to me about that.

Q. Your mother never mentioned the fact and you never heard it mentioned in the family? A. No sir.

Q. The fact that on the 24th of August, 1911, your mother brought a lawsuit against these people has never been spoken of or mentioned in the family? A. No sir, not to me. My mother never spoke to me about that.

Q. Did you see the machinist on the ninth floor near the Washington Place door? A. Yes sir.

Q. What is the machinist's name? A. Well, his first name is Willie and I think his second name is Greenspan or Winstropf.

Q. Did you ever know his first name? A. His first name only.

Q. Never knew his second name? A. No sir.

Q. You don't know that you swore to his second name when Mr. Rubin examined you on the 10th of April? A. Well, I called him Willie Winstropf, as I said just now.

Q. You said Willis Greenepan? A. That is what I said.

Q. And Willie was sitting back there in the court room while you were swearing to him? A. What courtroom?

Q. In the court room where you were swearing? A. I have not seen Willie in the court room.

Q. Wasn't Willie right there in the court room while Mr. Rubin was examining you?

A. I have not seen Willie.

Q. Well, you saw Willie on the ninth floor at the time of the fire, didn't you? A. I seen him then.

Q. And you saw him near the Washington Place door? A. Near the elevator.

Q. Didn't you see him near the elevator, near the Washington Place there? A. Only the Washington Place elevator.

Q. Didn't you see him near the Washington Place door at Washington Place? A. Yes.

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

Q. Did you speak to Willie while you were at the Washington Place door? A. Yes.

Q. Do you remember that you were asked whether you saw Willie try the door and that you said there were so many people around you could not see? A. I beg your pardon?

Q. You didn't say that? A. What?

Q. I ask you whether you were asked by one of the jurymen whether you saw Willie try the door and whether you said to that, that you could not see because there were so many people around?

THE COURT: Referring now to what you said at the Coroner's inquest.

A. No sir. I never was asked about Willie and I never seen him trying the door.

Q. You never were asked by Willie and you never were asked

whether you saw him try the door and you didn't say that there were too many people around? A.

I haven't seen Willie at the door, though.

Q. And you never saw Willie at the door and you never were asked anything about it? A. No sir.

Q. And you never said anything about it, is that right? A. All I said is that I seen him near the elevator.

Q. At page 259 (Coroner's Minutes) you were asked, "Did he try the door? A. Well, I seen him going towards the windows." Did you say that? A. Yes sir.

Q. Was it true? A. Yes sir.

Q. "You didn't see him try this door? A. No, there were so many of us there". Did you say that? A. Yes.

Q. Were you the first girl to get to that door? A. Yes.

Q. And the first girl to try the knob? A. Yes sir.

Q. And then you told the other girls it could not be opened, didn't you? A. Yes sir.

Q. And you said the door was locked, I think? A. Yes sir.

Q. And you said that out loud? A. Yes sir.

Q. Then the girls remained standing there, did they? A. Yes sir, they remained trying the door.

Q. She girls remained trying the door? A. When I cried that the door was locked.

Q. And of course the door was not open? A. The door was not open.

Q. By nobody? A. By nobody.

Q. You were the last one to get up there, weren't you? A. That I can remember about, yes, from the whole crowd.

Q. How? A. The crowd that was there, I was on the last trip the elevator made to come down.

Q. The last one. Don't you remember you told the jury here very minutely as to how you did it? The car had already started down, don't you remember that? A. Yes.

Q. And then Mr. Bostwick had his hands out to show how you did it, don't you remember, and you grabbed the cable? A. Yes.

Q. Well now, there wasn't anybody on the cable, was there? A. No sir.

Q. But you? A. But I.

Q. And the car was right there, just started away from you, hadn't it? A. Yes sir.

Q. So that you know that you were the last one to go down? A. Yes sir.

Q. It was not a girl by the name of Monick that was the last one to go down? A. She was in the elevator.

Q. She was in the elevator before you got in? A. Yes sir.

Q. Did you see Miss Monick at the fire? A. Yes, on the floor before she got into the elevator.

Q. Whereabouts on the floor? A. Near the door ~~ at the door.

Q. Before you or after you? A. With me, right along; I was there before and then she come from the other side, and we

all tried that door.

Q. So you were there before her? A. Yes sir.

Q. And you were at the door before she got there? A. Yes.

Q. And you were right there at the door when she got there? A. When she got there.

Q. And tried the knob while she was there? A. No, I tried the knob before she was there.

Q. And then you cried out that the door is locked? A. Yes.

Q. And then when you cried out that the door was locked were there no other girls there? A. Yes sir.

Q. And were they there before Miss Monick? A. That I can't say, I don't remember that.

Q. How many girls came when you cried out that the door was locked. A. There were quite a number of girls, while I was at the door, with me and there were many more — we all stood there crying the door was locked, trying to open that door.

Q. While you were there trying the door yourself were there a large number of girls in the back of you? A. Yes sir.

Q. A very large number, was there? A. Well, I should judge about twenty-five.

Q. And they were pressing against you, weren't they. A. No, not pressing against me.

Q. No, at all? A. No sir.

Q. There was a great deal of smoke that came there while you were there near that door, wasn't there? A. Yes sir.

Q. And the smoke came like a great big wave, didn't it? A. The fire came like that; the flames came like a great big wave.

Q. The smoke and flames came towards you? A. First I seen smoke and a few minutes later I seen fire.

Q. Flame. Are you sure that the first you saw of the smoke on the Washington Place side was not when Willie opened that door? A. I seen the smoke before Willie came to the door, I seen that smoke on the Greene Street side.

Q. I ask you again, are you sure that on the Washington Place side — not on the Greene Street side — that it was not the fact that the first you saw of the smoke was when Willie opened the door? A. I beg your pardon?

Q. Isn't it the fact, I ask you again, that the first you saw of any smoke on the Washington Place side was when Willie opened the door? A. Willie did not open any door for us.

Q. Why didn't you say that before when I asked you twice about Willie opening the door? A. I didn't understand you, I didn't hear you.

Q. Did you see Willie at the door? A. No sir, I did not.

Q. What did you mean when you said, "I seen the smoke before Willie came to the door"? A. Because as soon as the girls started to cry out "Fire", about two minutes later the loft was full of smoke, and several minutes later Willie came up from the Greene street entrance toward the Washington Place

elevator, and then there he stopped, and then I seen smoke also.

Q. Did you see Willie at the door? A. I have not seen Willie at the door, I have seen him near the Washington Place elevator.

Q. Did you see how Willie got down? A. No sir, I have not.

Q. Did you see how Willie got away at all? A. No sir.

Q. Well now you are absolutely sure that you were the last girl that went out? A. That I remember of, yes.

Q. You say "that I remember of". I want to call your attention to the facts again ~ that you caught hold of the cable and in that way were taken down by this car? A. Yes, but I don't say there were no more girls left in the loft. I was the last one to come down from all the crowd, and back of me by the elevator there was no more.

Q. Was there any further trip by that elevator? Another trip to follow it? A. I don't know about that.

Q. Well, we will put it this way then. You know Miss Monick and you were in the car on which she went down? A. Yes.

Q. Perhaps I misled you when I said that you were in the car, because in your testimony you were not quite certain whether you were in the car or on the car? A. I was not in the car.

Q. And I don't want to mislead you. What I want to know is, was Miss Monick in the car? A. Miss Monick was in that car.

Q. And made that trip down? A. But not that I was in.

Q. Did you see her while she was in the car? A. I have not seen her while she was in the car, but I have seen her before she went into it when she pushed in.

Q. Now, can you tell us with relation to the people that pushed into that car about where she got in — among the first or in the middle or among the last? A. Well, I should judge among the last.

Q. And you were standing on the outside of this crowd? A. Yes sir.

Q. So that when it came to your turn — A. I was left out.

Q. Well, when the elevator went down did he leave the elevator door open? A. Yes sir -- a little ways open.

Q. Then if it was a little ways open the people that were up there could have shoved it as far open as they wanted to? A. Yes sir.

Q. So that your statement now is that the elevator door on the ninth floor was open at least from the time that you went down? A. The elevator door was open while the elevator started to run down — a little way open.

Q. It was not closed after you got out, was it? A. I don't know about after I got down? I didn't close the door after I caught the cable.

Q. Did you see it close? A. I don't remember.

Q. Did you hear it close? A. No, I didn't hear it close.

Q. From your position, as you have described it to the

it might have been closed? A. It could not.

Q. Then you know it was left open? A. I should judge it was left open because I didn't close the door back of me when I got down on the cable.

Q. When you got downstairs were your hands torn? A. Yes, my ankles —

Q. Now, your ankles are not at your hands? A. My hands were torn.

Q. Have you not a single mark on your hands that you can show this jury now? A.
No sir.

Q. Did you go to any hospital and have your hands dressed? A. I went to our doctor and I had some — and I had them dressed.

Q. Your hands? A. My left hand. I don't know what he put on -- some kind of medicine, and that was all.

Q. On your hands? A. On my right hand.

Q. I thought you said on your left hand just a second ago. A. On my right hand.

Q. Didn't you look at your left hand and say on your left hand? A. It was my right hand.

Q. Have you any kind of a mark on your right hand? A. No
sir.

Q. So that you held onto an elevator cable while that car was going down nine flights, and there isn't a mark of any kind left on your hands? A. No sir, but I believe that I landed on the top of the elevator, no more than the elevator left the

ninth floor — I should judge it was between the eighth and the ninth floor. I had to get hold of the cable only to get on it, but I didn't have to hold onto it until I got down the nine floors; I didn't slide down the cable nine floors down.

BY THE COURT:

Q. In other words, having hold of the cable you were caught by it and dropped down head first among the people who were in the car? A. Yes sir.

BY MR. STEUER:

Q. Haven't you said to the jury less than half a minute ago that you didn't know whether you were in the car or not? A. Well, I still say.

Q. And don't you say that now? A. Yes sir.

Q. You don't tell his Honor that you were on the people's heads inside that car, do you? A. I first said I didn't remember whether I landed on the people's heads or on top of the elevator.

Q. Do you want to change and say that you now remember and say you were on the people's heads? A. Yes, I can state I was on the people's heads.

Q. Inside the car now? A. Well, inside of the car.

Q. Well, the people's heads didn't stick out through the car, did they, on this elevator?

A. The elevator was down between the eighth and ninth floors.

BY THE COURT:

Q. Did that elevator have any top at all? You know what

I mean by a top ~~ a cover? Did it have any cover? A. Yes sir.

Q. Was that cover what you call a solid cover, or was it -- can you describe the cover of the elevator, the top of the elevator? What was it — a regular ceiling, or a place with openings?

A. It was like the iron strips on it, and it was a round top.

Q. And those irons were about how far apart? A. Well, I think about a foot apart from each other, or perhaps more.

BY MR. STEUER:

Q. The round part of the elevator, that completely enclosed the elevator, did it not? A. That top of it closed the elevator — that was like the roof of the elevator.

Q. That completely closed it, didn't it? A. Yes.

Q. So that the people's heads that were inside of the elevator of course could not stick through the top, could they? A. No, they could not.

Q. When you say that you landed on the top of the people then that makes you positive that you were inside the car and that when you went down you dove into the car and that way got on the people's heads, is that right? A. Yes sir, that is right.

Q. When you started out the car had gone down and you grabbed the nearest cable over the roof of the car? A. Well, I don't know, I don't remember whether it was over the roof or the cable Inside where the elevator man holds the cable, but I

know I got onto some cable before I laid down flat and I landed on top of the people's heads.

Q. You remember that now distinctly, don't you? A. Yes.

Q. As soon as his Honor asked you that question about the people's heads that brought it back to you? A. Yes sir.

Q. And you know now positively that you were on the inside of the car? A. Inside of the car.

Q. Wasn't your memory about this transaction, that is, about this cable and about going downstairs, just as clear say fifteen days after it happened as it is now? A. You mean that I thought what I was doing?

Q. What? A. You mean that I still kept on with what I done then fifteen days after that fire?

Q. No, but fifteen days after the fire was your memory about your trip downstairs as good as it is now? A. Well, I never thought — I never thought how I escaped, on account of my sister being burned and always speaking of her and I never gave thought of myself.

Q. When Mr. Rubin asked you the questions you gave thought to it in order to answer them? A. I am answering them now just as to him.

Q. But at that time you gave thought to them in order to answer them, didn't you? A. Yes.

Q. Did you say anything about being in the car at that time and remembering that you were on the people's heads? A. I stated that I believed that I landed on the people's heads or

else an top of the elevator.

Q. You didn't know which at that time? A. No sir.

Q. But now you know? A. Now I know that I was on top of the people's heads.

Q. And you didn't know it when you first went on the witness stand to-day, did you? A. Well, no.

Q. In other words, when you first went on the witness stand to-day and Mr. Bostwick asked you the questions you answered it in the exact words you used on the 10th of April when Mr. Rubin asked you, didn't you? A. Yes sir.

Q. And you know the words that you used on the 10th of April, don't you? A. I don't remember them.

Q. Well, you have heard them read several times since that time, haven't you? A. Only a few — I was once at the Grand Jury, and the first statement I made at Attorney Bostwick's office.

Q. When was the last time you were there? A. I don't remember.

BY THE COURT:

Q. Do you remember or not any part of your body passed through the roof of the car? A. No sir, I don't remember.

Q. Do you remember whether your body struck the roof of the car? A. I don't remember.

BY MR. STEUER:

Q. The fact that you lost your sister in that fire, does that cause you to have any feeling against these men? A. No.

Q. No, the slightest? A. No sir.

Q. You have got no anger and no resentment, no feeling of any kind because your sister lost her life in their factory? A. That is, you mean do I state my statement because I have lost my sister?

Q. No, no, no; I just mean what I asked you. You haven't got any feeling of way kind against them, have you? That is what I mean. A. Is that it, that had I not lost the sister that I would not testify?

Q. Well, it is not very important what I mean just now, it is very important to get an answer to a question sometimes. What I mean is of no importance here, nobody pays any attention to me — A. Well, I can't answer you unless I understand the question.

Q. You don't understand it? A. No sir.

MR. STEUER: That is all.

REDIRECT EXAMINATION BY MR. BOSTWICK:

Q. Katie, the fact that you have lost your sister —

THE COURT: Do not lead her now, just ask her a question. I may anticipate the form of your question, but don't put a leading question.

MR. BOSTWICK: That's all.

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

DIRECT EXAMINATION BY MR. BOSTWICK:

(The witness states that she resides at 292 Stanton Street).

Q. On March 25th, 1911 you were employed and working for the Triangle Waist Company, were you not? A. Yes.

Q. How long had you been working there? A. I worked there a year and a half, and at the time of the strike I left and came back six months before the fire.

Q. What was the nature of your work? A. An examiner.

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

Q. At the examining table? A. Yes sir.

Q. I show you People's Exhibit 2, a diagram of the ninth floor of that building. This street here is Greene Street and this is Washington Place and there is the corner of Greene Street and Washington Place, do you understand that? A. I do.

Q. If you walked along the Greene Street sidewalk and walked uptown you would come to the Greene Street entrance, that is, the freight elevator entrance? A. Yes sir.

Q. But on the other hand, if you walked toward the park you would come to the Washington Place entrance? A. Yes sir.

Q. And right here are the Washington Place or the passenger elevators? A. Yes sir.

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

Q. Right next to the passenger elevators there was a stairway? A. Yes.

Q. And right next to that stairway was a dressing room? A. Yes sir.

Q. And right next to that dressing room and in front of the toilets was another dressing room, is that correct? A. I don't know about the other dressing room, I really never went into the dressing room — I had my clothes outside.

Q. Well, you know where the ladies' toilets were? A. Yes.

Q. And right next were the men's toilets? A. Yes sir.

Q. This is the wall of the building, so the loft is right in here, and these are windows, and if you looked out there was a court here, was there not? A. Yes sir.

Q. Opposite the court over here was the University building? A. That's right.

Q. Right on the side of the wall, on the outside of the building, was the fire escape? A. That is toward this side (indicating) .

Q. That is this side, the fire escape. Now, these lines represent rows of tables on which the operators worked at their machines ~~ they ran that way, didn't they? A. Yes sir.

Q. Do you see the words "Examining tables" there? A. I do.

Q. In this blank space there were examining tables, were there not? A. Yes sir.

Q. Right near the fire escape on that side of the room, the examining tables were there? A. There were two long ones and three short ones.

Q. And over here, that is, near the men's toilet, there were more examining tables in the corner of the building?

A. Yes sir, in the space near the men's toilet.

Q. Now many examining tables were over here? A. One towards the window and one in front of that, a short one.

Q. Two that is? A. Yes sir.

Q. You don't think you could draw in there the examining tables, do you? A. Well, if you make them real small -- what do you mean?

BY THE COURT:

Q. Could you take a pencil — A. (Interrupting) Oh no.

Q. Could you take a pencil and show us about where the examining tables were, by drawing on that diagram? A. I can point out to you. This here, there was one table this way and another one this way (indicating), do you understand? And then on the sides we have short tables, two girls at a table.

Q. So there was one long table and one coming this way.

Q. Extending parallel — do you know what that is? A. Yes.

Q. Extending parallel to the wall on which the fire escape was? A. Yes sir.

Q. Another long wall running just the other way? A. Near the Washington Place school?

Q. Near the University building? A. Yes sir.

Q. Where were you when you first knew there was a fire in that building? A. At my table.

Q. And what did you do? A. When I first heard fire the girls started yelling ~~

BY THE COURT:

Q. No, what did you do? A. I ran towards the Greene Street side and in the excitement instead of walking towards the Greene Street side I went amongst the machines; then I saw there was a big crowd at the Greene Street side and I walked toward the elevator on the Washington Place side.

BY MR. BOSTWICK:

Q. You mean the passenger elevator? A. The passenger, yes sir.

Q. You first went to the Greene Street side of the building? A. Yes sir.

Q. And then you went near the passenger elevator? A. Across the machines.

Q. In the Washington Place side? A. Washington Place side.

Q. How did you get from Greene Street over to the passenger elevators? A. There were too many people in the aisle so I jumped from one machine to the other.

Q. Did the elevator come up then? A. No sir. We waited for a long time and the elevator didn't come.

Q. And then where did you go? A. I went over to that Washington Place door.

Q. That is the door right next to the elevator? A. Next to the elevator.

Q. And leading to the stairway that led down to Washington Place? A. Yes sir.

Q. When you got to that door what did you do to it? A. I

tried to open it and I couldn't open it.

Q. When you say you tried to open it what did you do? Do you know what the knob of the door is? A. Yes sir. I turned the knob.

Q. Did you do anything to the knob of the door? A. I turned the knob and pulled at it after turning.

Q. Did the door open? A. It did not.

Q. Did you see anybody else try that door? A. No. I was first and there was a lot of people in back of me.

Q. After you found that you couldn't open the door where did you go? A. I went back to the elevator.

Q. And then what happened there? A. We waited for that elevator and then he came up and took in as many as he could and when I came I near it he says, "Next trip" and he didn't take me on.

Q. And then he went down? A. And he went down without closing the door of the elevator.

Q. He never came up again, did he? A. He did not.

Q. After he had started down from the ninth floor what did you do? A. Well, I was standing waiting for the elevator to come up and while I was standing waiting the space was about this wide (indicating on judge's bench) and I held on so the people in back of me wouldn't push me into the shaft.

Q. Was there any flame in sight at this time? A. Yes sir, all around the window.

Q. And you could see the fire? A. Yes sir.

Q. And what did you do? A. I saw there was no help, either I would be pushed down or I would have to jump, so I jumped over to the center of the cable — that rope attached to the elevator, which goes up and down and I slid down as far as the fifth floor. When I got to the fifth floor a lot of people fell on top of me and pulled me with them.

Q. Do you know whether Katie Weiner was on top of that same car? A. I do not. I was unconscious when I got there.

Q. You were unconscious? A. I was.

Q. So that the last you remember was when you were ~ A. I was at the fifth floor.

Q. And you were then hanging on the cable, or had you dropped to the top of the elevator? A. I only remember coming to the fifth floor. I remember seeing that “5” there, and a lot of people fell on top of me.

Q. Do you know, at that time, when you got to the fifth floor, do you know whether you were on top of the elevator or whether you were still holding onto the cable? A. I don’t know what you mean by the cable.

Q. Were you still sliding down the cable when you saw the number “5” or had you reached the roof of the car? A. I was still sliding but I fell and a lot of people fell on top of me.

BY MR. BOSTWICK:

Q. Do you know whether this was the elevator nearest Washington Place or not? A. It was not — towards the dressing room.

Q. It was the one nearest in there (indicating)? A. Yes.

Q. In other words, the one nearest the north? A. Yes sir.

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. Don't let anybody talk with you about the case and don't talk with anybody about the case. Recess till two o'clock.

After Recess, Trial Resumed.

CELIA WALKER, resumes the stand and further testifies:

DIRECT EXAMINATION BY MR. BOSTWICK, CONTINUED:

Q. Speaking of the Washington Place door that led from the factory to the stairway from the ninth floor, did you ever see anybody come in or go out through that door? A. No sir.

Q. You knew there was a door there, didn't you? A. I did.

Q. Did you ever see a key in that door? A. No sir.

Q. At night when the girls, the operators, went home which door did they go out? A.

Greene Street.

Q. Did you ever see a watchman standing at the Greene Street door? A. Yes sir.

Q. Did you ever see what the operators did as they passed out? A. Opened their bags.

Q. If I remember correctly, you said that when you were taken from the top of the elevator you were unconscious? A. I was unconscious.

Q. Before you lost consciousness do you know whether any other people had jumped on the top of that elevator? A. I don't know.

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

Q. Born in this country? A. No sir.

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

Q. About how many employees would you say were in the factory at the time of the fire? A. On the ninth floor?

Q. Yes. A. About five hundred — I never counted the machines.

Q. You never counted them? A. No.

Q. But your impression is that there were five hundred? A. Yes sir.

BY THE COURT:

Q. Do you know how many machines there were in that room? A. No sir, I never counted them.

CROSS EXAMINATION BY MR. STEUER:

Q. Did you mean by your last answer — I didn't take in the question — that there were five hundred on that one floor? A. I said I didn't count them but to my eyesight I surmised about five hundred.

Q. When you first heard of any disturbance you were at one of the examiner's tables?
A. Tables, yes sir.

Q. And that examiner's table was near the fire escape? A. No sir.

Q. Where was it? A. Towards the men's toilets -- more towards the men's toilets.

Q. That would be between the fire escape and the -- A. (Interrupting) The door.

Q. And the dressing closet, would it not? A. Yes sir.

Q. The closet in which you kept your clothes? A. I didn't keep my clothes there.

Q. Oh, you did not? A. No sir.

Q. Where did you keep yours? A. I had a wall right near me and I had a nail there and my coat hung there.

Q. You had your clothes right near by where you worked? A. Where I stood, yes sir.

Q. How was it that your attention was first called to the fact that there was anything wrong? A. Well, the girls started to holler "Smoke" and it smelled like fire.

Q. The girls started to holler? A. Yes sir, and they said "Smoke". I looked around, and they started to scream. I said, "It is all right". I consoled them. And then all of a sudden looking up I saw flames all around.

Q. Do you mean by that that right after you heard some of the girls call "Smoke" then when you looked up you saw flames? A. Yes sir.

Q. All around? A. Right away towards where the fire escapes were.

Q. Then you didn't start for the Greene Street side at all, did you? A. I did.

Q. Started for the place where you saw the flames? A. Towards the Greene street door.

Q. Then the flames were not at the Greene street door, were they? A. I said on the side where the fire-escape was.

Q. Oh, the flames were on the side where the fire-escape was? A. The fire escape.

Q. And if we treated that wall that is behind you as the Greene street wall, then those flames would have been to your left-hand? A. The Greene street wall was not towards my back.

Q. No, I am treating it now as if it was, don't you see? I don't say it was behind your back at all. A. Oh.

Q. I am saying if we treated the wall of this room that I am looking at as being the Greene street wall, then those flames would have been to your left-hand, wouldn't they? A. Yes, sir.

Q. And were you standing in relation to the Greene street wall about the same as I am standing now, in the back of you? A. I was facing the Greene street wall.

Q. And these flames were over near the fire-escape to your left-hand? A. This way, towards my left-hand.

Q. You mean over that way? A. Well, if I was standing that way, yes, sir.

Q. I am taking the position now, which I suppose you were in? A. I would.

Q. That is right, isn't it? A. Yes, sir.

Q. And seeing those flames over there on the fire-escape side, from where you were the Greene street door was perfectly

clear to you, was it not, - to that line and side, I mean?

A. Yes, straight in front of me.

Q. You could see it? A. Yes, sir.

Q. The door was in perfect view from where you worked, was it not? A. It was.

Q. The Greene street door?

BY THE COURT:

Q. From where you were standing when you first saw the flames could you see the Greene street door? A. Yes, - not the whole of the factory leading to the hall.

BY MR. STEUER:

Q. When you say the door of the factory, you mean by that the door that was in the partition through which you walked in order to go to the door for the stairs? A. Yes, sir, I could see that door.

Q. In that place were there any flames at all? A. No, sir.

Q. Was there any smoke at that place? A. There was.

Q. There was smoke but not flames? A. No flames.

Q. From where you were you could not see the Washington place door at all, could you? A. No.

Q. And you couldn't even see the Washington place elevators from where you were?
A. I could not, no.

Q. Did I understand you correctly to say that you ran out on the machines then? A.
When I walked toward the door I saw a lot of people, I said.

Q. Toward what door? A. Greene street. I saw a lot of

people and I saw the smoke and then I got excited and instead of keeping on I walked amongst -- I ran amongst the machines and jumped from one row of machines to another.

Q. Let me ask you, - were you so excited at that time that you don't distinctly remember just what you did, or do you now very distinctly remember what you did? A. I remember everything that I did there.

Q. This diagram (People's Exhibit 2) has been explained to you this morning by Mr. Bostwick, has it not? A. Yes, sir.

Q. Now, you will understand from what he said that Greene street is down at the other end of the diagram, and you notice here are the words "examining tables"? A. Yes, sir.

Q. And there also are examining tables. And if I recall correctly you said that where the words "examining tables" appeared nearest to the dressing room it was at an examining table there that you were standing? A. By this (indicating).

Q. And when you pointed your finger you pointed your finger to a point which was near the Washington place side of the wall, and where that wall joins what we have called in this trial the fire-escape wall, or the north wall?

THE COURT: On the Washington place wall.

Q. Where the university building was? A. Yes, sir.

MR. RUBIN: May I suggest, for the convenience of all the witnesses that that dressing room be marked No. 1, and this one No. 2.

MR. STEUER: Yes, mark them that way, Mr. Rubin.

(The dressing rooms are marked Nos. 1 and 2.)

Q. Your table then was between the dressing room which is now marked No. 2, and the wall in which the fire-escape was located, or next to which the fire-escape was? A. Yes.

Q. After you saw the flame then you started for the Greene street door, did you? A. Yes.

Q. And would you mind with your finger just pointing at the way you started to walk — I mean covering the territory through which you walked? A. This is about where I stood (indicating). Then I went in amongst the aisle here, and seeing a lot of smoke, and people running there, there was no room for me, and I ran back, and instead of running this way I ran this way (indicating), and had to jump over these machines.

Q. Now, we will get that clear. You say you started at a point where you were working — that means at that examining table? A. That table.

Q. Which was between the dressing room and the fire escape wall, and running parallel with the University wall — that's right, isn't it? That's where you were? A. That is where I was, yes.

Q. Well, now, you see this here is what we have called or are calling now, the University wall? A. Yes, sir, I understand that.

Q. And this here we have called the north wall or the fire-escape wall, you see? A. Yes.

Q. Now, being here in the position that you have told us about you started to go from your place over to the door on the Greene street side? A. I did.

Q. And your object was to get to the Greene street door, was it not? A. It was.

Q. When you pointed with your finger just now, I don't know whether you did it intentionally or not, and that is why I am asking you the question, you drew your finger down alongside of that partition? A. I don't know where the door is here. I went straight along.

Q. Well, then I will show you the door, see? I thought that might be a mistake, that is why I ask you. Now, the door which leads into the partition and which door I thought you said you could see from where you stood at work is right here, you see? A. I see.

Q. And it is marked there "wood partition and door"? A. I see.

Q. And this open space there, do you see where the lines stop on either side? A. I do.

Q. Well, the open space there between those lines, that is meant to be the door on that diagram you see? A. Yes.

Q. Now, having that in your mind that that is meant to be the door, suppose you show us again how you walked? A. That was about my table, and if this is the place where it was empty, I walked as far as here (indicating almost to the door).

Q. You have pointed your finger as going through the

place which was empty and where you stood, and I ask whether there were any machines there? A. No machines there.

Q. And that is where you walked, where there were no machines and then you stopped your finger a little distance from the door?

THE COURT: At about the end of the screen, nearest the University wall.

THE WITNESS: Yes.

Q. Could you give us an idea in feet, do you think, of how many feet that was at that time from the door? A. I have no time to look at feet.

Q. I don't suppose you had time to look at feet, but I am asking you if you recollect now?

A. I have no idea.

BY THE COURT:

Q. How close about did you come to that door in the partition? A. I don't remember.

Q. Did you come to the end of the screen? Do you know what I mean? A. Do you mean the partition?

Q. Yes, that partition. Did you get as far as the end of that? A. No, there were a lot of people around there.

Q. Did you get to it? A. Not right close to it, because there were people in the way.

When you go to the roof you did get at that point.

BY MR. STEUER:

Q. Will you tell us then what you did, and use your finger to point out, will you?

THE COURT: Take your finger now.

A. When I got about there (indicating) I saw a lot of people in the way trying to get out, and smoke, and instead of going back there and back to the elevators I wanted to get to the elevators instead of going back there I went this way.

Q. Instead of coming through the open space you turned right in between the table? A. Among the aisle, between the machines.

Q. I asked you before whether you distinctly remembered where you went, and maybe it will help you if you take a little while before you tell us, but beginning on the Washington place side, do you remember between what tables it was that you walked in? A. No.

Q. You don't remember? A. I do not.

BY THE COURT:

Q. Do you remember how many machines you jumped over? A. I do not.

MR. STEUER: I presume she meant machine tables.

THE COURT: Machine tables.

BY MR. STEUER:

Q. Can you tell us that? A. No.

Q. It was more than one? A. Of course it was.

Q. And it was more than two, wasn't it? A. Yes, sir.

Q. And if where you had your finger before as being the place where you thought you walked, do you remember when you put your finger around there? And please remember I am not

tying you down to anything -- I don't suppose you do remember just where it was? A. I understand.

Q. I just want you to tell us the best you can, don't you see? Now, if you had gotten down as far as this then you would have been either between the fourth and fifth tables, or the fifth and sixth tables, beginning to count at the Washington place side; is that where you think you were?

A. I really don't remember.

Q. Well, when you did start to walk over this way, you do remember that you got between tables? A. Yes, sir.

Q. That is where you were, somewhere between two tables? A. Yes, sir.

Q. And when you got some where between two tables, what did you do -- got up on the table that was nearest to the Washington place side from you? A. I don't know what you mean.

Q. Washington place side? A. I don't know what you mean.

BY THE COURT:

Q. When you started to move over the tables, you moved over the direction of the Washington place elevator? A. Yes, your Honor.

BY MR. STEUER:

Q. Then are we to understand that you jumped from one table to the other? A. I did.

Q. You don't mean to tell the court and these gentlemen here that what you did was to get down on the ground and then get up on the next table? A. No, sir.

Q. And get down on the ground again and get up on the next table? A. No, sir.

Q. But you want to be understood as saying -- A. I jumped from one table to the other.

Q. That when you stood on one table you jumped over on the other table without getting down on the ground, that is what you mean? A. Yes, sir.

Q. In March 1911, do you remember whether your skirt was about as tight as the skirt you have got on now? A. They were not, to work.

Q. But there isn't any question, you are now testifying positively, and you remember it just as distinctly as if you were doing it now, that when you once got up on one of these tables you kept on jumping until you got to the table that was nearest to the dressing room? A. Yes.

Q. Without putting your feet down on the floor at all? A. I only know that I jumped.

Q. You know you kept jumping from one table to the other? A. Yes.

Q. From the top of one table to the top of another table? A. Yes, sir.

BY MR. STEUER:

Q. Never getting down at all? A. No, sir.

Q. Do you think you can jump as well to-day as you could in March? A. I don't think so, no.

Q. You cannot jump as broad to-day as you could in March?

A. No; not in this skirt, and not in the health I am in.

Q. Before you did this thing on the 25th of March had you ever taken athletic exercises so as to make you a good jumper? A. I did.

Q. Where did you go to do your jumping? A. I didn't have to go any where, but when I was a child in school I used to go to the gymnasium — not exactly the gymnasium — you know, the east side schools have evening recreation -- on Grand street, I used to go.

Q. And you used to practice jumping? A. Not jumping — everything.

Q. Did you find out how broad a jump you could make? A. Never.

Q. Did you girls, while you were jumping, if you did jump, did you ever jump with other girls? A. A. rope.

Q. No, I don't mean the skip rope, I mean making a broad jump so as to see how much ground you could cover when you jumped? A. I never did that.

Q. You never did that in your life? A. Never tried to.

Q. Well, now, after you jumped over these tables you got between the first table, beginning to count from the Washington place side and the dressing room which is marked No. 1, did you not? A. I did.

Q. And then being at that dressing room you passed around, or did you pass around to the elevated on the Washington place side? A. I went straight to the elevator.

THE COURT: Pardon me for just one moment, Mr. Steuer. Suppose you ascertain at what point she was, if knows on the last table when she made her jump.

MR. STEUER: I was just getting to that and I was going to try to help her recollection by calling her attention to something.

BY MR. STEUER:

Q. You notice that between two sections, two parts of the second table, nearest to the Washington place side door, there is an opening or passageway? A. Yes, I notice it.

Q. At the time when you were jumping from one table to another, coming towards the Washington place side dressing room or elevators, do you remember whether you were nearer to the Washington place side windows, or whether you where further away from them? A. I was further away from them.

Q. So that in coming over this second table you came over the long part of it and not the short section? A. I did.

Q. And when you came over the table nearest to the Washington place side dressing rooms, were you in about the same position as you were when you passed over the second table? A. I don't remember what position.

THE COURT: Just about as far from the Washington place wall?

THE WITNESS: Oh, I went straight along.

Q. Could you give us an idea of how many machines from the end of the tables nearest the fire escape side that it was that

you were jumping over -- these tables? A. I have no idea.

Q. Were you about the middle of those tables, or nearer the Washington place side, or nearer to the fire-escape side? A. I don't remember, I had no time to look around.

BY THE COURT:

Q. When you made your final jump and landed on the floor, what was immediately in front of you? A. I didn't look. I ran immediately to the elevator.

BY MR. STEUER:

Q. Doesn't your memory serve you sufficiently now to be able to tell us whether when you got down in front of the floor you were in front of the dressing rooms? A. I don't remember that. I jumped down and I ran toward the elevator.

Q. Ran towards the Washington place elevators? A. Yes, sir,

Q. Now, at that time was there a crowd between you and those elevators? A. There was.

Q. Where was the crowd that was between -- A. Waiting for the elevator.

Q. Waiting for the elevator? A. Waiting for the elevator.

Q. So that when you passed through the passage way or open space between the dressing room No. 1, and the first table, that is where you ran, was it not, when you were running towards the Washington -- A. I jumped off of the table and ran toward the elevator.

Q. That would naturally put you between that first table and whatever was nearest to the Washington place side? A. Natur-

ally, yes.

Q. And then you ran through that open space to the Washington place elevators? A.

Yes, sir.

Q. When you got to the Washington place elevators you had passed the Washington place door leading to the steps, had you not? A. I don't just remember.

BY THE COURT:

Q. That is to say you went first off nearer to the Washington place side than the door leading to the Washington place stairs? A. Do you mind showing me where the door was? I can't place it.

BY MR. STEUER:

Q. Why, certainly. You see the elevator doors and the elevators themselves are nearer to the Washington place than the stair door, you see? A. Yes.

Q. The stair door is toward the inside of the loft from the elevators.

THE COURT: Put your finger on it and show her.

Q. The door is this open space here, do you notice it? A. Yes.

Q. Like here? A. Yes, I see.

Q. That is supposed to be the door leading to the stairs? A. Yes.

Q. And these are the stairs going down here, you see? A. Yes, sir, I see.

Q. And now the elevators were over here, over to your left

as you sit there now, and over to my right, - do you understand that? A. I see.

Q. You came from over this way and going to the Washington place elevators you passed the spade opposite the Washington place door, did you not? A. I did.

Q. Now, is it the fact that the first crowd that you came in contact with was in front of the elevator doors? A. There was a crowd before, over here (indicating).

Q. I am not speaking about the Greene street side, I am speaking about the Washington place side? A. Yes, sir, over there.

Q. So you did not stop at the Washington place side door? A. I did not.

Q. Because your intention was to get to the elevators and get out of the building by the elevators as fast as you could? A. Yes, sir.

Q. When you got there you found there was a crowd at the elevator doors? A. Yes, sir.

Q. And the elevator had not come up? A. No, sir.

Q. Did you stop for any length of time in front of those elevator doors, do you remember? A. About a minute.

Q. And then you left the crowd and you went to the door? A. I did.

Q. And you were the first person to get to the door? A. Yes.

THE COURT: Referring to the Washington place door.

Q. The Washington place stair door? A. Yes, sir.

Q. And when you got to the Washington place stair door then the space was perfectly empty so you could get to it readily? A. I just ran over, from the crowd there I ran over to the door.

Q. And there was nobody between that door and the crowd?

A. Nobody at the door.

Q. No, there was nobody at the door? A. Nobody at the door, no.

Q. When you got to the door did a crowd follow you there? A. They did.

Q. A big crowd? A. I don't remember, but I felt the crowd pushing me on.

Q. Pushing you on towards the door? A. Towards the door.

Q. Do you know Miss Monick? A. I didn't know anybody at all to talk to, I used to come to work and go home.

Q. How much time would you say you spent at that door? A. What door?

Q. At the Washington place door? A. I don't remember but I know I turned the knob and pulled it and it didn't open, so a couple of more men and myself knocked out the pane of glass there — I didn't knock it out, but we broke it.

Q. And it crashed? A. After hard knocking.

Q. And the glass cracked? A. Yes, cracked.

Q. Did the glass fall out? A. No, just a part of it, and it cut into my hand, and it started bleeding.

BY THE COURT:

Q. Where was that glass that cracked? A. Half way above the door, going up.

Q. Do you mean that the glass was in the door? A. In the door, yes, sir. The door consisted of part tin, I guess, and part glass.

Q. You mean that there was a glass panel in the door, that the door was partially glass? A. Not the whole door, your Honor.

Q. But a part of the door? A. Half of the door was tin and the upper part was glass
~~ a thick panel of glass.

Q. How large was the glass panel in the door? I am talking about the stair door? A. About this size (referring to the upper panes of glass in the window in the court room immediately to the south end of the jury box).

Q. Referring — A. To the Washington place door.

Q. You say that the upper part of the door leading to the stairs on the Washington place side, on the ninth loft, was made of glass? A. Not the whole door. Half of the door was tin or wood, - I don't know, but the upper part was of glass heavy glass.

BY MR. STEUER:

Q. I would like to get you to tell us that again, if you don't mind. Just what part of that door was of tin? A. I really don't know if it was of tin or wood.

Q. You don't know whether it was tin or wood? A. Or wood, but I know it was heavy, but the upper part was glass.

BY THE COURT:

Q. Do you know where the door knob was? A. I do.

Q. Was the glass all higher than the door knob? A. Yes, higher than the door knob.

BY MR STEUER:

Q. No part of the glass came below the door knob? A. I could barely reach it.

Q. You could barely reach what? A. The glass.

BY THE COURT:

Q. You mean to say that when you were standing on the floor in the ninth loft you could hardly reach to the glass in the door? A. I could reach it, you know; it was up to my head, but with my arm I could reach it.

BY MR. STEUER:

Q. Suppose you just stand up for a second. Do you remember whether your height has increased since the 25th of March? A. I don't think so.

Q. You may sit down now. Thank you very much. Do you mean to say, or did you mean to say just a second ago when you said, "I could reach it", that in order to get to the glass you had to reach? A. I lifted my arm up.

Q. Had to lift your arm above your head? A. I didn't look whether it was above my head, but I know I lifted my arm up.

Q. In order to meet the glass? A. (No answer).

BY THE COURT:

Q. That is to say, that the bottom of the glass was about on what level, as compared with your head? A. I really didn't look, your Honor.

Q. Could you, standing on the floor, look through any glass that was in that door? A. You couldn't look through that glass, because it was a thick pane of glass.

Q. Was the bottom of that glass as far from the floor as the top of your head when you were standing in front of it? A. I couldn't exactly say, your Honor.

Q. What is your best recollection? A. never thought of looking at that.

BY MR. STEUER:

Q. Now, while you were at that door, you say two men came over? A. I didn't say two men; a couple of men were in back of me.

Q. When you say a couple you don't mean two, then? A. Well, there were not only men, there were girls in the back of me also.

Q. Oh, yes, you have stated that there was a crowd of girls and that they were pushing forward on you.

MR. BOSTWICK: I don't recollect that testimony.

MR. STEUER: I regret that.

Q. Did you say that there was a crowd of girls behind you and they were pushing forward? A. I said when I went to go to the elevator, I felt myself pushed forward towards the door.

Q. Which door do you mean? A. Washington place door.

BY THE COURT:

Q. They were pushing you in the direction of the fire escape wall? A. No, sir, your Honor, towards the Washington

place door.

BY MR. STEUER:

Q. When you started for the Washington place door the crowd was behind you?

A. Yes, sir.

Q. And without knowing that anybody in particular was pushing you you did know that you were being pushed toward the Washington place door? A. I was being pushed, yes, sir.

Q. That is, you would have moved along because of the force behind, even if you had not wanted to walk? A. I don't know what you mean — moved along where to?

Q. Well, I mean you would have been brought forward? A. Well, I was bound for the door.

Q. And the crowd was behind you? A. Yes, sir.

Q. And you felt that the crowd was pushing you? A. Yes, sir.

Q. Very much towards the door? A. They were pushing me, that's all I know.

Q. When you got to the door there was nobody in front of you? A. There was not.

Q. You were the first one to get to that door? A. I was.

Q. Then was there a rush from that door back to the Washington place elevators? A.

I don't know. What do you mean? Do you mean myself?

Q. No, the people in front of you, or the people who were -- A. I didn't look at any people, I was taking care of myself.

Q. But when you were at that door, at the Washington place door and wanted to get back to the Washington place elevators,

you had to turn around, didn't you? A. Yes, sir.

Q. And then the people who were in back of you while you were at the door were in front of you, were they not? A. They were.

Q. And did those people while you were trying to make your way to the Washington place elevator door, were they also making their way to the Washington place elevator door? A. They were, yes, sir.

Q. And they got there before you? A. They did.

Q. And when it came your turn to get into the elevator, the man said it was too late for you, and he would takes you on the next trip? A. He did.

Q. And he started down, is that right? A. Yes.

Q. And when the elevator started down your recollection is that you continued on until you got to the fifth floor, - you have a recollection? A. I don't know what you mean? Will you please say that over again.

Q. You recall as you were racing down and were sliding on the cable that you saw the figure 5? A. I did.

Q. Which conveyed to you that at that time you were at the fifth floor, and from that time on you really don't remember anything until you got out of the building.

Q. But while you were going down and before you reached the fifth floor there was nobody between you and the roof of the elevator? A. I don't know, - the roof of the elevator was down stairs.

Q. The roof of the elevator was all the way down? A. I suppose so, because I rang the bell while waiting, and he wouldn't come up, and I didn't see that cable moving.

Q. And did you wait until the elevator got down before you started? A. Yes, sir, till it got down. I rang the bell and he didn't come up.

Q. Oh, I see. After he said he would take you on the next trip, then you didn't take hold of the cable right away to get down? A. I did not.

Q. You waited until there would have been time for the elevator to come up, or at any rate you rang, and after you rang and the elevator didn't come up, then it was that you took the cable? A. I did.

Q. Did you see anybody while you were standing there touch the cable before you touched it? A. I did not.

Q. And while you were going down you didn't see anybody below you, but you remember that when you saw that figure 5 at that time that you think something struck you and that was the last that you recall? A. I felt something strike me and I "went off".

Q. And that is the last that you recall? A. That's all.

Q. You worked on that floor a year and a half, I think you said, and then the strike broke out? A. Yes, sir.

Q. And you went out with the strikers? A. I didn't. I left and I worked somewhere else at the time of the strike.

Q. You went to work some other place during the time of the

strike? A. Yes. I left Harris and Blanck place to work at some other firm.

Q. And then after the strike you left this other place and came back to work for Harris and Blanck? A. Not right after.

Q. But some time after? A. I did.

Q. So that the situation was with relation to the time you had worked about a year and a half for Harris and Blanck before the strike? A. I did.

Q. And then when you came back it was about six months that you had worked up to the day of the fire? A. That's right.

Q. During the year and a half that you worked before the strike broke out do you say that that door was never open? A. I never saw it open.

Q. Not even in the summer time? A. Never.

Q. So that it is not a fact that the door during July and August was wide open during working hours? A. I never saw it open.

Q. Did you look in the direction of that door? A. I never looked, I never thought of that door.

THE COURT: Pardon me a moment.

BY THE COURT:

Q. When you say that you never saw it open, do you mean by that that you don't know whether it was locked or unlocked? Or do you mean that you never saw the door so that you could look through into the hall? A. I never saw the door open.

Q. And by open you mean not merely so that you could turn

the knob and open it — or what do you mean? A. I never went near the door to try the knob.

BY MR. STEUER:

Q. You never went near the door to try to open it? A. No.

Q. But from where you worked you couldn't see that door at all, could you? A. I could not.

Q. Well, now, do you recall that during the summer months between July and August, when it is hottest, did you ever go in the direction of the Washington place windows? A. I never used to go there.

Q. During July and August, were you were in a position where you could readily and easily have seen that door? A. When I passed by from Greene street to my table, and if I looked in that direction, it was closed. That was the only time I saw it, of if I came in to work.

Q. When you came in to work? A. Yes, sir.

Q. In the morning? A. Yes, sir.

Q. And that is the only time you had an opportunity to look at that door. A. To look at that door.

Q. Then you were unable to tell us whether during July and August, during the day-time that door was kept open all the time? A. Of course not, I never saw it.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You have been sick for a week, haven't you? A. I have.

Q. Now, all this that you have testified to happened in a

very short space of time, did it not? A. At the time of the fire, do you mean?

Q. Yes. A. Yes, sir.

Q. Now, when you say you were the first person at that door, you don't know who had been at that door before you had gotten there?

MR. STEUER: Objected to as leading and suggestive. I think she has described the position there thoroughly.

THE COURT: I think I will sustain it.

Q. When you were at the elevator, you don't know whether anybody was at that door, do you? A. Towards the stairway?

Q. Yes. A. I do not.

Q. And when you were jumping over the table, or when you were going to the Greene street side, you had your back to the door, didn't you? A. I did.

Q. So that at that time you don't know who might have been at the door? A. I don't.

Q. Now, I show you People's Exhibit No. 22, which purports to be a picture of the door on the sixth floor, and I ask you to look at the door with the glass in which is broken, and ask you whether the door on the ninth floor was anything like that, or if not to state the difference? A. It was.

Q. I show you some glass, and I ask you whether the glass that you have testified to as having been in the door was anything like that in character? A. It was that color, I don't know how thick it was.

MR. BOSTWICK: I ask that a piece of that be marked for identification.

(Marked for identification People's Exhibit 28.)

Q. If I understood you correctly, you said you did not know whether the lower part of the door, or the part other than glass, was made of tin or wood? A. I did not.

Q. You are not clear about that? A. I am not.

Q. There were how many passenger elevators? A. Two.

Q. And do you know whether you went down the one nearest the street, or the other one? A. Nearest the door towards the dressing room.

Q. Did you go down the cable of the elevator nearest the Washington place side, or the other one, or don't you remember? A. I remember that I went down towards the door, towards the dressing room.

Q. The one nearer to the dressing room? A. I can't explain.

Q. In other words, showing you again People's Exhibit 22, you mean the one indicated as being nearest to the door? A. Yes, going in.

Q. Do you know how many people were found on top of that elevator with you? A. I do not.

Q. You have been asked whether you ever saw that door open by his Honor; did you ever see anybody go in the door, through the door, or come in the door, through the door? A. No, sir.

MR. STEUER: She has already answered that.

THE COURT: I will let it stand.

RE-CROSS EXAMINATION BY MR. STEUER:

Q. Your mother sued Harris and Blanck, did she not? A. Yes, sir.

Q. Brought two cases against them, one for you and one for herself? A. One for herself? Not that I know of.

Q. You only know the one that she brought for you, is that it? A. I don't understand. I never heard of that before.

Q. What do you mean, you don't understand it? You never heard that your Mother sued Harris and Blanck? A. My father is suing for me, because I am under age.

Q. Oh, yes, pardon me. I mean your father, Abraham Walker? A. Yes, sir.

Q. He brought a suit for you and you didn't know that he brought one for himself? A. I did not.

MR. BOSTWICK: I understood your Honor to rule that all witnesses would be excluded from the room. Was I correct in that?

THE COURT: Yes.

MR. BOSTWICK: I would like to know whether there not been present this morning witness for the defendant.

MR. STEUER: Certainly none that I know of.

THE COURT: All witnesses in the case on either side will step outside.

LILLIAN WEINER, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 338 South 3rd street, Brooklyn.

Q. Miss Wiener, on March 25th, 1911, were you in the employ of the defendants, Harris and Blanck, were you not? A. Yes, sir.

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

Q. And what was the nature of your work? A. Examiner.

Q. How old are you? A. Twenty-two.

Q. How long have you been in the employ of Harris and Blanck? A. In their employ three years.

Q. How long have you been in this country? A. Fifteen years, that is all.

Q. Now, I show you plaintiff's Exhibit No. 2, which is a diagram of the ninth floor (exhibiting diagram). This (indicating) is the ninth floor, and inside there (indicating) ~~ A. What do you mean?

Q. This is a diagram, a picture of the ninth floor. This is Washington place running along here (indicating), and this is — these are the Washington place windows, these places (indicating). And there is the Greene street indicated over there (indicating). That is the corner of Washington place and Greene street (indicating). If you were standing on the corner and should walk uptown, along Greene street,

you would come to the entrance an Greene street. Do you understand that? A. Yes.

Q. If you talked west toward Washington Square, practically, you would come to the entrance on Washington place. Now, over here are the Washington place elevators (indicating) just as you come in the door from Washington place stairway. On the ninth floor there was the elevators, the stairway, and then there were two dressing rooms, and right behind the dressing room the ladies toilet (indicating), and the men's toilet, and rows of tables with machines on, at which the operators worked are set forth by these lines. Is that correct? A. It is set forth -- the lines to the Washington windows --

Q. Running to the Washington place windows? A. Yes, sir.

Q. Here are the Washington place windows, that line here indicates to those windows (pointing)? A. This is Washington place windows, yes?

Q. Yes. A. That is the way they run.

THE COURT: Perhaps if you turn it around she will understand it better.

(Diagram turned around.)

Q. Is that better for you? A. Yes, sir.

Q. There are the windows (indicating)? A. Yes, sir.

Q. The fire-escape was right hare (indicating). A. On back of the court.

Q. In the court? A. Court.

Q. And in here (indicating) is the court, see? This is the court here (indicating) and here is the fire-escape? A. There is the fire-escape.

Q. This was the corner of the room? A. The court yard.

Q. Now, do you see the words "examining tables" there (indicating)? You see those words, "examining tables"? A. Yes, sir.

Q. Now, in here (indicating) between the end of these tables having the machines on them and the fire escape, there were examining tables were there not? A. Where, at the machines?

Q. Between the fire-escape and between the tables on which the machines were? A. I don't quite recollect just now.

Q. These here are the tables (indicating) A. Yes, sir.

Q. And this is the fire escape (indicating)? A. Yes, this is the fire escape.

Q. And between these two —— A. The fire-escape is.

Q. You know that at the end of the table there were examining tables were there not? A. Yes, sir.

Q. How many? A. There were five.

Q. And were there any over here (indicating) near the men's toilet? A. The men's toilet, there were two tables there.

Q. Two there? A. Yes, sir.

Q. Now, at which of these examining tables were you working at the time of the fire? A. I was in the courtyard.

Q. Nearest the men's toilet? A. Not near the men's toilet.

Q. Near the court? A. Near the courtyard. I faced Washington windows, that is where I was standing.

Q. You had your back to the court? A. Back to the court.

Q. Where you between the corner of the room and the fire-

escape? A. I was right in the centre, right between the fire-escape right in the centre.

Q. Right near the fire escape? A. Yes, sir, right near the fire escape.

Q. Where, out near the examining tables, right near the fire escape? A. Yes, sir.

Q. Now did you first know there was a fire? A. I heard them say smoke.

Q. You heard them say smoke; where did you go to? A. I ran onto the table, and found myself in the centre of the room.

Q. That gentleman over there (pointing to the twelfth juror wants to hear you) and I want to hear you? A. I went outside and found myself in the centre of the room, and then I ran to the elevator, the elevator did not run. I ran to the Washington door.

Q. You say you ran to the elevator, do you mean the freight elevator or the passenger elevator? A. The passenger, Washington elevator, the right-hand side.

Q. The Washington place elevator? A. On the right-hand side, I saw there was no use going, trying to get out there, there was a lot of people there.

Q. And you went to the Washington place, Washington place passenger elevator, - where did you go? A. I went to the Washington door.

Q. You mean the door on the ninth floor leading to the stairway? A. Yes, sir.

Q. When you got to the door what did you do? A. I tried to turn the handle and it would not bend, it was locked.

Q. Did you see anybody else try that door? A. There was a lot more girls before me.

Q. After you failed to get out that door where did you go? A. I ran to the Washington window, I wanted to jump, and when I saw the flames, I ran back to the door, and tried again, and there was no use, it was locked; and then I ran to the elevator. I seen the elevator come up on the tenth floor, and then when I saw the elevator come down again, I knocked at the door, and he opened the door and I fell into the elevator, and a whole lot of more girls fell in on top of me.

Q. You got out through the Washington place passenger elevator? A. Yes, sir; Washington place passenger elevator, through the elevator.

Q. Did you see any of the girls run to the fire-escape? A. There is one girl, a friend of mine, Mrs. Gussie Rosenfeld, I saw her at that time.

Q. Was Gussie on the ninth floor? A. Yes, sir.

Q. Where did you last see Gussie? A. At the time of the smoke when we heard of smoke, that is the last time I saw her.

Q. On what part of the floor was that? A. It was in the same — it was in the same court, there is a table right in front of me where I worked, facing Washington place.

Q. Now, at night. when you left the ninth floor of the factory, by what way did you go out? A. The Washington side

elevator.

Q. And how did most of the operators go out at night? A. I don't recollect that now; you asked me at the time of the work?

Q. After the bell sounded, the quitting bell to stop work?

A. Yes, sir.

Q. And the employees, the operators started to go home A. Yes, sir.

Q. — by what way would they go out? A. To the Greene street.

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

Q. And at Greene street was there stationed a man or a watchman? A. A watchman.

Q. And what would the employees do as they passed the watchman going out of the Greene street way? A. They used to examine the girl's bags to see if there is any stolen goods.

Q. You worked there for the defendant for how many years? A. I worked there for about, - I don't recollect, about three years or three and one half years, I should say.

Q. While you were there did you see people going in and out of the Washington place door? A. Never.

CROSS EXAMINATION BY MR. STEUER:

Q. You worked so that you had your back to the window that led onto the fire-escape, is that right? A. Yes, sir.

Q. And did you mean that you were right in the centre of that window when you heard something said about smoke? A. Yes, sir.

Q. And you could have stepped right out of that window at that time, couldn't you? A.

No, I could not.

Q. Why not? A. Because the windows were closed at the time.

Q. The windows were locked? A. They were closed.

Q. Could you open it? A. Well, I didn't try it at that time, to open it, I was so excited, and I ran outside.

Q. Right away, just as soon as you heard smoke, you got so excited that you ran outside, is that right? A. Outside of the centre of the room.

Q. How long had you been working right alongside of this window? A. This window, — since I was employed there.

Q. That is either two or three years or more? A. Three and one-half years.

Q. They kept the windows closed all the time? A. They have it a little bit up on the bottom open ~~ I mean top, and the bottom was closed.

Q. All the time? A. Yes, sir.

Q. Winter and summer? A. Well, I don't remember that.

Q. What? A. I don't know that whether in the winter.

Q. Why don't you know? A. Sometimes used to have it open and according to the weather used to have it open and have it closed.

Q. Was there any difference between the window in that building and any other window, was it harder to open that window in that building? A. Well, I never tried it, to open it.

There was a man always used to open it for us.

Q. You were standing alongside of that window for three years and cannot tell this jury whether it was easily opened or not? A. We never tried to open it.

Q. Never tried. So you don't know? A. They never allowed us to open the window.

Q. They would not even allow you to open the window? A. No, sir.

Q. Did Mr. Blanck ever tell you not to open the window? A. Not Mr. Blanck.

Q. Mr. Harris told you that? A. Mr. Bernstein.

Q. Which Mr. Bernstein? A. Yes, sir, Mr. Bernstein did.

Q. Which Bernstein told you not to open the windows? A. Bernstein the superintendent.

Q. So you stood right alongside of the window and you tell us you were not allowed to open the window? A. Yes, sir.

Q. They kept watch of you all the time so you should not open the window? A. Yes, sir.

Q. When you considered that your life was in danger, were you waiting for anybody's permission to open the window? A. I did not think at that time to open the window.

Q. Didn't think of it at all. You walked around the table? A. I walked outside the table, and found myself in the centre of the room.

Q. You found yourself in the centre of the room. From the centre of the room you were between tables, weren't you?

A. Well, not exactly, there were a lot of boxes standing around, you know.

Q. Well, weren't you between the tables when you were in the centre of the room, between the sewing machine tables? A. There is sewing machines, there was the table right between it, yes, sir.

Q. between which tables were you, do you know? A Well, right the front table at Washington place.

Q. The first table? A. The first table; my table is right in the back, and there is a table before mine.

(The map is exhibited before the witness.)

Q. Now, which way did you understand this better? This way (indicating). Now, your table was over here, wasn't it (indicating) towards the Washington window? A. Toward the Washington window?

Q. Yes. A. Yes.

Q. And there is the fire-escape (indicating)? A. Right back of me.

Q. And that was right in back of you? A. Yes, sir.

Q. Now, you say you came out — A. I say the fire-escape is right in back of me.

Q. Yes, I understand you say so. Now, you say you came out into the centre of the room? A. It was in the centre of the room.

Q. You found yourself in the centre of the room? A. Yes, sir.

Q. Tell us where was the centre of the room? A. Right by

the machines and the tables.

Q. Here are the machine tables (indicating), you see them here, do you not? A. The line goes this way (indicating).

Q. Eight of them. Where is the centre of the room where you found yourself after you came out from your table? A. Well, there was the front table, (indicating), and there was the machine.

Q. Then what? A. The first line of these machines are two.

Q. Yes. Do you want this explained to you any more? A. Yes, sir, explain it. I cannot make it out.

Q. Start with this, with your table, your table is over here, you see (indicating)? A. I worked at the front table.

Q. Yes, Madam, which front table, do you mean? A. There is one table in front of me.

Q. The examining table in front of you, an examining table? A. Yes, sir.

Q. You say your table is in there near the window, that is your window? A. Yes, sir.

Q. Then there is another table. A. In front of me.

Q. In front of you? A. Yes, sir.

Q. First tell us what did you do? You walked which way, around your table? A. Around my table, outside.

Q. Did you walk towards Greene street or towards the other way? A. Well, when I walked out I walked towards Greene street, and then again around in the centre.

Q. Then you case from this window, around this way (indi-

cating), around this way? A. Around this way.

Q. Did you also walk around the table in front of you? A. I stood right there.

Q. You stood there? A. Right near the window.

Q. Right near the table that was in front of you? A. Yes, sir.

Q. Then that did not bring you as far as the operators' tables, did it? A. It is not far.

Q. Not far? A. Not far.

Q. It brought you near to where the operators' tables were?

Q. Is that right? A. Yes.

Q. Is that what you mean when you said the centre of the room? A. Yes, sir.

Q. Now, then, there was an open space between you and the Greene street door, wasn't there? A. What do you mean, there was an open space?

Q. There was nothing between you and the Greene street door at that time, was there? A. There was tables standing there.

Q. What kind of tables? A. Well, they had there trimmings there at them which they gave out for the work, which did not belong to the examiners.

Q. Where were those tables? A. Right in the court here too.

Q. In the courtyard? A. Right side of the girls, on the same table where I stood.

Q. Where were they? A. They were right back of this fire-escape, this table.

Q. Back of the fire-escape? A. The line gives the courtyard (indicating), - you understand what I mean?

Q. The fire-escape went into the courtyard, didn't it? A. Yes, sir.

Q. Where that table went? A. The same line as my table I worked at.

Q. Was it to your right-hand or to your left-hand as you worked? A. The table?

Q. Yes, Ma'am. A. It went to the Greene street, left-hand.

Q. To the left-hand? A. Yes, sir,

Q. Hers is your table in here (indicating). Now windows away from you was that trimming table? A. Where I worked how many windows?

Q. Yes, ma'am, towards Greene street? A. About three windows, or so; I don't recollect; about three.

MR. RUBIN: Speak up, so that this twelfth juryman and the sixth juryman can hear what you say.

Q. About three windows? A. Three windows.

Q. Are you sure there were three windows between you and the Greene street door?

A. I don't recollect, I don't remember now. I never counted the windows.

Q. Now, the table, that is the trimming table, was near the same wall where your table was, wasn't it? A. On the same line.

wall where your table was, wasn't it? A. Same line.

Q. On the same line? A. Yes, sir.

Q. It was no nearer to the wall than yours and no father away from the wall than yours?

A. Just the same.

Q. So when you came out from in front of the examining tables and go near the machine tables there was nothing between you and the Greene street door? A. The Greene street door, there was the partition.

Q. You could look right into the door, couldn't you? A. Which, the Greene street door?

Q. Yes. A. There was a door, a partition.

Q. You could look into the door of the partition, couldn't you? A. Sometimes you could and sometimes not. The door was not always open.

Q. The Greene street door was not always open? A. There was a partition with a door.

Q. Was the door open or closed? A. At the time we worked the door used to be open.

Q. You were working there at that time that we are speaking of, weren't you? A. Certainly.

Q. At that time there was nothing between you and the Greene street door, was there? A. There was a lot of people in the door.

Q. A lot of people in the Greene street door at the time? A. At the time of the fire.

Q. But when you saw the smoke, Miss, and came out front,

from behind the table, and walked away from the window, where you were standing, and stood in what you call the centre of the room —— A. Yes, sir.

Q. ----- did you look at the Greene street door at all?

A. Well, I looked, there was a lot of people in the door; no use of my going over there.

Q. You looked and saw a lot of people, and it was no use for you to go and you turned away? A. I turned away.

Q. The door that was nearest to you at that time was the Greene street door, wasn't it?

A. The Greene street door, yes, sir.

Q. Tell us what you did after you got out here in the centre of the room, tell us what you did? A. I found myself in the centre of the room, and I ran to the Washington door.

Q. What do you mean when you say you found yourself in the centre of the room?

Why do you always use those same words? A. What same words?

Q. "I found myself in the centre of the room"? A. When I did find myself I was in the centre of the room, that is why I say so.

Q. Will you please tell us then just what you did from that time on? A. I went to the Washington door, it was locked, I turned the handle and it was no use, I saw, the handle it would not turn, it was locked.

Q. You ran to the door and the door was locked and you turned the handle and there was no use turning the handle?

A. Yes, sir.

Q. And it took you some time to go around to the Washington place door, didn't it from where you were? A. I had that time.

Q. What do you say, did it take you some time to go to that Washington place door, it was not a few steps away, was it? A. It was the nearest for me to get out because the Greene street was jammed with people.

Q. When you ran around there to the Washington place door did you meet any people? A. At the Washington street door?

Q. No, by the way you were going, did you meet any people?

THE COURT: That is to say, were other people going in an opposite direction from you?

THE WITNESS: There was a lot of people passing up and down.

Q. Did you at the time when you were coming from over here (indicating), going through the Washington place door, did you meet any people running, run into any people? A. Yes, sir.

Q. Which way were those people running? A. They were running all to the Washington door.

Q. They were running the same way that you were? A. They were.

Q. There were no people running towards the other way? A. They were all running towards the Washington door.

Q. Were they all in the same crowd that you were in, were you all in one crowd? A. What do you mean, they were all in one crowd.

Q. Were you all together running over towards the door? A. They were running different directions.

Q. Now, where did the people come from that ran into you? A. They ran from all over, all the operators, I don't recollect who they were, people which worked there.

Q. Well, then you got around to the Washington place door did you? A. Yes, sir.

Q. And you stopped there? A. Well, you see there was a lot of people there by the door when I got around there.

Q. Before you? A. Yes, sir.

Q. Well, didn't they find the door locked? A. Well, they found -- certainly they did find the door locked.

Q. And you say there was a lot of people in there and they all found the door locked? A. Yes, sir.

Q. And you went over and found it locked too? A. Yes, sir. I tried the handle too.

Q. You would not take their word for it that the door was locked? A. No, sir.

Q. You did not believe them when they said the door was locked? A. I tried the handle myself.

Q. Then you entered the Washington place elevator, did you? A. They didn't say anything, all stood near the door, I suppose they was all trying to see if the door was locked. I went over and tried It and saw it was no use.

Q. They were all by the door, they did not say anything? A. No, sir.

Q. You suppose that they saw that the door was locked so you went over and tried it and saw that it was locked? A. Yes.

Q. The people that were standing there which you say that you suppose had tried the door, they did not say anything at all? A. No, sir.

Q. Just kept standing there? A. Yes, sir.

Q. And while standing there you went by them and tried the door anyway? A. Yes, sir.

Q. You pulled and pushed the door and turned? A. Yes, sir.

Q. Just the same as everybody else did? A. Yes, sir.

Q. You saw others pull and push and turn, didn't you? A. I don't know; I did not see they did; everybody stood there trying, I suppose, trying to get out of the door.

Q. Didn't you see them try? A. There was a crowd, it was crowded and so I tried to get right in there.

Q. Crowded in front of the door? A. Yes, sir.

Q. And they let you get up there too? A. I got through the crowd.

Q. These girls, all excited there and running, they let you get through them, didn't they? A. I got right through, and I pushed right through to the door.

Q. You pushed them to one side? A. Yes, sir.

Q. And you got right through them? A. Yes, sir;

Q. And then you got your hand on the knob? A. Yes, sir.

Q. When you got in near to where they were, by the door, these girls and men, they allowed you to push through them,

down near by the door, so that you got your hands on th
of the door? A. They did; I had my hands on the door;
had their hands on the door.

Q. You saw them pull, didn't you? A. I didn't see much pulling of them. I only know
that I tried the door myself.

Q. And the door would not open? A. No, sir.

Q. And you pushed your way through the crowd till you got to the door, did you? A.
Yes, sir, till I got to the door.

Q. And then you left that door, the Washington place door? A. Yes, sir.

Q. Then you hadn't once gone near the Washington place elevators, had you? A. At the
time the elevator did not run, I passed the elevator, but the elevator did not run.

Q. Did you know it was not running at all? A. I knew It was running, but I did not see
it.

Q. Didn't see it? A. Yes, sir.

Q. Was not there a crowd in front of the elevator doors? A. I don't remember; it was
kind of a darkness and full of smoke at that time.

Q. You don't remember whether there was a crowd in front of the elevator doors? A. I
ran to the Washington window, and I wanted to jump, and I ran back to the elevator.

Q. Which window did you run to? A. Right the first window, right to the left-hand
side of the elevator and Washington.

Q. And then you ran back? A. I ran back to the door, the

Washington door and tried it again.

Q. Weren't you satisfied with the way you had tried it the first time? A. No, sir, I thought it was kind of closed after I tried it again.

Q. The first time when you went to the door, and you tried to get out and you saw there was a crowd in front of it that was also trying to get out, you were not yet satisfied that you had tried enough? A. Yes, sir.

Q. So you went back and tried it again? A. I went back and tried it again.

Q. And after you tried it again, after the first time you went to the Washington place elevator? A. Yes, sir.

Q. And then you got into the elevator and went downstairs? A. The elevator went on the tenth floor and I knocked at the door to stop the elevator, and he didn't, he went on to the tenth floor, then when he saw no one was at the tenth floor, so he came down to the ninth floor and opened the door and I was the first one that fell into the elevator, and a lot of more girls fell on me, on top of me, and that is the way I came down.

MR. BOSTWICK: The diagram not any longer being used, I suggest, not being used any longer for any purpose, that it be taken away so that we can see the witness.

MR. STEUER: I think that every one of the jurymen could see the witness, your Honor. I think you are making suggestions which are entirely uncalled for and unwarranted. Constantly, when you have been using that

diagram I have never made a suggestion or any insinuation that you were blocking the view of anybody.

MR. BOSTWICK: I suggested that if they were through with the diagram, it be put away.

MR. STEUER: May I suggest that any time I am in the way of the jury my attention be called to it and I will step right back and very greatly oblige.

Q. Then you must have been the first one to get to the Washington place elevator there? A. It was the last trip, the first one.

Q. You were on the last trip also? A. Yes, sir.

Q. The first one who happened to get it, but it was the last trip? A. When I got down stairs —

Q. How do you happen to know this was the last trip? A. Why, Mr. Zitto, the fellow that took me down, he told me it was the last trip, they did not go again.

Q. Zitto told you this is the last trip? A. Yes, sir.

Q. Do you know as a matter of fact one of these elevators went up to the tenth floor and there was not anybody near the elevator, and that he came down with one person in the whole car? A. (No response)

Q. Don't you know that the elevator made a trip and brought only one colored man, one colored porter down from the tenth floor?

MR. BOSTWICK: I object to that.

THE COURT: If she knows, yes or no. Do you know

that? Repeat the question.

(Question repeated) A. I don't know that.

Q. Now, you went down, you say, on the last trip of the elevator, and I asked you the question not whether you went down on the last trip, I asked you the question whether you were not the first person in front of the elevator, the Washington place elevator doors? A. Yes, sir.

Q. Well, now, they had made trips before from the Washington place side, hadn't they? A. I don't know.

Q. Did you have to fight your way in order to get in front of the Washington place elevator doors? A. I was the first one there to get into the elevator.

Q. Did you have to fight your way through any girls to get to this Washington place elevator doors? A. No, sir, at the time when I went near the elevator there was no one.

Q. There was no one in front of the be elevator doors? That is, you had been to the Washington place side doors twice, had actually gotten to the door twice? A. To the door, not near the elevators.

Q. You had been to the Washington place door twice? A. Yes, sir.

Q. And you had been to the Washington place window? A. Yes, sir.

Q. And opened the window on the Washington place side? A. It was open.

Q. And you had looked out? A. Yes, sir.

Q. And then came back to the Washington place doors, that is right, isn't it? A. Yes, sir, to the elevator doors.

Q. First, when you came back —

THE COURT: She said she did.

Q. You went back to the Washington place side door, the stairway, and tried it again, didn't you? A. Yes, sir.

Q. And then went over to the Washington place elevator doors and did not find anybody in front of these elevator doors? A. Well, I was the first one there.

Q. How do you write you name? How do you spell it? A. W-i-e-n-e-r.

Q. Are you a relative of the girl who testified here this morning? A. No, sir, no relation whatever.

DORA AXLEROD, a witness called on behalf of the People being first duly sworn, testified as follows: (through the official interpreter)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 276 Madison street.

Q. On March 25th, 1911, you were in the employ of the defendants Harris and Blanck, were you not? A. Yes.

Q. And you are a waist maker? A. Yes, sir.

Q. Employed on the ninth floor? A. Yes, sir.

Q. Now, when you heard the cry of fire where were you standing? A. At my machine.

Q. And in what part of the floor was your machine? A. The

Greene street place.

Q. Now, at the cry of fire where did you go? A. To Washington place.

Q. When you got to the Washington place door — when you got to the Washington place side, where did you go, to the Washington place elevators, or to the Washington place door? A. To the door.

Q. When you got there were there any other people there at that time? A. I could not get near it because the crowd of people were there already.

Q. Could you see anybody — could see what anybody did with the door or at the door?

A. No, I could not see anything. Q. Did you hear anybody crying anything?

MR. STEUER: I object to that as incompetent.

THE COURT: I will allow her to answer yea or no.

MR. STEUER: I take an exception.

THE COURT: Not what they cried, yes or no, did you hear anything?

A. Yes.

Q. What they cried out, did it have anything to do with the door?

MR. STEUER: I object to that as incompetent.

THE COURT: Sustained; I will allow you to ask what they called out.

MR. BOSTWICK: I won't press the question, your Honor, with this witness,

because —

THE COURT: Oh, very well.

Q. Now long have you worked for the defendants? A. Six months.

Q. During that time did you see people go in or out of the Washington place door? A. No, I did not see.

Q. Did you ever see anybody go in or out of the Washington place door during the time you worked there? A. No, I never saw.

Q. When you quit work at night how did you go out from the factory? A. They used to go out through the door to Greene street.

Q. As you went out through the Greene street door, did you see a watchman there? A. Yes, the watchman used to stand there.

Q. And as the watchman stood there as you passed out what would you do? A. He used to tell me to open my pocket book and see whether I didn't take anything.

CROSS EXAMINATION BY MR. STEUER:

Q. Did you go out to lunch while you were working there? A. No, never.

MR. STEUER: That is all.

BECKIE BURSKY, a witness called in behalf of the People, being first duly sworn,
testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK: (Through Official Interpreter)

Q. Where do you live? A. 262 Prospect Park West, Brooklyn.

Q. On March 25th, 1911, were you in the employ of the

defendants Harris and Blanck? A. Yes.

Q. And on what floor did you work? A. Ninth floor.

Q. What were you, an operator? A. Yes.

Q. Now, in what part of the floor did you have your machine.? A. The second row of machines from the Greene street side.

Q. That is at the first table, is it not? A. The second table.

Q. There were two rows to each table? A. Yes.

Q. And you were on which the second table? A. The second table.

Q. The one facing Greene street, or did you have your back to Greene street? A. No, with the face towards Washington place.

Q. (Producing map) This is Washington place (indicating) and this is Greene street (indicating)? A. Yes.

Q. And this is the first table right next to the Greene street window (indicating)? A. Yes.

Q. And this is the second table next to the Greene street window (indicating). A. Yes.

Q. Now, you worked at this table (indicating)? A. Yes.

Q. Now, you either sat with your face to Greene street or with your back to Greene street? A. With the back towards Greene street and the face towards Washington place.

Q. Did you see the — when, you say Washington place, you mean where the dressing rooms were? A. Yes.

Q. You understand that this is Washington place (indicat-

ing)? A. Yes.

Q. So that you had your back to Greene street and had Washington place windows to your side? A. I don't understand the diagram, because I am not so well educated, but I can explain exactly how it was.

Q. What was the first thing that happened that made you aware of the fact that there was trouble or a fire? A. It right after the bell had rung; I had taken my coat and hat from the dressing room, and then I heard the cry of fire.

Q. As soon as you heard the cry of fire where did go? A. Then I put on my hat and coat and ran towards the Greene street side.

Q. Were there any people near the Greene street door? A. A great many people; it was crowded there.

Q. Did you go down the Greene street way? A. No, there were too many and I ran back.

Q. Where did you go then? A. Then I ran to the fire-escape.

Q. Did you go out on the fire-escape? A. Yes, I got on the table, and I was about to run to a door, because I didn't know whether there was a fire-escape, than I heard the girls ~~

MR. STEUER: Wait a moment, I object to what she heard as being incompetent.

THE COURT: Sustained. Well, you heard something. After you heard that something what did you do? A. (Continuing) Then I saw girls crawling, or creeping out of the window and I did the same.

Q. How did you get on the fire-escape? A. Through the window.

Q. Well, now, was there anything in front of the window which led out to the fire-escape? A. There was nothing there, the people were there. Then I slid down on the fire-escape because I could not walk down, the flames were there.

Q. I want to know whether in front of the fire-escape on the inside of the loft there was anything standing? A. I didn't see it. It took one second as I get down, as the flames was big.

Q. Did you stand on anything to get to the fire-escape?

MR. STEUER: I object to that as highly leading and suggestive.

Q. Did it take from --

THE COURT: I will allow that question.

MR. STEUER: I take an exception.

A. There was standing a table and a desk and I got on the desk.

Q. Then what was on top of these tables, if anything? A. On the tables was lying goods which would -- which were to be examined and on the desk were lying books.

Q. Now, on these tables or on this table, whatever it is, were these finished goods or unfinished goods?

MR. STEUER: Objected to as immaterial.

THE COURT: I will allow it.

MR. STEUER: Exception.

A. This I cannot know because I did not exactly notice that, I did not observe it.

Q. How high above the tables did the goods extend? A. It was very high, just as this table (indicating the table of the stenographer).

Q. You mean that the table was this high? (indicating the table of the stenographer)? A. Yes, but the desk was higher.

BY THE COURT:

Q. How high was it from the floor to the top of the goods? A. This I did not see exactly; I did not observe exactly, because I had no time to look at it.

Q. At night, when you were going out, when you operators went home, they went home by what door? A. Greene street door.

Q. And was a watchman there? A. Yes, sir; all the time.

Q. And what would he do at night? A. He used to examine the pocket books of the girls and see whether they are taking anything along.

Q. Do you know where the Washington place door is on the ninth floor leading to the stairway? A. Yes, sir, - I had never seen it or had never passed through there.

Q. Did you ever see anybody else go in or go out through that door?

MR. STEUER: I object to that. She said she never knew there was a door there and could not have seen it.

THE COURT: I sustain the objection. Is there any

cross examination?

CROSS EXAMINATION BY MR. STEUER:

Q. When you say a pocketbook you mean one like that you have now (indicating)?

A. Yes, that is what I mean.

Q. MR. STEUER: That is a book about the same size as the one that was measured this morning, is that right, Mr. Bostwick?

MR. BOSTWICK: Yes.

Q. Did you ever go to work while you were working there? A. I used to eat inside and sometimes I used to go downstairs, but not through that door.

Q. Not through what door? A. Not through the Washington place door, but through the Greene street door.

Q. I didn't ask you anything about the door. I asked you if you went to lunch? A. I did not go out after lunch; I had my lunch in the place and once in a while I used to go down stairs during the lunch time.

Q. When you went downstairs during the lunch time did you ever take your book with you, your pocket book? A. No, I only used to take my coat.

Q. You were always sure to leave your pocketbook behind? A. Yes, I worked for a contractor, and he used to be inside, and I used to leave my pocketbook there.

Q. That is, by that you mean you did not work for Harris and Blanck; you worked for somebody whom they hired? A. I worked in the place, but I used to work — but he used to

have people who had three or four machines, and we worked for them.

Q. You mean the man whom you worked for had three or four machine.? A. Yes.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Do you know Anna Gullo? A. Yes, sir.

Q. Did you see her at the time of the fire?

THE COURT: Yes or no. A. No, I did not see her all the time.

MR STEUER: No further questions.

ROSE GLANTZ, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 92 Lewis street.

Q. You are in the employ of Harris and Blanck? A. No, sir.

Q. You were in the employ of Harris and Blanck? A. Yes, sir.

Q. On March 25th, 1911? A. Yes, sir.

Q. And up to what time? A. Until two weeks ago.

Q. Until two weeks ago? A. Yes, sir.

Q. And in March, the date of the fire, March 25th, the day of the fire, you were an operator on the ninth floor? A. Yes, sir.

Q. Where were you at quarter to fire when the bell sounded to quit work? A. I was attending to my machine.

Q. And your machine was in what portion of the loft? A. It was the second table from the Greene street window.

Q. The second table? A. The second table.

Q. From the Greene street window? A. From the Greene street window, yes, sir.

Q. Were you nearer to the freight elevators, or the Washington place window? A. Nearer the Washington place window.

Q. Now, what was the first that you heard or knew that there was a fire in the factory? A. Well, I was standing near my machine, and I heard the man I was working for told me there was a fire.

Q. And as soon as you learned there was a fire where did you go? A. I ran to the wardrobe to get my clothes.

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

Q. And that was right near the freight elevators? A. Yes, sir.

Q. Now, after that where did you go? A. I ran to the Greene street door.

Q. Were there any people at the Greene street door? A. Yes, sir, very many.

Q. Where did you go? A. I ran to the Washington street door.

Q. Did you see any people there? A. There was a lot of people there.

Q. And when you got to the Washington street door, did you hear people crying out?

A. Yes, sir.

Q. Did you see anybody trying the door? A. No, sir.

Q. Did you try the door? A. No, sir, I did not.

THE COURT: When you say the door, was it open or closed?

THE WITNESS: I did not see the door at all; there were so many people there I did not take time to look at it.

Q. Those that were standing nearest to the door, did you hear any cries from them? A.

Yes, sir, I heard cries.

MR. STEUER: Wait a moment, I object to that as immaterial.

THE COURT: I will allow "Yes" to stand.

MR. STEUER: Exception.

Q. I will ask you what you heard them cry?

MR. STEUER: I object to that as incompetent.

THE COURT: I think I will exclude it.

Q. That night, when you went out, how did you get out? A. Through the Greene street door down the stairs.

Q. Was there a watchman as you passed out to the elevator? A. Yes, sir, there was.

Q. What would you do every night when you passed out? A. We had to open our books every night.

Q. You know where the Washington place door next to the Washington place elevator was, do you not? A. I didn't know

there was a door there at all.

Q. When did you first learn there was a door there? A. At the time of the fire.

Q. About how long had you been in the employ of these people? A. About two and one half years.

Q. Was there any superintendent on the ninth floor at the time of the fire? A. No, sir, not at the time of the fire.

Q. The time for closing on Saturdays was what time? A. Quarter to five.

CROSS EXAMINATION BY MR. STEUER:

Q. In your work you had absolutely nothing to do with Harris and Blanck, did you? A. No, sir.

Q. You were working for an entirely different man, weren't you? A. Yes, sir; I was working for a contractor.

Q. Where did you tell the jury you were sitting? A. Right at the second tattle from the Greene street window.

Q. And about what part of the table, Miss? A. Well, there was the table, you see the table had a break, and I sat about two or three machines from the break in the table.

Q. I think you said, but I am not sure, that is why I am asking, did you state that you sat near the Washington place windows? A. Near the Washington place windows, nearer than the other.

Q. Nearer the Washington place than the other? A. Yes, sir.

Q. Now about the break, - were you nearer the Washington place window than the break in the table on the other side?

A. Nearer the Washington place window than the break.

Q. You were between the Washington — between the break and the window, you were nearer the Washington place window, -- is that right? A. Yes, sir.

Q. Which way were you sitting, were you facing to Greene street? A. Yes, sir.

Q. Did you ever walk around that loft that you worked in for two and one half years? A. Certainly.

Q. A good many times, didn't you? A. During the noon hour. Q. During the noon hour? A. Yes, sir.

Q. You would go around and visit with the girls? A. Yes, sir.

Q. Did you go around and visit with the girls that worked on the Washington place side of the shop? A. Yes, sir, I did.

Q. Did you go over and visit with the girls that worked near the Washington place elevators? A. No, sir, I had nothing to do with the girls there.

Q. Did you ever go to the Washington place elevators? A. Yes, sir.

Q. During the two and one half years you worked there? A. Yes, sir, every morning when I went to business.

Q. You used to go up that way? A. Yes, sir.

Q. On the Washington place side? A. Yes, sir.

Q. Which way did you go to your place from the Washington place elevators in the morning? A. I went through the Greene street wardrobe; I put my clothes there.

Q. To the Greene street wardrobe? A. Yes, sir, because

that was nearest to me going home.

(Diagram is placed before witness)

Q. This diagram has been explained to you, hasn't it? A. Yes, sir, it has.

Q. Just so that you and I will understand each other I will call your attention again to the fact that where you are looking, right now, that is the Greene street elevators, is it? A. Yes, sir, Greene street.

Q. And that full wall there is Greene street, you understand that, don't you? A. Yes, sir, I understand it, yes.

Q. This wall over here (indicating) Miss Glantz, is the Washington place wall, you see? A. Yes.

Q. You see these marks, these marks in here are supposed to be windows (indicating) in the Washington place wall. A. Yes.

Q. Now, these two square that you see here (indicating), where I have got my fingers, those are supposed to be the elevators which you came up by in the morning? A. Yes, sir.

Q. The Washington place elevators, do you see that? A. Yes, sir.

Q. Now, the Greene street elevators are away over here (indicating), you see? A. Yes, sir.

Q. You know what a bias is, don't you? A. Yes.

Q. You know what it is to cut goods on the bias? A. Yes, sir, I know.

Q. If a person was looking from the Greene street elevator over to the Washington place elevators, or from the Washington

place elevators to the Greene street elevators, he or she would be looking on a bias, wouldn't they? A. Yes, sir.

Q. Could you reach from where you are sitting over here, Miss Glantz? A. (Witness reaches).

Q. Will you just use your finger and show us how you walked in the morning when you came in? A. (Witness draws finger on diagram.)

Q. Now, you have drawn —

MR. STEUER: I suppose it would not be right to draw a line there ~—

THE COURT: I see no objection to it, do you?

MR. RUBIN: He can state it to the jury.

THE COURT: She has indicated with her finger that she passed from the Washington place elevators somewhat towards the first table nearest the Washington place elevators, and then in a direction of the wall in which the fire-escape is, between the first table and the dressing rooms which are on the side of the toilet, and then around the end of the other tables, nearest the fire-escape wall, down to the clothes closet on the Greene street side.

MR. RUBIN: That is perfectly satisfactory.

Q. When you drew your finger, did you draw it around the way I am drawing it now (indicating)? Is that the way you went? A. Yes, sir. (Witness does it again)

Q. And you passed in front of the first table of machines, and when I say in front I mean by that that you went between

the first table of machines and the passenger elevator? A. Yes.

Q. And you went between, at that time, the first table, and the Washington street door, did you not? A. Yes, sir.

Q. And you used to pass there for two and one-half years, didn't you? A. I did not go that way every morning most of the time.

Q. Very often? A. Very often, yes, sir.

Q. For two and one-half years? A. I did not; I worked for the firm two and a half years, but not on the ninth floor two and one half years. I only worked there on the ninth floor for six months.

Q. Well, we will reduce it to six months, but let me ask you before were reduce it at all, were you working on the eighth floor of that building? A. No, sir, I worked in University place.

Q. You did not work in that building but six months, is that the idea? A. Yes, sir.

Q. Then we will reduce it to six months, now. Then you used to go over by the Washington place passenger elevators for six month nearly every morning? A. Yes, sir.

Q. And you used to walk to the place that is marked over here "Clothes closet" (indicating)? A. Yes, sir.

Q. And that clothes closet marked there, you see, that is along the line of a partition that ends at the Greene street wall (indicating)? A. Yes, sir.

Q. So you used to walk around the first table and in front

of the two Washington place dressing rooms until you got to the open space in front of the examining table, and then you kept on walking in front of the examining tables, between the examining tables and the machine tables, until you got to the clothes closets on the Greene street side? A. Yes, sir.

Q. And during any one of those days, one of those mornings, when you walked on by that door, did you ever notice it? A. I never took a notice of it; never did take notice.

Q. Never did take notice of it, or time to notice the door? A. Never to take any notice of it.

Q. And because you did not have occasion to take notice, that is why your eyes never happened to see it, is that right? A. No, sir.

THE COURT: We will adjourn now until 10:30. Gentlemen of the jury, you are admonished not to converse among yourselves on any subject connected with this trial or form or express any opinion thereon until the same is submitted to you; not to talk about the case with any one, or let any one talk with you about the case; and not to visit the scene of the occurrence.

(Adjourned to Wednesday, December 13th, 1911, at 10:30 o'clock a.m.)

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