

Objection sustained. Exception.

Q. Is it the fact that as long as you worked on the ninth floor that the key to the Washington place door was always in the lock, tied to the door knob in the way that you have stated? A. There was always the key in the keyhole. There was a white string always attached to it, and I myself, sometimes, if I seen that the string was not well enough, I went ahead and I tied another string to it.

IDA WILLINSKI, called as a witness on behalf of

the defendant being first duly sworn, testifies as follows:

(The witness states that she resides at 146 East 4th street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. Did you ever work for Harris and Blanck? A. Yes, sir.

Q. What was your name when you worked for Harris and Blanck? A. Ida Cohen.

Q. You have since been married, and your name now is Willinsky? A. Yes.

Q. When you worked for Harris and Blanck where was it that you worked for them in this Washington place building? A. Washington place building.

Q. On what floor? A. Eighth floor.

Q. And what did you do? A. I was an operator.

Q. And where did you sit on the eighth floor? A. Second

row from the door.

Q. Which door? A. The Washington door.

Q. Where did you sit on the 25th of March, 1911? That is the day of the fire. A. On the second row, on the Washington place door.

Q. When you sat at your machine which way did you look? A. My face was to the door.

Q. On the day of the fire where were you when you first knew that there was any trouble? A. When the power stopped I went to the dressing room for my clothes.

Q. On the eighth floor how many dressing rooms were there on the Washington place side? A. One dressing room.

Q. Is that where you went to get your clothes? A. Yes.

Q. Did you get your clothes? A. Yes, sir.

Q. And what did you do? A. I put them right to the machine, the first machine to the door, I put them on the machine.

Q. On the first row of machines? A. Yes.

Q. You put your clothes there? A. Yes, the fifth machine from the window, right near the door.

Q. The fifth machine from the Washington place window and right in front of the Washington place door? A. Yes.

Q. What was the next thing you knew or heard? A. I started to dress myself, I put the hat, and after I put my coat and I heard an Italian girl was hollering "Fire", I took my pocket-book, and I went to the door.

Q. Which door? A. Washington door.

Q. Did anybody come to that Washington place door before you? A. Nobody else, only I was the first one.

Q. When you got there tell the Jury what happened? A. I wanted to open the door, and I knew because all the girls was falling on me, and they squeezed me to the door, and t said three times to the girls, "Please, Girls, let me open the door, please, Girls, let me open the door," and they didn't listen to me. So I tried to keep my head away from the glass, I should not break the glass. And then Mr. Brown came there and pushed the girls away on the side, and he opened the door and I went down, and when I walked to the stairs, so I met the girls from the sixth floor, that was working cloaks, and she asked me "What are you running so fast?" I said, "There is a fire on the eighth floor", and as soon as I run down I find two bodies on the floor from the eighth floor.

Q. Those bodies had jumped out of the window? A. Yes, on the Washington window. And I went on the other sidewalk, and I looked up at the Greene street side and I seen there Fannie Lonzes; she was dressed in a fur coat and hat and she jumped right through the window.

Q. At the time when you were at the Washington place door, when you say that you kept your head away from the glass, you were afraid of breaking the glass? A. Yes.

Q. Why were you afraid that your head would break the glass? A. I was afraid for my face — I should not scratch my face.

Q. Where was your body when you were near that door?

A. Right to the wood; I tried to keep ay head away.

BY THE COURT:

Q. This is the door of the eighth loft?

MR. STEUER: Eighth floor, your Honor.

BY MR. STEUER:

Q. And were you pressed up to that door by the girls? A. Yes.

Q. At that time where was the key to that door? A. It was in the lock.

Q. When Mr. Brown came there what did he do? A. He pushed the girls away and opened the door and I ran down.

Q. Have you worked for Harris and Blanck since the fire? A. No.

Q. Have you ever spoken to me since the day you were born? A. I don't know you at all.

Q. Has anybody come to you from Harris and Blancks or from any lawyer? A. No, I was working for a different firm.

Q. And you got a subpoena to come here? A. Yes.

Q. And how many days have you been kept waiting here to testify? A. Three days.

Q. Were you a witness before the Coroner's jury after the fire? A. Yes.

Q. And which gentleman examined you at that time? A. Mr. Rubin.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Do you know Anna Held? A. Yes.

Q. Wae Anna back of you or in front of you? A. I don't know. I was talking that time to you.

Q. Wasn't Anna in front of you? A. Yes, she was the first machine to the window.

Q. Wasn't she standing in front of you? A. No. She wae standing near the window and I was standing near the door.

Q. Are you sure she was not standing in front of you? A. No.

BY THE COURT:

Q. When you say "No", you mean she was not standing in front of you, is that so? A. She was standing in front of the machine, the first machine.

BY MR. BOSTWICK:

Q. Now, do you remember appearing at ay office on March 29th? A. Yes.

Q. How did you come to come to my office? A. I went by myself.

Q. Why did you come? A. Because I seen every girl was went and I went too.

Q. But do you know why you came — who told you to come? A. Nobody told me to come.

Q. You just estate because the other girls case? A. Yes.

Q. Do you know why all those girls came down to see me? A. I don't know why -- to say the truth.

Q. Yes, but do you know what caused them to come down? A. I don't know.

Q. You didn't get any paper to come down? A. No.

Q. I didn't ask you to come down? A. No.

Q. You just came because the other girls came? A. Yes.

Q. Do you remember at that time in my office making this statement to me? A. Yes.

Q. "I was back of Anna Held, Anna was standing in front of me and between the Washington place", ~ do you remember that? A. I don't understand that, what you mean.

Q. All right. You are still working for Harris and Blanck are you? A. No.

Q. When did you cease working for them ? A. At the time of the fire, only the time of the fire.

Q. Did you say you met the girls coming from the sixth floor? A. Yes, sir.

Q. You don't mean the sixth floor, do you? A. Yes, sir, I do mean.

Q. You are sure of that? A. Yes, I didn't say that to you?

Q. Were they girls that had been up in the factory? A. No, on the sixth floor people.

BY THE COURT:

Q. You mean people that worked on the sixth floor, you overtook them on the stairs? A. Yes.

BY MR. BOSTWICK:

Q. You don't mean that, do you? A. Yes.

Q. They worked on the sixth floor? A. Yes, on cloaks.

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

Q. Are you as sure of that as you are of the rest of the testimony you have given?

MR. STEUER: I object to that as immaterial. You cannot make comparison between two points of testimony.

THE COURT: Objection sustained.

Q. You are positive? A. Yes, I am.

Q. Wait a minute — that the two girls that you met on the stairway on the Washington place side are girls who worked on the sixth floor in that same building? A. Yes.

Q. At that time? A. Yes.

Q. And you are also positive that you saw a key in the door? A. Yes.

BY THE COURT:

Q. What are the names of those girls that you met on the stairs? A. I don't know them.

Q. Do you know the name of the firm that they worked for? A. No.

BY MR. BOSTWICK:

Q. Did you have a talk with Mr. Bernstein yesterday? A. No, I didn't talk with Mr. Bernstein.

Q. How did you come down here yesterday? A. With a subpoena.

Q. How did you come down, what way did you come? A. By a car.

Q. How did you come down to-day? A. By a car, took the

3rd street car and I transferred to Broadway and I come down here.

LOUIS A. SILK, called as a witness on behalf of the

defendants being first duly sworn, testifies as follows:

(The witness stated that he resides at 843 West End avenue.)

DIRECT EXAMINATION BY MR. STEUER:

Q. What is your business? A. I am in the embroidery business.

Q. What firm? A. Krower & Tyneberg.

Q. Where is their place of business? A. 576 Broadway.

Q. Do you know these defendants, Harris & Blanck.

Q. Does your firm, Krowar & Tyneberg deal with them? A. Yes, sir.

Q. And is the account of Harris and Blanck with the firm of Krower & Tyneberg your account? A. Yes, sir.

Q. And has been for how many years? A. Oh, about nine years I guess.

Q. You were in this building at the time of the fire, were you not? A. Yes, sir.

Q. And were you one of the persons that made your escape over the roof of some adjoining building? A. Yes, sir, I was.

Q. How often did you call at the place of business of Harris and Blanck? A. Oh, quite frequently. Sometimes two or three times a day.

Q. And other times? A. Well, I rarely missed a day, but I was on the road quite frequently.

Q. You rarely missed a day? A. While I was in the City.

Q. When you were on the road, of course you didn't call on them.

Q. With whoa was your business in the fins of Harris and Blanck? A. Principally ith Mr. Harris.

Q. When you went to the place of business of Harris and Blanck how did you go? I am assuming now that you are at the building itself, and we want to find out how you got upstairs to their place of business? A. By the elevator.

Q. Which elevator? A. On the Washington place side.

Q. Where did you go when you went into the building? A. Tenth floor.

Q. Always? A. Yes, sir.

Q. When you got on the tenth floor did it ever happen that you went from there to the ninth and to the eighth floors? A. Yes, sir, quite frequently.

Q. And when you went from the tenth floor to the ninth floor or from the tenth floor to the eighth floor did you have any special way of going down? A. Well, sometimes I used the elevators.

Q. Which elevators? A. Well, principally on the Washington place side. I don't think I ever used the elevator on the Greene street side at all.

Q. Did you ever use the stairs on the Greene street side?

A. I did.

Q. Did you ever use the stairs on the Washington place side? A. I did.

Q. Will you tell the jury with what frequency you used the stairs on the Washington place side in going from the tenth floor to the ninth or the eighth floors? A. Well, I used the stairs on the Greene street side more than I did on the Washington place side.

Q. A great deal more? A. Yes, sir.

Q. I want you to give to the jury an idea of how many times, the least, you went down the Washington place stairs to go to the ninth floor or the eighth floor? A. About half a dozen times that I remember in the last two years.

Q. That is, when you say the last two years, do you mean two years back from now, or two years back from the time of the fire? A. Well, about two years back from now, as well as I can remember.

Q. Will you tell the jury how on those occasions you went from the tenth to the ninth floor or from the ninth to the eighth floor? A. Well, I walked from the tenth to the ninth floor, and if Mr. Harris wasn't on the ninth floor I walked down to the eighth floor.

Q. And you went down the Washington place stairs on those occasions? A. Yes, sir. I got on the floor and I inquired for Harris and waited back in the sample room, and if he was not on that floor I would walk downstairs.

Q. When you went from the tenth floor to the ninth floor from the Washington place side how did you go into the loft? A. Through the hall door.

Q. Did you ever carry a key to any of their lofts? A. No.

Q. And what did you do to go into the door? A. Just opened the door.

Q. The same as any other door? A. Yes, sir.

Q. Where were you on the day of the fire? A. I was on the tenth floor.

Q. And who was with you at that time? A. Well, Mr. Harris was there and one of the salesmen was there, Mr. Teschner, and Mr. Blanck had been there just a few minutes before.

Q. He was not with you at the time when you first learned of the fire? A. No, sir.

Q. When you learned — A. Oh, yes, he was, pardon me. He went right out, he was there. I remember Bernstein come up and telling him there was a fire on the eighth floor and he went out.

Q. That was the first you knew of it, Bernstein came up? A. Yes, sir.

Q. Will you tell the jury what happened there to you personally? A. We didn't think it was anything serious, we went over to the elevator door and Harris instructed the elevator men to go downstairs to take the girls down first. I opened that door on the Washington place side and went out and

the smoke was so heavy we didn't dare to go through, so we walked back to the Greene street side; it was the same thing -- in fact there were flames there so I suggested trying the skylight.

Q. What skylight are you now talking about? A. On the tenth floor.

Q. That is the skylight that comes into the loft? A. Yes, sir.

Q. What did you do about trying it? A. Well, I thought to put some tables and chairs together, and Mr. Harris thought it was ridiculous, so we tried the door again on the Greene street side and we opened it and took a chance and walked through the smoke and got up to the roof. And about that time I had Mr. Blanck's little girl and another little girl on the shoulder and we got over on the roof, walked down one flight of stairs, and part of the help came down that we had assisted down; they took the elevator, and I walked down on account of the child screaming so, so I didn't want to take a chance of going down on the elevator.

Q. You don't mean in the building 23 to 29 Washington place? A. No, sir.

Q. You mean in the building in which you were when you escaped? A. Yes, sir.

Q. And you took Blanck's little child with you down the stairway? A. Yes, sir.

CROSS EXAMINATION BY MR BOSTWICK:

Q. Your firm did quite a large business, or do a large business at this time with Harris and Blanck, do they not? A. We always did, yes, sir.

Q. How many thousands of dollars a year do you suppose that you sell to Harris and Blanck? A. Oh, I guess our firm sell about seventy-five thousand dollars -- some years more and some years less.

Q. You testified that when you went to Harris and Blanck's place you would go up in the passenger elevator to the tenth floor and get off at the tenth floor? A. Yes, sir.

Q. And if I understood you correctly than you would look around for Mr. Harris? A. Yes, sir.

Q. With whom you did most of your business? A. Yes, sir.

Q. You would pass through the sales room and you would go over towards the rear of the building, would you not? A. Yes, sir. Not always.

Q. Well, as a usual thing? A. No, sir, most frequently sat in a little room there that was arranged for various men that solicited business.

Q. Yes, but Mr. Harris was there? A. Yes, sir.

Q. If Mr. Harris wasn't there you would then go to the rear looking for him? A. Yes, sir.

Q. And when you had made a careful survey of the tenth floor and he was not there, having started at the Washington place side you would find yourself at the Greene street side?

A. Well, I would sometimes ask the girl at the telephone where Mr. Harris want after I got off the elevator, and she would say, "Wait, I will find out", and she would telephone down and if he was on the eighth or ninth floor sometimes I ran down the stairs, if I couldn't wait for the elevator, and more often took the elevator down.

Q. But, Mr. Silk, I was trying to carry you to what you did usually, where you didn't find Mr. Harris, but were looking for him on the tenth floor. When you got through looking for Mr. Harris weren't you nearly always on the Greene street side of the building? A. Yes, sir.

Q. That would be the natural way, you know, coming in the Washington place entrance from the elevators, if you looked over the floor, you would find yourself in Greene street? A. Yes, sir.

Q. Then not finding him there as you say, you usually went down the Greene street stairway? A. Well, I say sometimes.

Q. Your language was "usually", was it not? A. Possibly, that's right..

Q. And didn't you say that you more often went down the Greene street stairway than you did the Washington place stairway? A. I did, yes, sir, but I sometimes went to the telephone girl to find out what floor he was on.

Q. Yes, you brought that out. Now, if you went to the telephone girl and found out that Mr. Harris was downstairs, would you invariably go downstairs, or would you sometimes wait

for him to come back? A. Oh, sometimes waited for him to come up.

Q. You said you used the stairways about six times during what period of time? A. Well, that is as well as I can remember; I say have used it more often, but I want to be on the safe side as long as it is sworn to.

Q. About six times in what period? A. Well, in the last two years.

Q. That includes both stairways? A. No, sir.

Q. You want to confine that to the Washington place stairway? A. I think so.

Q. When you went from the tenth to the eighth floor could you say whether anybody opened the door from the inside or not? A. No, I could not.

Q. Somebody may have opened it for you from the inside? A. Well, I never had any occasion to knock on the door; I opened the door and went in.

Q. What is your best recollection as to whether when you went from the tenth floor to the eighth floor somebody might have opened it from the inside or not? A. Well, that I doubt very much.

Q. Might not somebody have opened it from the inside? A. Yes, if somebody had expected me down possibly.

Q. Well, wouldn't you say that you couldn't say whether anybody opened that door from the inside? A. Not to my recollection -- no one ever greeted me.

Q. Do you remember seeing me, Mr. Silk or seeing Mr. Rubin, rather, on April 29th, 1911? A. I remember seeing either you or — I remember seeing that gentleman (indicating Mr. Rubin), but I don't remember you.

Q. Do you remember saying to Mr. Rubin, "I am certain that I used that Washington place stairway from the tenth to the eighth floor, but I could not say whether anybody opened the door for me from the inside"? A. No, I don't remember saying that. He may have said to me, "Didn't some one open the door for you". He may have put that question, but I know I never made any remark like that.

Q. And this question of mine does not refresh your memory as to making that statement to Mr. Rubin? A. No, sir; he may have said to me, "Didn't someone open the door for you?" Instead of asking me "Did some one open the door."

Q. Are you quite sure that you saw flames coming up from the ninth floor to the tenth floor in the elevator? A. I didn't say the elevator.

Q. I mean in the stairway next to the elevator? A. Well, I can't say, I am sure, but I know it was so bad I know we couldn't go through the stairs. We closed the door quick, you know not to get too much of the smoke. It may have been heavy smoke and it may have been flames. You know I wasn't very cool at the time.

Q. You have been down the stairway? A. Not at the time of the fire.

Q. I mean previous to the fire? A. Yes, sir.

Q. And you know the stairway is made of slate and iron? A. I presume so. I know it was not wood ~~ I guess it was stone or slate.

Q. Did you know that there was nothing combustible in that stairway, excepting a little piece of handrail? Do you not recall that this was the only piece of combustible material that was between the ninth and tenth floors on the Washington place side (showing witness a piece of handrail)? A. No, I don't remember anything about it. Whether that was wood or iron or steel, I don't remember that.

Q. Do you remember that there was a long handrail, something like that (indicating)? A. I presume there was.

Q. But you don't remember it? A. Well, I can't remember that. There is a handrail on every ~~ you rarely see a stairway without a handrail.

Q. Do you remember that that piece of wood was between the eighth and ninth floor on the Washington place side, in the stairway? A. There may have been one like it, I don't remember whether that is the same one. I presume there was a handrail there. I never took any special notice of it.

Q. Did you see anything that was combustible excepting that piece of wood? A. I never took any notice.

Q. Are you doing business with Harris and Blanck at the present time? A. Yes, sir.

Q. When you made that statement to Mr. Rubin do you

recollect that there was nothing said about smoke at that time? A. No, I did not. Mr. Rubin and I got in quite an argument about that, about the smoke and flames.

Q. There was nothing said about that you got in quite an argument. Now let us get that a little straight. A. I thought you said that I said nothing about it.

Q. Isn't it a fact that you said nothing about it? A. No, I did. I told Mr. Rubin the same thing I told you.

Q. Do you remember stating to Mr. Rubin on that day at that time that you saw flames come up from the ninth floor? A. Yes, that is possible, I think I did.

Q. Well, now, is it a fact that you saw flames come up? A. Well, I can't say I was a little excited, naturally.

Q. Excited at the time of the fire? A. Yes, sir.

Q. And excited even when you made this statement? A. No. He may have tried to get me excited, but I don't think I was.

Q. As a matter of fact, you don't think you saw any flames do you? A. Well, I wouldn't swear to it. You know when you are in a fire of that kind possibly you wouldn't remember as well either.

BY THE COURT:

Q. What is your best recollection as to the date of the last time before the fire when, as you say, you passed down the stairs on the Washington place side from the tenth to the ninth floor? A. Possibly a few weeks before.

Q. Have you any recollection as to the hour of the day?

A. Well, always towards evening, your Honor, because the elevators being crowded in the evening, couldn't wait for me, so I took the stairs; ordinarily I would wait for the elevator.

Q. Have you any recollection as to whether or not when you did last go down the stairs on the Washington place side before the fire any operatives were at work on the ninth loft? A. Yes, sir.

Q. Were they working at that time? A. Yes, sir, always, to my recollection.

BY MR. BOSTWICK:

Q. What is your final statement in regard to the matter? Did you mention or did you not mention smoke when you had this conversation with Mr. Rubin? A. I think I mentioned both smoke and fire.

BERNARD C. ENSER, called as a witness on behalf of

defendants, being first duly sworn, testified as follows:

(The witness states that he resides at 519 West 143rd street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. What is your business? A. Manufacturer of embroideries.

Q. Where is your place of business? A. My office in the City of New York is 853 Broadway.

Q. You say "My office in the City of New York." Does that mean you have a place of business somewhere else? A. Yes.

Q. Where? A. in Jersey City.

Q. Did you do business with Harris and Blanck? A. Yes.

Q. What kind of business did you do with them? A. They gave me work and I manufactured on their goods.

Q. You didn't sell them merchandise? A. No merchandise.

Q. You took work from their premises over to your place? A. Yes, sir.

Q. And then when you were through with the work you delivered it to them ? A. That's right.

Q. How often did you go to the place of business of Harris and Blanck? A. Well, sometimes once, twice, three and four times a day.

Q. When you went to that place of business how did you go up from the street to that place of business? A. Washington elevator to the tenth floor.

Q. Then from the tenth floor where did you go? A. I went right in the show rooms.

Q. And from the show rooms where did you go? A. Well, if I saw Mr. Harris I spoke to him there about the business, which he wanted me to do, and if I didn't see him there I went downstairs to the ninth floor, the Washington place side, and if I didn't find him on the ninth floor I went down to the eighth floor.

Q. Mr. Harris spent a good deal of time in the factory, did he not? A. Yes, sir.

Q. How often did you go from the tenth floor to the ninth floor by the Washington plade side? A. Well, during the time

that I went there it might have been twenty times or more.

Q. Did you go from the tenth floor to the ninth and eighth floors by the Greene street side? A. Never.

Q. Now many times do you say you went by the Washington place side? A. About twenty times or over.

Q. And on occasions when you went down from the tenth floor to the ninth floor did you have a key, or anything to their premises? A. Have a key? No, sir.

THE COURT: Just let him state how many times, if at all he went by the elevators, as distinguished from the stairs.

Q. Did you use the elevators to go down from the tenth floor to the eighth or ninth floor? A. Never.

Q. So that the total amount of times that you went down you went down by the Washington place stairs? A. Yes, sir.

Q. And you say that was at least twenty times.

Q. And on those occasions will you tell the jury how you passed in from the Washington place stairway landing to the loft? A. From the Washington place stairway?

Q. Yes. A. Well, from the tenth floor I went in to a small office there where the salesmen were and right there is a door leading down the stairs. I opened that door and I went down.

Q. When you got down to the foot of the stairs on the ninth floor what did you do? A. I turned the knob and went in.

Q. Was that so on the eighth floor? A. The same thing.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Are you doing any business with Harris and Blanck now? A. Yes, sir.

Q. When you went in the ninth floor, from the Washington place stairs, did you step right into the loft? A. Right into the loft, yes, sir.

Q. Were there any rooms there -- partitions or anything of that kind? A. No.

Q. It was just open? A. Just open.

Q. And what was on the right-hand side of the door as you went in? A. Well, I didn't pay any particular attention on the floors, how they were laid out, or what there was on them. I only was looking for Mr. Harris.

Q. And what was on the lefthand side? A. As I am telling you, on the lefthand side there was some machines there.

Q. On the lefthand side? A. Yes, sir.

Q. Any machines on the righthand side? A. No.

Q. And anything in front of you as you got out of the elevators? A. No.

Q. Just opened right out into the loft?

THE COURT: You don't mean as he got out of the elevators?

MR. STEUER: He said he never went on the elevators.

Q. Well, I mean as one got out of the elevators? A. What?

Q. In front of the elevators on the ninth floor if a person stepped out of the elevator did they go into a hallway

there formed by a partition? A. I haven't seen any partition.

Q. There was no partition there, so far as you can remember? A. No, so far as I can remember.

Q. And although you were in that loft several times? A. Several times.

Q. You have no distinct recollection of what was in front of the elevators, if anything? A. No.

Q. And you have no recollection of where the forms were kept, have you? A. No.

Q. And you have no recollection where the cutters' tables were, have you? A. No.

Q. And as a matter of fact you never went down the Greene street stairway in your life? A. No.

Q. You always used the Washington place stairway? A. Always.

Q. Do you know how many dressing rooms there were there? A. No.

Q. Do you know whether there were any dressing rooms? A. No.

Q. Do you know whether there were any tables there? A. What kind of tables?

Q. Any kind? A. Well, I saw cutting tables.

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

Q. How many cutting tables do you think you saw on the ninth floor? A. Well, I can't tell you, I don't know.

Q. In other words, you were in there often enough? A. Well, I was in there probably once a week or something like

that, went downstairs sometimes twice a week. I didn't take any particular attention to look around you know. I was only looking for Mr. Harris.

Q. When you went down to look for Mr. Harris, I take it that you had been informed on the tenth floor that Mr. Harris was downstairs? A. Yes, sir.

Q. Because you didn't look for Mr. Harris on the tenth floor? A. Well, I went into the show room, and when Mr. Harris wasn't in the show room, I presumed he was on the ninth or on the eighth floor.

Q. When you went through the tenth floor looking for Mr. Harris did you ever go over to the rear of the loft? That is, to the Greene street side? A. I never went out of the show room.

Q. So that you either found out that Mr. Harris was downstairs when he was not in the show room? A. Not in the show room.

Q. And therefore Mr. Harris must have been downstairs before you? A. Yes, sir.

Q. And you don't know whether Mr. Harris locked or unlocked those doors at that time? A. I don't know.

Q. You have been doing business ever since the fire with the defendants? A. I was doing business before the fire.

Q. And have you been doing business with the defendants ever since the fire? A. Yes, sir.

BY THE COURT:

Q. What is your best recollection as to how long it was

before the fire when you last went down the Washington place stairs, as you say and in through the Washington place door into the ninth loft? A. It might have been two or three weeks before.

Q. And about what hour of the day was it? A. Eleven o'clock in the morning.

Q. And on that occasion did you go downstairs alone or in company with any one? A. Always alone.

Q. Was it the time when operators were at work in the ninth loft? 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. Recess till 2 o'clock.

(Recess till 2 p. m.)

After Recess, Trial Resumed.

YETTA KREITZBERG, called as a witness on behalf of the defendants, having been first duly sworn, testifies as follows:

(The witness states that she resides at 215 and 217 Roebling street, Brooklyn.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You work for Harris and Blanck now, don't you? A. Yes.

Q. And you worked there for Harris and Blanck at the time of the fire? A. Yes, sir.

Q. How long prior to the fire or before the fire did you work for them ? A. About a year and a half.

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

Q. What did you do? A. In the shipping Department.

Q. All the time you worked for Blanck and Harris did you work on the tenth floor?

A. Yes, sir.

Q. What did you have to do as you worked in the shipping department? A. Picking out orders, getting certain goods from the other floors, such as the samples, or finding out whether lots are complete.

Q. What do you mean by finding out whether the lots are complete? A. Finding out whether a certain lot is all out, so we could know whether we can ship it.

Q. Who would you find it out from? A. From the shipping clerk.

Q. Where would you go to get the information whether it complete or not? A. Either on the eighth or on the ninth floor.

Q. When you went from the tenth floor to the eighth floor or to the ninth floor tell the Jury how you would go? A. Well, when I was nearer to the Greene street side, I used to use the Greene street stairs, and if it was much nearer for me to use the Washington place stairs, I used to go down that side, sometimes with the elevator and sometimes with the stairs.

Q. When you went down with the stairs on the Washington

place side, how did you go into the loft? A. By opening the door.

Q. Was that true on the ninth and eighth lofts both? A. Yes.

Q. During all the time that you worked there? A. Yes, sir.

MR. STEUER: You may cross examine.

MR. BOSTWICK: That's all.

BY THE COURT:

Q. Do you remember whether or not on the day of the fire you went from the tenth to the ninth loft by the Washington place stairs? A. No, sir.

Q. About how long was it before the fire that you went last to the ninth loft by way of the Washington place stairs? A. About two months.

Q. And at that time did you go alone or with any one? A. Alone.

Q. And at that time what hour of the day did you go, about? A. I can't remember.

Q. Was it while the operatives were at work on the ninth floor? A. Certainly.

Q. Do you remember when you got to the door it stood open or whether it was closed? Speaking now of the door of the ninth floor leading from the Washington place stairs into the ninth loft? A. I had to turn the knob.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. You are still working for Harris and Blanck? A. Yes.

Q. Did you have any talk with Mr. Fletcher here to-day?

A. No, sir.

Q. Not outside, just before the opening of Court? A. No, sir.

Q. What is your salary now? A. \$10.

Q. What was it at the time of the fire? A. \$7.

LENA HANDSCHUH, called as a witness on behalf of the defendants, having been first duly sworn, testifies as follows:

(The witness states that she resides at 278 East 10th street.)

DIRECT EXAMINATION BY MR. STEUER:

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

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

Q. And what do you do? A. I was on the machines first, and then I become fore lady — I am fore lady for the last three years.

Q. Did you worked for them on a machine one year? A. One year — over a year.

Q. What floor did you work on when you were working at a machine? A. I worked on the eighth and ninth — on the ninth floor first, and then on the eighth floor.

Q. And on what floor have you worked on as a forelady? A. And then I become a forelady on the eighth floor.

Q. Have you always worked on the eighth floor as a fore lady? A. No, I worked on the ninth floor as a forelady too.

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

Q. How long have you worked as a forelady on the ninth floor? A. I worked there about a couple of months.

Q. How long had you worked on a machine on the ninth floor? A. On the ninth floor also a couple of months. I can't remember exactly.

Q. At the time of the fire it was on the eighth floor that you were working? A. Yes, sir.

Q. During the time that you were a forelady on the eighth floor did you have to go on any of the other floors? A. Yes, sir.

Q. On what floors did you have to go? A. I had to go on the eighth and on the ninth and on the tenth.

Q. What did you go to the ninth floor for? A. When I had to look for the manager, sometimes, to ask him something. Sometimes I had to go up closing something, - that was always on the ninth floor.

Q. Closing up what? A. Closing up the waist, sleeves — when I had to have some specials I went up for them.

Q. What did you go to the tenth floor for? A. Cutting department dresses, and I had to go up — also waists — whenever I had something cut up there I went up.

Q. How often did you have to go from the eighth to the ninth floor while you were a forelady on the eighth floor? A. Well, I

couldn't tell you how often. Whenever I needed I went.

Q. Well, how often were you needed, in the last year, say, that you were a fore lady on the eighth floor, a week? How often did you go to the ninth floor? A. I never counted, I couldn't tell you.

Q. How often a day? A. I could have gone three times a day, four times, ten times, sometimes -- I never counted.

Q. When you went from the eighth to the ninth floor how did you go? A. Wherever I was nearest.

Q. What do you mean by that? A. My three tables where I was working on the eighth floor was near the Washington side, and when I was near that side I went to the Washington door, when I was in the cutting department I went to the Greene street door.

BY THE COURT:

Q. When you say "Washington door" what do you mean? A. What I mean?

Q. Yes, which door do you mean? A. That means the Washington side door.

Q. Leading to what? A. I don't understand.

Q. You know there were elevator doors on the Washington place side? A. Yes.

Q. And then there was another door. Now, which of those doors do you mean? A.

The Washington door.

BY MR. STEUER:

Q. Did you go upstairs when you went from the eighth to

the ninth floor on the Washington place side, by the elevator or by the stairs? A. When the elevator, when I had the elevator in time I went to the elevator, but I never waited for the elevator. I never have any time, so I opened the door and went up.

Q. You opened the door and went up? A. On the ninth or tenth floor or wherever I had to go.

Q. What did you go up? A. What I went up?

Q. Yes, how did you get up from the eighth to the ninth floor? A. How I got up there?

Q. Yes. A. Stairway.

Q. Well, now, when you got up on the stairway to the ninth floor, what did you do? A. I opened the door and went in.

Q. And did you ever have to use a key when you went from the eighth floor to the ninth floor, on either the eighth floor or the ninth floor? A. Well, very seldom. Well, I had to use a key very seldom.

Q. Well, did you ever have to use the key from the outside? A. No, I have never seen a key in the outside.

Q. Where did you see the key? A. Where I do?

Q. Where did you see the key? A. On the inside I have seen the key.

Q. Where was the key on the inside? A. Inside, it was sticking in the lock.

Q. All the time that you worked for them? A. All the time, yes.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. You didn't have to turn that key very often, did you? A. I didn't have to turn that key very often no.

Q. Only once in a while? A. Never — very seldom ~ sometimes in the morning when I had to go up right after eight o'clock, when I came and had to go up I had to turn the key, but very seldom, because the watchman always used to come before me.

Q. And when you went up and down, it was when the operators were all at work at their machines, was it not? All the operators were at their machines working? A. Well, - all the operators ~ I don't understand you.

Q. What were the operators doing when you were going up and downstairs? A. What do you mean? They were working.

Q. That's it, they were working at their machines? A. Aworking at the machines.

Q. And it was part of your duty to go up and down stairs? A. It was a part of my duty when I had to go.

Q. If you happened to be near the Greene street side you would go by the Greene street stairs? A. Yes.

Q. Most of the time you used the Greene street stairs, did you not? A. Most of the time I used the Washington stairs because I was the other side — my tables were on the other side.

Q. Have you had any talk with Mr. Fletcher? A. No.

Q. You haven't spoken to Mr. Fletcher to-day? A. No.

Q. Didn't you have a talk with Mr. Fletcher outside here?

A. No.

Q. Haven't spoken to Mr. Fletcher? A. No.

Q. You haven't seen Mr. Fletcher, have you? A. I have seen him.

Q. Do you know a girl by the name of Tessie? A. Tessie what?

Q. Yes, Tessie what? A. I don't know; I have to know the second name.

Q. Do you know any gir by the name of Yessie? A. No.

Q. Do you know Dora Himmelstein? A. No.

Q. At the time of the fire what was your salary? A. At the time of the fire was my salary? A. \$18.

Q. What is your salary now? A. My salary \$25.

Q. When was your salary raised? A. My salary was raised two or three weeks ago.

RE-DIRECT EXAMINATION BY MR. STEUER:

Q. And what had you done just before your salary was raised? A. I left the place.

Q. You left the place and had gone to another place? A. Yes.

Q. To get you back they gave you the same waged that the other place would give you?

MR. BOSTWICK: I object to that, if your Honor please.

THE COURT: Objection sustained.

MR. STEUER: I except. Now is it possible it should

be pertinent on the part of cross examination and new matter and that I cannot examine with reference to it?

THE COURT: Your question was not framed so as to make it proper.

MR. STEUER: I respectfully except to its exclusion.

THE COURT: It calls for a conclusion by this witness as to what is in the minds of other people, what actuated others.

Q. Did you tell Harris and Blanck what other people had offered you when you left them?

Objected to. Objection overruled.

A. Whether I told Harris and Blanck? I didn't say anything, I left.

Q. Well, how did they get you back? A. When I came up for my pay Harris and Blanck asked me "Why did you leave?" I said "I get more salary there."

Q. At the other place? A. At the other place.

Q. Then what did they say? A. They says they wouldn't give me that, but I says, "If you want to give me that I can come back, otherwise I won't." Well, they left me stay away yet a couple of days, and then I came up for my second pay, because I had to have it for another few days, and then I come up again and they gave me the salary, and I come up.

RE-CROSS EXAMINATION BY MR. BOSTWICK:

Q. Can you tell us its nearly as you can remember the day

upon which your salary was made \$25? A. No, I couldn't tell you the day, I don't remember.

Q. When you left Harris and Blanck where did you go to work? A. I went to the S. K. Waist Company.

BY THE COURT:

Q. Do you remember whether or not at any time on the day of the fire you went up the Washington place stairs from the eighth loft to the ninth loft? A. Whether I remember what?

Q. Do you remember whether at any time on the day of the fire — that was March 25th, 1911, ~ you went from the eighth loft to the ninth left by way of the Washington place stairs? A. Well, I don't remember that.

LOUIS SEDERMAN, called as a witness on behalf of

the defendants, being first duly sworn, testifies as follows:

The witness states that he resides at 814 East 9th street.)

DIRECT EXAMINATION BY MR. STEUER:

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

Q. How long have you worked for them? A. Possibly four years.

Q. Did you work for them on the day of the fire? A. Yes.

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

Q. What position did you work in? A. Assistant shipping clerk.

Q. And the shipping clerk was whom at that time? A. Edward Markowitz.

Q. What were your duties as assistant shipping clerk? A. To do the packing.

Q. Where did you do the packing? A. On the tenth floor.

Q. Did your duties call you to any of the other floors of that factory? A. Yes, sir.

Q. How often did you go to the other floors of the factory? A. Twenty-five to thirty times a day.

Q. And how did you go from the tenth floor to the other floors of the factory? A. Used both side of the entrance.

Q. When you say the entrance I want you to tell the jury what you mean by that? A. When I was over near Washington place I used the Washington place door; when I was over by the Greene street side I used the Greene street side door.

Q. Did you ever go down by the passenger elevator? A. Yes, sir.

Q. Did you ever go down by the freight elevator? A. Yes.

Q. I want you to tell the Jury on an average how many times a day you would go down the Washington stairs from the tenth floor to the ninth floor and to the eighth floor?
A. About twelve or thirteen times a day.

Q. On any of those occasions did you use a key to go into the eighth or ninth floor? A. No, sir.

Q. On the day of the fire where were you when you first heard there was a fire? A. In the shipping department, packing.

Q. And where did you go when you heard there was a fire? A. Right downstairs on the eighth floor. Which way did you go down? A. On the Greene street side.

Q. Whom did you see when you got down there? A. I saw many people fighting the fire.

Q. What do you mean, how were they fighting the fire? A. Spilling pails of water.

Q. What did you do? A. Helped them along.

Q. How? A. By grabbing a couple of pails and spilling it on it.

Q. What happened then? A. I reminded myself of the hose, and I went over to the hall and pulled the hose down, and Mr.— a man named Mr. Bernstein — I believe he was the manager of the Triangle Waist Company — and another young man a cutter, Joe Levitts, I believe is his name, helped pulling in the hose, and I turned the wheel left and right and no water came.

Q. Which wheel did you turn left and right? A. The one attached to the hose.

Q. Did any water come at any time while you were turning it? A. No, if there was it wouldn't do any good anyway, because the hose was rotten.

Q. I didn't ask you whether it was good or not. Did you turn the wheel? A. I did.

Q. Did water come? A. No, sir.

Q. What did you do after that? A. Well, the hose, as I told you before, the hose is very rotten, and if the water

would come out it wouldn't do any good, and before I would get a chance ---

Q. Look here, I didn't ask you for a speech, and I don't care how good a one you can make. I want you, if you can, to answer what I asked you. I asked you what did you do after you turned that wheel? And we will suppose now that the hose was rotten for the rest of the day? A. All right, I dropped the hose and ran upstairs.

Q. Where did you run to? A. Up to the roof.

Q. Which way did you run? A. On the Greene street side.

Q. At that time what was the condition of the eighth floor? A. All in flames.

Q. When you got to the ninth floor on the Greene street side ~ that was the only side you were on on the ninth floor? A. Yes, sir.

Q. Did you go into the loft at all? A. No, sir.

Q. And did you see as you went by what the condition of the loft was? A. No, sir.

Q. You ran right on up to the tenth floor? A. The tenth floor.

Q. What did you do when you got to the tenth floor? A. I went up to the roof.

Q. Then what did you do when you got up on the roof? A. I met seventy-five or eighty people on the roof screaming for help.

Q. What was done with those people? A. Well, I was the

first one to pick up a man by the name of Teschner -- he wanted to jump.

Q. Teschner wanted to jump? A. Wanted to jump from the roof. He was shivering like a fish in water, and crying like a baby, so I was the first one to pick him up.

Q. He is about twice your size, isn't he? A. He weighs about two hundred and twenty pounds. While I done that each one of us helped each other in getting up.

Q. And then how did you get away altogether? A. At last I went to the Washington place side, the other side, and I had a narrow escape by the escape of the roof; going ever that way, if I make only just a little break that way (indicating) I would fall off. That was the only way I could go at that time.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Can you tell us whether it was twelve or thirteen times that you went on the Washington place side of the building, through that stairway door? A. Well, I can't tell you it was twelve or thirteen. I used both sides of the door as I told you before.

Q. Would you think it was thirteen or twelve? A. Twelve or thirteen times during the day.

Q. Would you say it ten or fifteen? A. No.

Q. It couldn't have been ten? A. No, sir.

Q. It couldn't have been fifteen. A. No, sir.

Q. But it was twelve or thirteen? A. Something like that.

Q. You have a very distinct recollection of that, haven't you? A. Yes, sir.

Q. How long have you known Mr. Bernstein, the manager? A. Possibly four years, since I was working there.

Q. And you have seen him every day haven't you? A. Yes, sir.

Q. And you know what his duties were? A. Yes, sir.

Q. Now, when you testified in answer to questions by Mr. Steuer, you said you believed he was the manager; why did you say that? A. Well, so he was, wasn't he, the manager?

Q. Well, I think he was. A. That is what I think.

Q. You think he was manager for four years?

MR. STEUER: Now, that you have exchanged thoughts, it would be well to go on.

Q. What I want to know is, conceding that he was manager, why you said you believed he was manager? A. I can't answer you that question.

Q. All the other statements you made that you knew to be a fact -- you stated to be a fact, but when you came to the question of "What did you see there?", you said, "I saw Mr. Bernstein, whom I believed to be the manager." Did anyone tell you how to state that in Court?
A. No, sir.

Q. Have you had a talk with Mr. Fletcher? A. No, sir.

Q. You haven't seen Mr. Fletcher? A. I did see him.

Q. Whom did you believe Mr. Fletcher to be? A. Cashier of the Triangle Waist Company.

Q. Are you sure now, or do you only believe it? A. I am sure of that.

Q. Are you sure that Mr. Bernstein is manager? A. Yes, sir.

Q. Are you sure the hose was rotten? A. Yes, sir.

Q. You said you saw about seventy-five or eighty people on the roof? A. Yes, sir.

Q. Are you sure of those seventy-five or eighty people? A. Yes, about that much.

Q. And you saw a key in this door, didn't you? A. Always did.

Q. And it was hanging by a string, Wasn't it? A. Yes, sir.

Q. And the string was about twenty-five inches long wasn't it? A. I don't say that.

Q. And it was about three and a half inches wide? A. I don't say that.

Q. And you never knew the door to be locked in your life? A. Never as long as I remember.

Q. It was always open? A. It was always open.

Q. Was it kept wide open? A. Not in the winter time.

Q. But in the summer time? A. Yes.

Q. Anybody could see it? A. Yes.

Q. Anybody could go on there and out? A. Yes, sir.

Q. If the last witness said sometimes she had to turn the key she was mistaken?

Objected to. Question withdrawn.

Q. You never saw that door locked? A. I never did.

Q. In the four years that I was there? A. Four years that I was there.

Q. And you never saw it shut in the summer time? A. Never did.

Q. In the winter time you saw it occasionally closed, or always closed? A. Always closed. You know you can go in and out when you want to.

Q. The salesmen, the foreladies, you and other people going up and down, that door was constantly being opened and shut all the time, wasn't it? A. Yes, sir.

Q. The stairs were light or dark? A. Which side do you mean?

Q. The Washington place side? A. Always dark. I never saw a light there.

Q. What salary were you receiving at the time of the fire? A. Fifteen dollars a week.

Q. What is your salary now? A. Same salary.

Q. Is that a fact? A. Yes, sir.

Q. You have not received anything else? A. No.

Q. What? A. Why should I receive something else?

Q. Have you? A. No, sir.

Q. Not a cent? A. No, sir.

Q. Haven't received anything from Harris and Blanck? A. Never a cent.

Q. Excepting your fifteen dollars? A. My salary only.

Q. And the same salary has been kept up? A. Yes.

Q. And the same duties? A. Same duties.

Q. Was there any time for which you were not paid since the fire? A. No, sir, I was working always working for Mr. Harris and Blanck, I got my same salary always.

Q. Did you see Mr. Fletcher here to-day? A. I did.

Q. You didn't have any conversation with Mr. Fletcher? A. No, sir.

LOUIS BROWN, called as a witness on behalf of the

defendant being first duly sworn, testifies as follows:

(The witness states that he resides at 868 Dawson street, Bronx.)

DIRECT EXAMINATION BY MR. STEUER:

Q. Do you work for Harris and Blanck? A. I do.

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

Q. What did you do for them and what are you doing for then now? A. I am a machinist.

Q. What were you at the time of the fire? A. The same as I am now.

Q. And what have you been since you have been working for them? A. The same as I am now.

Q. Always held the same job? A. Yes, sir.

Q. What floor did you work on? A. The eighth floor.

Q. Will you tell the jury in a general way what the duties of a machinist are? A. Only to take care of the plant

and see that all machines are kept in good order and see if the motors and everything is running in perfect condition.

Q. And that requires your attention all over the floor, during the whole of the day, does it? A. Yes, sir.

Q. Now, have you ever had occasion to go to either of the other floors occupied by these two men (indicating the defendants)? A. I did.

Q. What would call you to the ninth floor? A. Well, in case I might have needed some tool or some part of some sewing machine, and in case I didn't have it on the eighth floor I generally went on the ninth floor to see that I could get it.

Q. Did you have any occasion to go to the tenth floor? A. Yes, I did.

Q. What would call you to the tenth floor? A. They had a few sewing machines working on the tenth floor for sample makers and I generally used to have them repaired in case I was needed.

Q. In going up from the eighth to the ninth floor will you tell the jury please how you would go up? A. Well, that was according to just the way — what part of the loft I was; sometimes I might have been on the Greene street side of the loft and I would generally take the Greene street entrance. Sometimes I might have been on the Washington side of the place and I would certainly take the Washington place stairways.

Q. Was there anything else to determine your choice as to which way you would go up except where you were located at the

time you were called up? A. No.

Q. During the years that you worked on the eighth floor do you know where the key was to the doorway that led to the stairs on the Washington place side?

THE COURT: On the eighth floor?

Q. On the eighth floor? A. I always knew that the key was always in the lock where it belonged.

Q. Now, Mr. Brown, were you working on the day of the fire? A. I did.

Q. Where were you when you first learned that there was any trouble on that loft?

A. I was washing my hands by the basin.

Q. Where were you washing your hands? A. On the Washington place side, on the west side of the loft.

Q. What is located at the point where you were washing your hands? A. There is lavatories, ladies' and gent's lavatories.

Q. And that gent's lavatory consisted of a sink, did it? A. There was a sink inside the gent's lavatory, but it was never used, but there was one on the outside that we always used.

Q. Is that where you were? A. Yes, sir.

Q. How did you first know that there was any trouble? A. At that time I was washing my hands, and I had my back towards the factory, and all of a sudden I heard a cry of fire, as though many people yelled at one time, in one voice.

I turned around suddenly and I happened to notice on the Greene street side, the second cutting table on Greene street side, flames were shooting up in the air.

Q. When you first looked there were already flames shooting up? A. Yes, sir.

Q. Tell the jury what you did at that moment? A. I dropped the piece of soap I had in my hand and I ran over to where the fire was located and I seen Mr. Bernstein — I didn't have a chance to run near the fire, but I seen Mr. Bernstein on top of the table trying to put out the fire with a bucket of water.

Q. Which Mr. Bernstein are you speaking about? A. The superintendent Mr. Bernstein, and he seen me running over, find the first thing he says, "Brown, I think you can't do any thing, try to get all the girls out if possible", and I did.

Q. What did you do? A. I ran back the first thing because I didn't see nobody there at the Greene street side -- I suppose they all went out in that time --- but I happened to notice they are clustered over on the Washington place stairway, and that is the first place I ran, over to the Washington place stairway.

Q. Tell the jury what happened when you got there, and tell the jury what you saw?
A. When I went over there I heard all the girls screaming all there by the door, yelling "Fire!" and they can't get out, and the first thing I did, I tried to get through the girls, I pushed my way through and scattered

them as much as my strength could allow me, but they were so excited, they wouldn't let me go through, just tried to keep me back. As much as possible I got through some how or other and I ran over to the door but those times when there is a little excitement, there is a thousand and one thoughts comes to your mind, and the first thing that come to my mind, I was wondering why the girls didn't go out through that door.

MR. BOSTWICK: I object to the operations of this witness's mind at that time.

THE COURT: Just tell us what you did.

Q. What I want to know is what you did, and what did you first do with the girls? A. Well, the first thing I did, I went over to the door, and there was a key always sticking in that door, and I naturally thought that they must have locked that door so I turned—

MR. BOSTWICK: I move to strike out the natural thoughts of this witness, and let us have what he did.

THE COURT: Yes, strike it out.

Q. Never mind about your thoughts at all. Tell this Jury what you did? A. Well, that is just what I am telling you.

Q. Tell it without telling us what you thought. That is the point? A. All I done, I run over to the door, pulled the door open and got the girls out.

Q. Before you pulled the door open do you remember whether or not you touched the key? A. Yes, I did.

Q. You did touch the key? A. Yes, sir.

Q. Tell the jury exactly what you did with the key, as you remember it? A. All I tried to do was to turn the key in the lock, but the key wouldn't turn.

Q. Which way did you try to turn it, to lock or unlock the door? A. To unlock the door.

Q. Did the key turn? A. It did not turn.

Q. Then what did you do? A. I pulled the door open.

Q. And did the door open? A. It didn't open right away.

Q. What did you do? A. Well, I had to push the girls away, from that door — I couldn't open it otherwise.

Q. Were the girls packed against the door? A. Packed as packed -- you couldn't get it no tighter.

Q. What did you do when you got them away? A. I pulled the door with all my strength, the door was open while I was pulling.

Q. Even while the door was open the girls were still against the door? A. They were all against the door, and while I was trying to open the door they were trying to get out as fast as they could. Meanwhile they were closing the door and I held all my strength up to get the door open. Then meanwhile some got out, and then maybe a little less, and then I got the door wide open.

Q. Did the girls pass out that way? A. Yes, sir.

Q. Did you go down with the girls? A. Well not at that time. One girls might have fell or fainted on the seventh floor and I —

Q. While you were still on the eighth? A. I was still on the eighth trying to tell the girls to calm themselves as much as possible, but those girls might have fell down or fainted, I don't know, but I got through the crowd of girls around the wall, and I went down to the seventh floor and there was a girl fell, - either fell or fainted, - I can't tell at that time.

Q. Well, she was down, at any rate? A. Yes, sir.

Q. Did you help get her up? A. Yes, sir. I bent down to pick the girl up and no sooner than I just had her up against the wall than a policeman happened at that time and took the girl and I ran back again.

Q. At the time when you ran back tell the jury — from the seventh to the eighth floor — what was the condition of the hall or stairway space with respect to smoke or flamed? A. At that time there was no smoke coming at all.

Q. What happened next? A. Well, I run up, - when I picked that girl up, I run back up the stairway, there was nobody on the stairs at the time, when I run back, they were all down stairs already -- how far down I don't know, I didn't look down while I was on the seventh floor --- and I run back to the eighth floor with the policeman to see if everybody was out, but my eye happened to see two young girls hanging out on the eighth floor window near the Washington place stairway, and the policeman and I yanked those two girls in the window.

Q. What did you then do? A. When I got them in I got

downstairs and I went back to look out the window and people in the street was yelling and raising their hands that I should not jump, and when I seen that I thought it was time for me to turn around and go out and I turned around to go out, I couldn't find my way out no more — it was black with smoke -- the smoke was coming out at that time.

Q. What was the condition as to the hall then? A. The condition was all very dark and smoke was all going up the stairway.

Q. What was the condition as to flame at that time? A. I couldn't see any flame at all at that time.

Q. How did you get out of the building? A. After I turned around to get out, when I see everything was dark with smoke I couldn't, to tell you the truth, I couldn't even see the doorway, I just realised where that door was, and I went on my hands and knees and got through the doorway.

Q. Into the air? A. Yes, sir.

Q. At the time when you couldn't see the door how far were you from the door?
A. About fifteen feet.

Q. At the most? A. Yes, sir.

Q. At the time when you got to the door on the eighth floor on the occasion of the fire was the bolt of the lock shot into the place where it fastens, or was it unshot at that time?

MR. BOSTWICK: I object to that. That is substantially the same question that I asked at the beginning of

this trial and it was excluded on the ground that no one could tell, but that he could state what conditions he found, from which the determination of the conditions could be drawn.

MR. STEUER: That question was never asked in this trial. He asked whether it was locked or unlocked, and I am not asking that.

THE COURT: I think the witness can testify that he may have observed after he opened the door.

MR. STEUER: Shall I put it that way, your Honor?

THE COURT: Yes.

MR. STEUER: I will withdraw this question and then put it as your Honor suggests.

THE COURT: He might not be able to see while the door was still closed, but after he got the door open and was there he may.

Q. After you got to the door up there can you say to this jury whether or not the lock was protruding out of the door — or you tell the jury how it was? A. Why, the lock was on the door just as any ordinary lock, it was “producing” nothing at all, just the same as you go out of that door now, just the same way that door was at that time.

Q. At any time in your life did you ever bodily pull a lock knob and all out of the door, so as to hold it in your hand? A. Do I look as though I was Ajax or so?

Q. Won't you please answer my question? A. Well, I can't

answer a question like that because I am not strong enough to do a thing like that ~ I am not Sandow.

Q. That shows you can answer it but don't want to, so I shall insist on asking it till you answer it. Did you at any time in your life get hold of the knob on the door at the Washington place side on the eighth floor, and pull the whole thing through the door so as to hold the lock and knob in your hand? A. No, sir, I did not.

Q. Did you ever pull the knob off the door in your life? A. No, sir, I did not.

Q. Did you do that on the day this fire occurred, yes or no? A. No; that is ridiculous.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. You said in your direct examination that after all the girls had gone down you went back and found two still in the loft? A. Yes, that's what I said.

Q. And you were asked when you went back the conditions and you said at that time there was no smoke coming? A. There was no smoke coming, not through the door.

Q. So that at the time you got back to the eighth floor door, Washington place side, and before you had found these two girls and while you were entering that door no smoke had come to the Washington place stairway? A. No, sir.

Q. And when you went in the fire was at that time in what part of the loft? A. I had no time to look where the fire was,

I assure you I didn't have no time to look.

Q. Give us your best recollection? A. I can't tell you anything like that. I wasn't looking at the fire the time, I was looking to get the people out, not looking for the fire.

BY THE COURT:

Q. To what window did you go where you said the girls were? A. Right on the Washington place side, right near the stairway, about fifteen feet from the stairway on a diagonal.

BY MR. BOSTWICK:

Q. As Mr. Steuer suggested a moment ago, I see you can answer this question from your very answer, and I am going to get an answer to it. A. Well, if you can, you are welcome.

Q. The fire was not burning around these girls, was it? A. It was not.

Q. So in certain portions of the loft we can say as yet there was no fire? A. Yes, that's right, too.

Q. I ask you to tell me what portions of the loft had not yet been attacked by fire? A. I can't tell you that, I told you that before, I wasn't looking all over the loft.

Q. Well, we will try to help you. That portion of the window and all west of the window had not yet been attacked by fire; is not that so? A. That is so.

Q. The casing of the door that you came in, and the casing of the door that you went out had not yet been attacked by fire? A. No.

Q. No flame had yet got to the Washington place door? A. No.

Q. And all the girls had gone down? A. Yes, sir.

Q. And there wae no smoke at all? A. Not that time.

Q. And you and the policeman and the two girls were the only living persons who were there at that time? A. Yes, sir.

Q. And the girls were inside and not at the door? A. What do you mean by the girls inside, not at the door?

Q. They were by the windows? A. Yes, sir.

Q. And not by the Washington place door? A. Those two girls, the ones I took out through the window?

Q. Yes. A. That is the girls, yes.

Q. They were by the windows on the Washington place side? A. Yes.

Q. And they were not by the door? A. No, sir.

Q. Was the policeman with you? A. Yes, sir.

Q. And you and the policeman were the only two living persons at that time at that door? A. Yes, sir.

Q. And there was no flame there? A. No, sir.

Q. And there was no smoke there? A. No, sir.

Q. And all the girls had gone out? A. All the girls had gone out.

Q. You say that you were excited at that time? A. I didn't say anything of the kind.

Q. I misunderstood you. I thought you said at a time like that you were excited? A. I didn't say me, I said the people were excited.

Q. But you were not excited? A. No, I don't think I was.

Q. Was the key sticking in that door was a spring? A. I never heard of a key sticking in a door with a spring.

Q. Did this door have a patent Yale lock? A. A patent Yale lock? Well, it had at one time, yes.

Q. On the 25th day of March 1911, at the time of the fire, did it have a patent Yale lock? A. There was only a shell of it on the 25th of March.

Q. On the day of the fire, on the 25th of March, 1911, did it have a patent Yale lock? A. I said it was a shell of a patent Yale lock, yes. I suppose you quite understand what I mean by a shell.

BY THE COURT: Q. What do you mean by “shell”? A. The outside skeleton of a lock. What I mean, it is the outside skeleton of the lock without the inside part of the lock. It was an old rusty lock, never been used — might have been used the first time the door was put up, only the shell was left of it — inside part was taken out, no such thing there.

BY MR. BOSTWICK:

Q. At the time that you went out was the officer in front of you? A. After we got the girls off?

Q. Yes. A. The officer went out ahead of me.

Q. The officer was in front of you? A. Yes, sir.

Q. Was there any smoke in the stairway at that time? A. When I turned around to go out there was smoke already on the stairs.

Q. Do you remember making a statement to me on the 28th

day of March 1911? A. I made a statement, but I never recollected the date.

Q. The Tuesday following the fire three days after the fire? A. It may be possible I did.

Q. Don't you remember coming to my office? A. I do.

Q. How was it you happened to come down to my office, Mr. Brown? A. I was subpoenaed.

Q. You were what? A. I was subpoenaed to appear.

Q. Who subpoenaed you? A. I got it off somebody, I don't know who gave it to me.

Q. You got a subpoena? A. Yes, sir.

Q. On the 28th of March? A. Yes, sir, - I don't say the 28th of March, it was around that time. I wouldn't come up to your office unless I was subpoenaed.

Q. Did Mr. Blanck send you down to my office? A. Mr. Blanck had nothing to do with me at that time.

Q. Didn't you tell me that Mr. Blanck sent you down to my office? A. I never told you anything of the kind.

Q. While you were in my office, didn't you make this statement? "The key was sticking in the door with a spring"? A. I think that is an error.

Q. "The way it always has been"? A. I think it was an error on your stenographer's part.

Q. You think it is string? A. I think it is string.

Q. Probably that is correct. That is probably an error of the typewriting, because now that you speak of it the letter is

rather indistinct. Weren't you asked this question and didn't you make this answer: "Q. Did it have one of those patent Yale locks that you turn from the inside? A. Yes, sir." A. Patent, yes.

Q. You did make that answer? A. Yes, sir.

Q. And was this question put to you and did you make this answer: "Who went out first? A. The officer. I couldn't see the officer at all when I went out and when I got to the stairs I saw the officer in front of me"? A. That is right.

Q. "Q. Was there any smoke in the stairway at that time? A. Not yet." That is correct, isn't it? A. Will you kindly state that again, please.

Q. "Q. Who went out first? A. The officer. I couldn't see the officer at all when I went out, and when I got to the stairs I saw the officer in front of me."? A. Yes.

Q. "Q. Was there any smoke in the stairway at that time? A. Not yet."? A. Did I say that, or was it another error on your stenographer's part?

Q. Now, did you hear that question and was that answer made? A. Well, I don't think I made that answer.

Q. In other words, isn't it a fact that there was smoke in the loft and you couldn't see the officer? A. No, I seen the officer when I got on the stairs.

Q. When you got to the stairs that is where you saw the officer in front of you? A. Yes, sir.

Q. And isn't it a fact that there was no smoke in the

stairway at that time? A. When I get out there was smoke coming out already.

Q. Then you didn't make this statement? A. I did not.

Q. You usually went up and down from the eighth to the ninth floor, I think you said, depending on where you happened to be at the time you happened to go up or downstairs? A. Yes, sir.

Q. Wasn't this question put to you and didn't you make this answer, within three days after the fire: "Q. On the ninth floor? A. I can't tell, I don't think it was, because I will tell you, I only happened once to go that stairway, and one of the elevators was broke and I didn't want to go around the floor and I opened the eighth floor door and walked up the stairs, and I opened the door and walked right in"? A. I never said anything of the kind.

Q. I ask you to look at that paper and state whether that is your signature? A. That is mine, that is my name there and my signature.

Q. And did you sign this document? A. I did.

Q. Did you swear to it? A. I did.

MR. BOSTWICK: I ask that the document be marked for identification.

Marked for identification People's Exhibit 47.

BY THE THIRD JUROR:

I think I remember in your testimony that you said a few moments ago that when you went to the Washington place

door on the eight floor to try to let those girls out that you put your hand on the key? A. Yes, sir.

Q. And I think you told Mr. Steuer that you tried to turn the key and you couldn't, and Mr. Steuer asked you which way you tried to turn it, and you said to unlock the door? Isn't that so? A. Yes, sir.

Q. What was your idea in turning the key at that time to unlock the door? A. Because I was wondering why the girls couldn't get out at that time and from excitement they might have turned the key in the lock at that moment.

Q. Was it customary to keep that door locked generally through the day? A. Not that I know of. Since I worked in that place I don't know of that door being locked.

Q. Your inclination for putting your hand on that key at that time was that you thought somebody might have turned it just previous to your getting there? A. It seemed strange to me that the girls were standing around that door, so that is the first thing I tried, that key, to see if they locked it, yes.

BY MR. BOSTWICK:

Q. Did Mr. Bernstein say this to you? You go and let them out the front way? A. I never heard them words before, not that I know of. He may have said something similar to that but I can't tell exactly what he said at that moment. All I know is he said "Get the girls out".

Q. Well, did he say, you go and get them out the front

door? A. He never mentioned a word about the front door to me.

Q. He did not? A. No, sir.

Q. Did Mr. Bernstein say "Go over on the other side and take care of the doors"? A. Never said anything like that to me.

Q. The girls had all gone downstairs. Did you see anybody come down from the ninth floor? A. I didn't see anybody coming down from the ninth floor.

BY THE COURT:

Q. When you turned around, Mr. Bernstein having said something to you and were doing in the direction of the Washington place door, at a point how far away from that door did you first see it, on the day of the fire? A. Will you kindly ask me that question again?

Q. Mr. Bernstein at the time of the fire said something to you? A. Yes, sir.

Q. And as I understood you you then turned around in the direction of the Washington place door? A. Yes, sir.

Q. At that time were the the girls by that door? A. Yes, sir.

Q. Already there? A. Yes, sir.

Q. Was it any part of your duty as a machinist in the employ of the defendants to examine for the purpose of making repairs to any locks on those premises? A. No, sir.

BY MR. BOSTWICK: Q. How long had you been in their employ?

A. Three and a half years now.

BY THE COURT:

Q. What is your best estimate of the length of time that it took you to get the door on the eighth floor open after you first knew there was a fire? A. Well, it took me about three or four minutes.

Q. What is your best estimate of the length of time after you got the door open when you passed out of it for the last time? A. It must have been five or six minutes.

BY MR. BOSTWICK:

Q. What was your salary before the fire? A. My own wife don't know that. If you want to know that you can kindly send to the firm and they can tell you that. That is my personal affair.

Q. That is all, Mr. Brown.

BT THE SEVENTH JUROR:

Q. When his Honor asked you whether Mr. Bernstein said something to you when you stood there in the middle of the floor, were there any girls at the Greene street door at the time? A. No.

Q. But you did see a whole lot of girls at the Washington place door? A. They all went to the Washington place door.

RE-DIRECT EXAMINATION BY MR. STEUER:

Q. You realize that your bosses are here being tried on a serious charge, don't you? A. Yes, sir.

Q. Well, now, as their attorney I don't want any mystery in this case of any kind. Won't you please tell the jury what your salary was? I don't see what it has got to do with the case, but as Mr. Bostwick asked it, I ask you as an employee of these two men to tell this jury?

MR. BOSTWICK; I object to the question now.

THE COURT: I will allow him to answer it.

MR. BOSTWICK: I think it is a different matter whether it is brought out by my side or by Mr. Steuer.

THE COURT: Technically yes, morally no. You may answer.

A. I will tell you, Mr. Steuer, my own wife don't know my salary, but if you insist upon me telling I am willing to do it.

Q. Well, I will prove your salary in a dozen different ways, whether your wife knows it or not. It don't make any difference whether you tell it or not. A. Well, I can tell it.

Q. You are certainly doing an injustice to these two men by fencing there —

MR. BOSTWICK: I object to that as a very improper statement.

THE COURT: Objection sustained.

BY THE COURT:

Q. Well, Mr. Brown, we will ask you this: is your salary to-day the same salary that you were receiving on March 25th 1911? A. It is the same salary.

BY MR. STEUER: Has it been increased by one cent since the time of the fire? A. No, sir. I never asked for it. I have been there three and a half years and never asked for an increase of salary.