

*Kheel Center for Labor-Management Documentation &
Archives*

*Transcripts of Criminal Trial Against Triangle
Owners*

Cornell University ILR School

Year 1911

Vol. 1, sec. 4 (pp. 229-360). Testimony
by factory workers. Adjourned to Dec. 11

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

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 521 Atlantic avenue, Brooklyn.

THE COURT: Madam, there are two or three things I
want to impress upon you, when a question is asked you by either the District Attorney or the
attorney for the defendants, be sure that you understand the question before you answer it, and if
you don't understand the question, say so, and when you do answer the question try and speak
so that all the gentlemen who are in the jury box hear you. Will you do that?

THE WITNESS: Yes, sir.

Q. You were in the employ of Harris and Blanck on the 25th day of March, 1911, were
you? A. Yes.

Q. You worked as an operator, did you not? A. Yes.

Q. And you worked on what floor? A. Eighth.

Q. Were you present at 4:45, that is, quarter to five o'clock on Saturday, March 25th,
1911? A. Yes.

Q. Where were you when the bell sounded to quit work? A. At my machine.

Q. And where was your machine? A. On the third row, near Washington place side.

Q. Was it the first table of machines? A. First table.

BY THE COURT:

Q. What floor, did you say? A. The eighth.

BY MR. BOSTWICK:

Q. I show you People's Exhibit 1; where I am pointing are the passenger elevators, do
you see? A. Yes.

Q. There is a passenger elevator and there is a passenger elevator? A. Yes.

Q. And here is a stairway, and then come dressing rooms? A. Yes.

Q. And then comes toilet room? A. Yes.

Q. And then more toilet rooms? A. Yes.

Q. And there were rows of machines. Now, on the 8th floor there were five rows of machines were there not? A. Yes.

Q. Toward the Greene street side in here there were no machines were there? A. No.

MR. BOSTWICK: That was indicating the blank space marked "Cutting tables".

Q. What was in here? A. Cutting tables.

Q. And were there any tables over here? A. There were two cutter's tables.

Q. Over by the fire-escape? A. Yes.

MR. BOSTWICK: Indicating blank space between the fire-escape and the end of the machines where the words "Cutting tables" appear on Exhibit 1.

Q. You say you worked at this row of machines? A. Yes, on the first row.

Q. Can you tell exactly how many cutting tables there were there? A. No, I can't; I never looked.

Q. What is the first thing that you heard? A. I saw myself a little smoke; I didn't heard anything.

Q. You were at this row of machines? A. Yes, sir.

Q. Were you looking at Greene street? A. No. I was with my face on the Washington place side.

Q. You had your face toward the Washington place side toward the dressing room? A. Yes, and when the smoke was I was with the eyes on the Greene street —

BY THE COURT:

Q. As you were working at that machine, did you work standing at it or sitting?

A. Sitting.

Q. That is to say, you were sitting in a chair? A. A chair, yes.

Q. (Continuing) Which was on the Greene street side of the table nearest the dressing rooms? A. Yes, sir.

Q. You were facing the dressing rooms? A. Yes.

Q. Now, about how close to Washington place was your chair? A. Well, like that here on this side I was sitting and there was the other place (indicating on diagram).

Q. You were sitting rather nearer — A. Just in front of my eyes the dressing rooms.

Q. You were right opposite the dressing room? A. Right.

Q. Opposite the door going into the dressing room from the left? A. Yes.

BY MR. BOSTWICK:

Q. I show you People's Exhibit No. 25, and ask you if the tables were like those in the picture, and did they have machines on them like the machines in that picture? A.

The space of the machines?

Q. Did they have tables like that? A. Yes.

Q. And did they have machines on them like that? A. Yes.

Q. And this was a row of tables like that? A. Yes.

Q. And they had machines on both sides? A. Yes.

Q. And in the middle? A. They was about just like that.

Q. I don't know what you call it — A. I don't know myself. We put the work in when we work.

Q. A. trough? A. That was a space, yes.

Q. In which the work was put? A. Yes.

BY THE COURT:

Q. Did those tables come up close against each other? I mean to say, you take that line of tables that is nearest the dressing room, did one table touch the other table? A. All was a straight table.

Q. It was one table? A. One table, yes.

Q. One long table? A. One long table.

Q. Did they have machines on each? A. Machine on each, sure.

Q. You say there was more than one machine upon that long table? A. There were a lot of machines on it. I don't know how many, I never counted.

Q. You didn't count how many, but there were a number of machines on that table? A.

(No answer).

BY MR. BOSTWICK:

Q. Did each operator have a machine? A. Yes.

BY THE COURT:

Q. And how many operators were at that table? A. I don't know.

Q. About how many? A. I never counted, I never saw anything because I never counted.

BY MR. BOSTWICK:

Q. There were cutter's tables, you say, over here? A. Yes.

Q. There is the Greene street elevator? A. Yes.

Q. In front of that elevator there was a partition, was there not? A. Yes.

Q. Now, where did the fire start? A. Just on the corner where the cutter's table and the partition is.

Q. Near the partition? A. Yes.

Q. And by the cutter's table? A. Yes.

Q. Was it the first or the second or the third, or what cutter's table, counting from Greene street as No. 1, 2 or 3? A. Well, I can't tell you how far it was. I can just tell you it was just on the corner of the cutting table and the- ~~

Q. It was near the cutter's table? A. Yes.

Q. And near the partition? A. Yes.

Q. Was it near the Greene street windows? A. Not so near, right near the door, almost near the door.

Q. Was it this side of the partition? A. Yes.

Q. What did you see anybody do?

THE COURT: "This side" won't mean anything for the record.

MR. BOSTWICK: I will make that clear by another witness, your Honor.

Q. So the fire started first, you think in this portion of the loft?

THE COURT: Make a mark about where you think it

started.

A. This is the partition, this is the cutting table, and the fire started here on the corner.

THE COURT: You make a mark where you think the fire started.

Q. It is beyond the Greene street windows there? A. Yes, this is the door.

Q. That is the Greene street door? A. Yes.

Q. And this is the partition? A. Yes.

Q. And there is the post? A. Yes. It was this way (witness marking on diagram and putting her initials near her mark.)

Q. Did you see anybody do anything to put out the fire? A. Yes.

Q. What did you see them do? A. I saw a man with a pail of water throw it on.

Q. Do you know who the man was? A. No.

Q. Did you see any other persons try and put out that fire? A. No. Well ~

Q. What did you do? A. What I do? I rush out.

Q. You were standing by your machine, were you not? A. Yes.

Q. So you first saw there was fire by the cutter's table, over on the Greene street side of the building? A. I was with my back on the machine, I was putting my hat on when I saw smoke.

Q. When you saw this small fire that you speak of, where did you go, what did you do?

A. I rushed to the elevator, Washington place.

Q. You rushed to the Washington place elevator? A. Yes, sir, and I ring it and nobody come up, and then the machinist run and open the door and we all come down.

Q. That was the Washington place door on the eighth floor? A. Yes, sir.

Q. Did you see Brown, the machinist, open the door? A. Yes, he says, "I will open the door, girls".

Q. Now, there were other girls around that door? A. Yes.

Q. What were they doing? A. Trying to open it.

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

THE COURT: Objection sustained. She passed out of the Washington place door on the eighth loft.

BY THE COURT:

Q. You went from where you were standing or sitting at this table, upon which there was a machine to the door leading to the eighth floor to the Washington place entrance, and you went out of that door, isn't that so? A. Yes, I went out of that.

Q. And down the stairs? A. And down the stairs.

Q. And out of the Washington place door on the ground floor? A. Ground floor.

MR. STEUER: No cross examination, but I will ask

you as a favor to have her where she might be available at some time if I should need her. I have no questions at this time

BY THE COURT:

Q. About how many persons were working at the same table that you were working at?

A. Well, I can't tell you because I never counted.

Q. You can't give me the exact number? A. No.

Q. About how many persons were working on the side of the table that you were working on? A. No, I can't never say anything because I never counted them.

Q. Were the people who were working at that table men or women or both? A. All women.

Q. Were the people who were working at the other table on that floor, and I am not speaking now of the cutters' tables, men or women? A. They were all women, and a couple of men were there.

Q. Were there any men upon that floor at the time that you say that you saw the fire except the man whom you say poured water on it? A. I don't know. You know when you see flames you don't know what to do, you don't look around for that, you want to save yourself and go down. You don't know anything.

Q. About how long had you been working there? A. Seventeen months.

Q. In that loft before that day? A. I worked seventeen

months in there.

Q. Did you know by sight or name Margaret Schwartz? A. No; she worked on the ninth floor.

THE COURT: Strike out all after "No".

BY MR. BOSTWICK:

Q. Whom do you work for now? A. Nobody. I just found a job last week.

Q. Did you work for Harris and Blanck after the fire? A. No, I was sick after that.

Q. Now, you may be wanted here again, and if you get word to come, you want to come promptly –

BY THE COURT:

Q. What is your house address? A. 521 Atlantic avenue, Brooklyn.

Q. And on what floor do you live? A. First floor.

Q. What is the name of the person with whom you live? A. My brother, Joe Ingegeno.

Q. Where does he work? A. He has got a barbershop down where I live.

Q. In the same building? A. Yes.

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

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. What is your address? A. 228 East 6th street.

Q. By whom were you employed on the 25th of March, 1911? A. By the Triangle Waist Company, Harris and Blanck.

Q. And you are still in their employ, are you not? A. Still employed.

Q. Employed there now? A. Yes, I am still there.

Q. On what floor were you working on Saturday afternoon? A. On the eighth floor.

Q. What part of this room were you working in on that day? A. Where the fire-escapes were.

Q. Were there any cutters' tables near the fire-escapes? A. Two cutters' tables.

Q. I show you a diagram of the eighth floor, (Peoples Exhibit 1), here are the cutters tables (indicating on diagram)? A. Yes.

Q. And the machines are here near the Washington place side? A. Yes.

Q. And there were cutting tables near the fire-escape? A. Yes, sir.

Q. How many cutting tables here? A. Two.

Q. How long were they? A. Well, I don't know exactly how long they were.

BY THE COURT:

Q. By comparing them with these tables — A. About three times as big, or four times.

BY MR. BOSTWICK:

Q. Three or four times as long as this table (indicating table of District Attorney in court room) A. Yes, sir.

Q. How near to the windows looking out into the school

court did they come? A. What do you mean by looking out?

Q. You know these windows here all look out into the University? A. Yes, sir.

Q. Do you know the toilet? A. Yes, sir.

Q. Do you know there are three windows right next to the toilet? A. Yes, sir.

Q. Then comes the corner of the room? A. Yes, sir.

Q. That is the corner of the room (indicating) A. Yes.

Q. And there are the toilets. Now, how near this wall or these windows did the end of the cutting table come? A. About four, five or six yards, say something like it.

Q. Some distance away? A. Some distance away, yes, sir.

Q. And how far down there did they go? A. As far as to the clock.

Q. And where was the clock? A. Near the door.

Q. How near to the door? A. Well, a few feet away from the clock.

Q. And the clock was how far away from the door? A. I don't know exactly how long. I know it was near the door.

Q. So these cutting tables are situated in here. A. Yes.

Q. That is, they were parallel with the fire-escape and occupied the space marked "Cutting tables"? A. Yes.

THE COURT: I suggest for the sake of accuracy, that some statement be written out descriptive of the —

MR. STEUER: I understand Mr. Blanck gave Mr. Bostwick a statement some time ago. I didn't know about that

until Mr. Bostwick just told me.

THE COURT: A. general description of the —

MR. BOSTWICK: Well, I will try to build that up.

BY MR. BOSTWICK:

Q. Now, tell us where you were about 4:45 on that afternoon? A. I was around the Greene street side where I kept my clothes.

Q. Now show us where you kept your clothes? A. By the second window.

Q. There was a wooden partition here, was there not? A. Yes, sir, after the wooden partition.

Q. And your clothes were kept on this side? A. No, sir, but on the wall from the Greene street side.

Q. Show us where they were kept? A. Somewhere about here.

Q. On the wall, hanging on the wall? A. Yes, sir.

Q. On the Greene street side? A. Yes, sir.

BY THE COURT:

Q. Between the second and third windows starting from the partition, is that so? A. Yes, sir.

Q. Don't say yes unless you mean it? A. I say everything I mean.

Q. Well, between the second and third windows? A. Yes,

Q. Is that where you hung them? A. That is where I hang them.

BY MR. BOSTWICK:

Q. And had the bell sounded? A. Positive.

Q. The bell had just sounded? A. That happened three minutes after. When I went to put my coat, it was after the bell rang.

Q. And where did you first see the fire? A. I happened to put my coat on when I was there with six or seven cutters, when somebody hollered out "Fire!", and near the window there were a few pails of water and I grabbed a pail of water and spilled it on the fire, and I couldn't make it out, because the rags on the table caught fire. I went around the partition to get more water and when I wanted to go back the door was blocked with people going down the stairs, so I left everything stand and go out.

Q. When you first saw that fire was it near the end of the first or the second cutter's table? A. Between the first and second.

Q. And was it near this partition (indicating a partition in front of freight elevators)?
A. A few yards away.

Q. Was it near the Greene street windows? A. Yes.

Q. Now, make a mark, imagine that there are five cutting tables in there? A. Well, --

Q. And that the first one is there and the second one there, and the third, fourth and fifth --- A. Between the second and the first one, -- the first and second row.

Q. Between the first and second cutters' tables? A. Yes.

Q. At the end near the wood partition in front of the freight elevators? A.
About a yard or to away from the

partition.

Q. And near the Greene street windows? A. Near the street windows.

Q. Did you put water from the pails? A. Yes, sir.

Q. Could you see whether that fire was on the floor or underneath the cutters' tables? A. On the floor.

Q. Now, what was there on the floor? A. A few rags burning.

Q. Underneath the cutters' tables what was kept? A. Rags.

Q. Everything that was cut from the rags — A. Would be thrown under the table.

Q. Do they have bins underneath the cutters' tables? A. I don't know what you mean by bins.

Q. Did they have a place to hold these rags? A. Just under the table.

Q. That is what I mean when I say a bin. A. Yes.

Q. And as these cuttings came off the cutters would put them underneath the table?
A. Yes, under the tables.

Q. The fire when you first saw it was on the floor? A. On the floor.

Q. And did it go to the stuff in the bin? A. It got right afire, yes.

Q. And then what happened? A. The fire spread all under the tables.

Q. And then you ran out around the partition to get some water? A. first I go here near the partition, first I spilled a pail of water on it; so did some more cutters, then I went

around the partition to get some more water.

BY THE COURT:

Q. You were in the act of putting on your coat? A. Yes.

Q. And your coat was hanging on the partition? A. No, not on the partition.

Q. Right on the wall between the second and third windows on the Greene street side?

A. Yes.

Q. You went and you got a pail? A. A pail of water.

Q. Where did you find the pail? A. Near the windows.

Q. And when you say the windows, which windows? A. On the second window.

Q. Which side of the building? A. Greene street side.

Q. At the time that you got the pail did you find the pail empty or anything in it? A.

Full of water.

Q. What did you do with that pail of water? A. I spilled it on the fire.

Q. About how far did you have to go from the place where the pail was to the place where the fire was burning? A. About two yards away.

Q. After you had entitled that pail of water what was the next thing you did? A. I went to get some more water around the partition, I got hold of a pail, and when I wanted to go in the doorway the door was blocked with people going down.

Q. Where did you go for the water? A. Around the partition.

Q. When you say the partition you mean the partition separating what? A.

Between the elevator and the cutting tables.

BY MR. BOSTWICK:

Q. You mean the freight elevators? A. The freight elevators, sure, on the Greene street side.

BY THE COURT:

Q. You started to go out in the hall? A. Not not in the hall, but in the same room, I wanted to go back again with the water and I was blocked, the people were rushing out at that time, and I left the water standing and I went down the stairs.

BY MR. BOSTWICK:

Q. You didn't have your hat and coat when you went downstairs? A. No.

Q. So you had not got your hat and coat? A. No.

BY THE COURT:

Q. How long had you been working in that loft? A. One or two months.

BY MR. BOSTWICK:

Q. You were out the Greene street stairway? A. Yes, sir.

Q. Was there any smoke in the stairway at this time? A. No, it was only the beginning of the fire.

Q. Did you find wiybody on the stairs going down? A. Plenty of people going down.

Q. Did you see people coming down from the ninth floor? A. Yes, sir.

BY THE TENTH JUROR:

Q. Did the people know from the ninth floor that the fire

started on the eighth floor? A. They telephoned, and somebody went up to give an alarm.

BY MR. BOSTWICK:

Q. State that if you know? A. Positively, sure.

MR. STEUER: May I ask your Honor to inform the juror that neither side means any discourtesy, but —

THE COURT: Mr. Juror, we can only ask questions to bring out competent evidence, and that doubtless will be brought out, but it cannot be given by this witness.

Q. Do you know whether they knew on the ninth floor that there was a fire?

Objected to. Objection sustained.

A. Of course I didn't go up to tell the people but there were people going up.

BY THE COURT:

Q. You didn't go up to the ninth floor yourself? A. No, sir, I went right down.

Q. Can you tell us how many people were working on the eighth floor at the time when you first saw the fire? A. I believe all the people was working that time.

Q. Can you tell us the number of people who were working on that floor at the time when you first saw the fire? A. I can't tell exactly, but over two hundred people.

Q. And of the two hundred do you know how many were men? A. No, your Honor, I can't tell you.

BY MR. BOSTWICK:

Q. What do you do now? A. Still working for the same firm.

Q. Well, what do you do? A. Still working as a cutter.

LOUIS LEVY, called as a witness on behalf of the People, being first duly sworn, testifies as follows.

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Where do you live? A. 725 Fairmount place, Bronx.

Q. Did you bring any of your books with you? A. No, I didn't. I have got a copy of the books.

Q. What is your business? A. Paper maker's supplies, or, in other words, rag business.

Q. Did you purchase rags from Harris and Blanck? A. I did.

Q. And how long had you been purchasing rags from Harris and Blanck? A. Several years.

Q. Several years? A. About three or four years, I believe.

Q. And you are still doing that business with them? A. I am.

Q. When was the last time that you removed rags from the Triangle Waist Company prior to March the 25th 1911?

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

Objection overruled. Exception.

A. I removed some stock on February 20th.

Q. I said rags? A. On January 15th.

Q. Was that a Sunday? A. Well, we packed it on Sunday, we removed it Monday.

Q. And on January 15th, 1911, was the last time that you

removed any rags from the Triangle Waist Company? A. Yes, sir.

Q. Do you know whether that came from the eighth floor or the ninth floor? A. Well, the bulk was from the eighth.

Q. And do you know how many pounds it amounted to? A. I do, sir.

Q. Was it as much as a ton?

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

THE COURT: Well, I think I will receive it.

MR. STEUER: Exception.

A. About a ton.

Q. Exactly, it was how many pounds? A. 2,252.

Q. 2,251 or 2,252? A. 2,252.

Q. On February the 20th you bought some remnants, did you not? A. Yes, sir.

Q. But those were not the cuttings which went underneath the cutters' table? A.

They were not.

Q. On January 16th did you pay for the rags that you had gotten on January 15th?

A. I did.

Q. And other than the payment for the remnants did you make any payment to Harris and Blanck for any rags taken between January the 15th, 1911, and March 25th, 1911? A. For rags? I did not.

Q. When prior to January 15th was the last time that you had taken rags? A.

January 8th, but I am not very positive if it was the Triangle or of the other place.

Objected to. Question withdrawn.

Q. At this time, that is January 15th, 1911, whom did you have in your employ? A. My employ, packing the rags, or in my employ.

Q. In your employ in packing the rags, who could have packed rags at the Triangle Waist Company? A. Do you want me to name the man?

Q. Yes. A. Fingeruth.

Q. Harry Fingeruth? A. A. Goldberg.

Q. Aaron Goldberg. A. Sam Rappaport, Samuel Gondelman.

Q. And Meyer Cohen? A. Correct, Meyer Cohen.

Q. Have you any memorandum or any recollection as to which of those persons were engaged in the removal of the rags on January 15th or the 16th, 1911? A. I can't say positively. I haven't kept no record of whom I sent yo pack.

Q. But it was all or some of those men? A. They were.

Q. You didn't take the sweepings from the operating table, did you? A. I did not.

Q. And all you took were the rags that went under the cutters' tables? A. Yes,

CROSS EXAMINATION BY MR. STEUER:

Q. How many years have you been buying these rags as you call them? A. From the Triangle?

Q. Yes. A. Three or four years, I believe, even five.

Q. Have you a record of all the purchases that you made from them? A. I have.

Q. But you did not bring the record with you prior to the 15th of January, is that the idea?

THE COURT: He has not brought the record at all.

Q. Well, a copy of the record? A. I want to say something. If I am allowed I will explain now.

THE COURT: No.

Q. (Question repeated by the stenographer as follows:) But you did not bring the record with you prior to the 15th of January, is that the idea? A. I did.

Q. Mr. Bostwick, I understood, asked you before, when prior to the 15th of January you had removed rags from the Triangle Waist Company, and you said you could not say, he says? A. I meant to say I couldn't say if I took it out of the International or of the Triangle. I made out checks to the order of the Triangle Waist Company, so in the books we have the Triangle Waist a week prior.

Q. You mean to tell the jury you might have removed from the place of business of the International Waist Company, the rags for which you made your check payable to the order of the Triangle Waist Company; is that what you mean to say? A. Yes, sir.

Q. Well, are we to understand that the way you fix your dates of the removal of rags is by the dates upon your checks? A. Yes, sir, correct.

Q. What method have you of identifying a removal on the 15th of January, any better than you have a removal on any prior date? A. I didn't quite understand that.

Q. (Question repeated) No particular method.

Q. Well, how do you distinguish then the removal on the 15th of January as being one from the premises occupied by these people in Washington place, from any other removal from the premises occupied by them in their business of the International Waist Company? A. I don't make any distinction in the books.

Q. Well, are you prepared to say then that the removal of these rags on the 15th of January, of 2252 pounds was from the place of business at Washington place and Greene streets? A. This I could.

Q. That is what I asked, how do you distinguish that.

THE COURT: How do you happen to know that? A. Not by books but just by memory of which I am positive.

Q. In other words, you have an independent recollection on that subject, is that so? A.

Yes, sir.

BY MR. STEUER:

Q. Did you do the removing? A. Personally?

Q. Yes. A. I supervised it.

Q. Did you supervise the removal that was made last prior to that time? A. I might have.

Q. Well, do you recall? A. Not exactly. Sometimes I would and other times I would not.

Q. The only independent recollection that you have is of that one occurrence? A. I have a recollection of a good many others besides that one.

Q. Was 2252 pounds a usual amount to remove? A. It was not.

Q. And you want to tell the jury — if you do just come right out with it -- that at other times you removed smaller or larger amounts; which is it? A. Well, there were times I used to remove less and other times more, I got an accumulation.

Q. Who tells the time for you to come and make your removal? A. A man that had charge of the Triangle Waists, of the rag business.

Q. Who was the man? A. Mr. Alter.

Q. And you got your communication from Mr. Alter? A. I do.

Q. When to come to make the removal, is that right? A. Yes, sir.

Q. Well, now, these rags that you removed they were cuttings from the cutting table, were they not? A. They were.

Q. And they were the cuttings from the eighth floor, were they not? A. Yes, sir.

Q. You didn't ever remove anything from the ninth floor, did you? A. Wherever the cutting tables were.

Q. Don't you even know where the cutting tables are? A. Eighth and tenth, I believe.

Q. Will you tell this jury that you ever removed anything from the tenth floor? A. We did.

Q. What did you remove from the tenth floor? A. Cuttings from the cutting tables.

Q. You know there were no cutting tables on the ninth floor, don't you? A. I do.

Q. And you know there were no cuttings to be removed from

I H b 1 L

Witness.	Direct. Cross. re-D. Be~C.
CHAbEES b, MIIEEb,	16 19
DAMIEL Q. TEbbY,	21
JAMKS P. IHISKEMAK,	23 49 65
OTTO E. SCHUXTZE,	65
HArOLD L. COX,	66 72
QKOrGb PIST,	73
DAbIII C. DOIJOHUE,	30 84
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the ninth floor? A. Yes.

THE COURT: I think we will suspend now, Mr. Steuer. Gentlemen, you are admonished not to converse among yourselves on any subject connected with this trial, or to form or express any opinion thereon until the same is submitted to you. You are not to talk to anybody about the case or let anybody talk with you about the case. You are not to visit the premises where the occurrence is said to have taken place.

I may say to you, Gentlemen, because it may be a matter of convenience for you to know, that to-morrow we will adjourn at four o'clock. You are excused now. The Court stands adjourned until tomorrow morning at half past ten o'clock.

(Adjourned to Friday, December 8, 1911, at 10:30 a.m.)

Last Exhibit:

People's 25.

New York, December 8th, 1911.

TRIAL RESUMED.

LOUIS LEVY, resumes the stand and further testifies:

CROSS EXAMINATION BY MR. STEUER (Continued.)

Q. You testified yesterday that on the 15th of January — I think you said the 15th of January — 1911, you took from the eighth and tenth floors, occupied by the defendants here as the Triangle Waist Company, in the Washington place and Greene street premises, 2252 pounds of what you styled rags? A. Yes, sir.

MR. BOSTWICK: Just a moment. My recollection was — I don't know what your Honor's may be — that it was from the eighth floor.

MR. STEUER: On the contrary, I thought that and I asked him if that was not the fact.

THE COURT: My recollection is —

MR. STEUER: well, we can ask him; isn't that the best way.

THE COURT: Yes. He said he had been on the tenth floor, but I am not sure whether he said he took the rags from the tenth, floor. You may ask him.

BY MR. STEUER:

Q. I will withdraw it. I say be in error.

Q. Will you please tell the jury where, what you call rags, came from? A. When, on the 15th?

Q. Yes, sir. A. It came from the eighth ~ the bulk of

the rags rather was from the eight floor, and some rags from the tenth.

Q. I want you to be good enough to look at these clippings of offings of rags, or whatever you see fit to call them, it doesn't make any difference —

THE COURT: Mark them Defendant's Exhibit A for identification. (So marked)

Q. (Continuing) And tell the jury whether in a general way those are the kind of goods, the material that is, that you took on the 15th of January, 1911, from the premises of these defendants, described in the last question? A. Well, this is about the general sort of cuttings, smaller and larger.

Q. You told the jury that on the 20th of February you took from these same premises what you styled as "remnants"? A. I did

Q. Do you remember that? A. I do.

Q. Will you be good enough to tell the jury what in pounds was the weight of the goods that you called remnants and which you took from these premises on the 20th of February? A. The weight, I presume, was about a thousand pounds, about.

Q. On the 20th of February did you take all that there was in the bins on the eighth and tenth floors of the premises occupied by these defendants? A. They were not in bins, they were in cases.

Q. Well, did you take all that was there in the cases? A. I did.

Q. So that you took all the clippings or offings on the 20th of February, 1910, that were there from the 15th of January, and you called them remnants?

Objected to. Objection sustained. Exception.

MR. STEUER: May I inquire why, your Honor?

THE COURT: Because this witness would not be competent to testify to that point manifestly. He don't know but that there may have been half a dozen other different other concerns moving things.

MR. STEUER: I see your Honor's point and I think that it is entirely correct, and I beg your pardon.

Q. Did you take all that were there on the 20th of February? A. I took cases and all.

Q. You took even the cases. Now, I ask you if these were the character of goods that you took on the 20th of February?

(Sample just referred to in Mr. Steuer's question is marked for identification Defendant's Exhibit B.) A. It was embroidered pieces.

Q. Were they of the different designs, but the character of goods the same as those you have in your hand?

MR. STEUER: There is no point made of the question of design, I assume, your Honor.

Q. Look over there and see whether those are the goods? A. Well, I won't say exactly about the shades, but that was about the nature of the goods.

BY THE COURT:

Q. In other words, the distinction, as I understand you,

practically that you draw between what you call rags on the one hand, and remnants on the other is that in the case of what you call remnants there appears to have been some work done on the material, and in the case of rags there has been no work at all; is that it? A. Well, there was others. There may be some work on it where it would have no value for remnants, and if there is some embroidery that could be used for some purpose better than rags.

Q. Wherever you found embroidery or work on a piece of goods, you called that a remnant, and where you found none at all, you called it a rag, is that it? A. It all depends how I bought it, your Honor.

BY MR. STEUER:

Q. Well, we are not particular about what you call it. Will you please tell this jury whether it is the fact that on the 20th of February, what you got were pieces of goods of the size and character that I am now showing you?

THE COURT: And those are Defendants' Exhibit B for identification.

A. They were.

MR. STEUER: These, your Honor, are different designs --

THE COURT: But the substantial point is, what he got on the 20th were pieces of work on which some work had been done as distinguished from pieces upon which no work had been done. Is that it?

MR. STEUER: I don't think so. It seems to me that

whether they could be used for one purpose or another is whether he classified them one way or the other, as to whether he could make different uses of them. The point is that these goods that were given him from January 15th to February 20th are what they call in the business —

MR. BOSTWICK: I object to the statement. I think a question should be put to the witness.

Q. Do you know what these goods are called in the shirtwaist business (referring to defendants' Exhibit B for identification)? A. Some call it rags, others would call it remnants.

THE COURT: He don't know in the trade.

Q. Did you say that between the 15th day of January, 1911, and the 20th day of February 1911 — do you know whether in the premises of the defendant there were any other kind of goods cut, except as are indicated by the defendants. Exhibit B for identification?

MR. BOSTWICK: I ask that the witness say yes or no.

MR. STEUER: That is all I asked. I asked him if he knows.

THE COURT: Yes, yes or no.

A. I don't know.

Q. You have been in the business place of these defendants many times have you not?

A. I have.

Q. And when you removed what you call the rags or remnants— I don't care either or which — from the premises if these

defendants, you saw the floor themselves, did you not? A. I did.

Q. The floors on which the work was done, and on which the cutting was done?

A. I did.

Q. I want you to tell this jury how these clippings or offings, or cutting or rags or remnants, whichever you call them were taken care of by the defendants?

THE COURT: You are making him your own witness in that respect.

MR. STEUER: I am, your Honor.

THE COURT: You may go ahead, though.

A. On the eighth floor where we took the cuttings was about eight cutting tables, six on the Washington -- Greene street side, rather, and two on the north side of the building; they were in bins, kept underneath the cutting tables, which I considered kept clean -- they were kept clean.

MR. BOSTWICK: I ask that that part of the answer be stricken out, - "which I considered kept clean -- they were kept clean".

THE COURT: Yes, "they were kept clean" is stricken out.

Q. Were they in the bins when you took the offings or clippings, or were they on the floor? A. They were in bins underneath the cutting table.

Q. How were the floors themselves kept, whenever you were there? How did they appear, rather, whenever you were there? A. They were clean, the cutting tables.

Q. Have you been to other shirtwaist factories in the

City of New York? A. Certainly I have been.

Q. Do you purchase material of the same kind from other shirtwaist manufacturers in the City of New York? A. I do.

Q. Is it at all extraordinary to take from a place of business or factory the size of that which was conducted by Harris and Blanck, 2252 pounds of offings or remnants or clippings or cuttings at one time?

Objected to. Objection overruled.

A. Nothing unusual.

BY THE COURT:

Q. On how many different occasions did you personally go to the lofts occupied by these defendants on the corner of Greene street and Washington place? A. About the time —

Q. About how many time? A. Altogether your Honor?

Q. That is what it means? A. Well, I couldn't say — quite a number of times.

Q. What is your best recollection? A. I wouldn't say exactly. It might have been --

Q. About how many times? A. It has been about twenty-five to forty times. I don't know exactly.

Q. And that is covering a period of about how long? A. Of about three years, I presume.

Q. What is your best recollection as to the number of times that you visited any one of those lofts during the year from March 25th, 1910, to March 25th, 1911? A. Well, I would say about six times.

Q. Now, directing your attention to the date, January 15th, were you personally on those premises that day, January 15th, 1911? A. I was.

Q. What is your best recollection as to the length of time that you were on those premises at that time? A. About two months —

Q. No, I mean to say the length of time that you remained in those lofts, or in any one of them on the 15th day of January 1911? How many minutes or hours? A. Your Honor, they were packed on Sundays.

Q. I am not asking you that. A. But I wish to explain.

Q. You were there on January 15th, 1911, in those lofts, is that so? A. It must have been the 14th. I have got in my books the time when I paid the check.

Q. You say now it was the 14th of January? A. Sunday.

Q. How long were you then in those lofts on January 14th, 1911? A. About four hours.

Q. Getting there about what time and leaving there about what time? A. Getting there about eight o'clock.

Q. Morning or evening? A. Morning, and leaving about twelve o'clock.

Q. Now, take People's Exhibit 1; that which is now before you purports to be a diagram of the eighth floor of those premises; do you recognize it as such? A. That would be about right.

Q. You do recognize it, do you? A. Yes, but there were

more tables there.

Q. Do I understand you to say on that occasion, January 14th, you found the substances that you took away already contained in cases?

MR. BOSTWICK: That was the remnants of February 20th.

MR. STEUER: January 14th they were in bins, and they put them in bags.

THE COURT: I beg your pardon.

Q. Where were the bins from which you took the stuff on January 14th? A. On the eight floor.

Q. You have got the diagram there of the eighth floor. What part? A. On the northwest corner of the building where the tables were.

Q. Those bins with respect to the cutting tables, were located where? A. The northwest corner of the loft.

Q. What I mean to say is —

MR. STEUER: He has got the direction wrong. I think we had better tell him this is west, that is south, that is east over there, and this is north (indicating and pointing on diagram.) So that would be the southeast, don't you see.

BY MR. STEUER:

Q. Put yourself looking this way, over here; put yourself on that wall —

THE COURT: You are looking uptown, then.

Q. We have been treating that as the Washington street

side of the building, you see (indicating on diagram)? A. Yes.

Q. And the Washington place side of their loft was the south side of their loft, and if you stand here and look over this way you would be looking uptown, do you understand? A. Yes.

Q. Well, now, there is Greene street where you have got your hand? A. Yes.

Q. And Greene street is the easterly wall, or the Greene street wall is the easterly wall of that building, so that putting those cutting tables where the words "cutting tables" appear on this chart, you are in the southeasterly part of their loft; Greene street being the easterly part and Washington place being the southerly part. Now, that we are all agreed upon in this case, so you might take that to be correct wheat you are answering the Judge's questions.

MR. STEUER: That is right, isn't it, Mr. Bostwick?

MR. BOSTWICK: Yes.

BY THE COURT:

Q. Now, with respect to the cutting tables, where were the bins? Or, possibly to put it plainly, how close to the cutting tables were the bins? Was there a bin attached to the cutting table? A. Underneath the cutting table, with boards alongside of it.

Q. And when you speak of a bin, what do you mean? A. It is a table underneath a cutting table, where it has boards nailed onto the table.

Q. And the substances that you took away on January 14th were contained in such bins, is that so? A. Yes, sir.

MR. STEUER: I would like him to make that clear, your Honor as to the bin.

THE COURT: It is not entirely plain, but perhaps some other witness will make it so.

MR. STEUER: All right, just as you like.

BY MR. STEUER:

Q. Did you ever visit a shirtwaist factory in all the business dealings that you have had with shirtwaist factories, or clothing factories, or any other kind that make ready-to-wear apparel, where the tables for the offings and clippings were better arranged than they were in Harris and Blanck's factory?

MR. BOSTWICK: I object to the question.

THE COURT: Yes, it calls for an expression of opinion. I sustain the objection.

MR. STEUER: I except.

THE COURT: It is a subject on which he is not shown to be an expert.

Q. You do a large business in the purchase of these clippings or rags or offings or remnants, as you call them? A. I do.

Q. And visit how many factories a year? A. Quite a number.

THE COURT: I will allow you to show by this witness, if you care to show by him, if that be the fact, that the arrangement with respect to the bins and with respect to the

material in them was substantially the same in the factory of these defendants that it was in other factories in a similar line visited by this witness.

MR. STEUER: Thank you.

Q. Limiting your answers --

MR. BOSTWICK: May I ask my right to examine this witness on the voir dire, prior to his giving this testimony?

MR. STEUER: I have no objection to Mr. Bostwick examining anybody. It is the same thing.

BY MR. BOSTWICK:

Q. Weren't nearly all of your visits to the Triangle Waist Company made on Sunday?

A. To pack the rags?

Q. Weren't nearly all of your visits to the Triangle Waist Company made on Sunday?

A. They were not.

Q. Do you know of any other shirtwaist company of the same size of the Triangle Waist Company? A. I do.

Q. How many? A. A few.

Q. How many? A. That I have dealings with? A. Yes, that you visited and know about or have dealings with? A. About two.

Q. What? A. Two that I know.

Q. You know and have business dealings with two shirtwaist factories as large as the Triangle Waist Company? A. Almost as large.

Q. As large, I asked you? A. I don't think they are as large as the Triangle.

Q. Do you do any business, or have you done any business within the last three years with any shirtwaist company of the same size or larger than the Triangle Waist Company? A. I did.

Q. What is the name or names of those concerns? A. Bijou Waist; Tutelman Brothers -- that is about all.

Q. These two factories were as large as the Triangle Waist Company? A. About as large.

Q. Well, were they as large? A. I think they were.

Q. Are those the only two companies as large as the Triangle Waist Company with which you had business dealings with in the last two or three years? A. In ladies' waists, they were.

Q. And your knowledge of the custom and the habit of the shirtwaist companies, doing the same kind of business, and having a factory the same size as the Triangle Waist Company rests upon those two instances alone? A. I don't quite understand that.

Q. (Question repeated by stenographer) A. Do you mean the habit of keeping their rags?

Q. Your knowledge of the habit of keeping the factory, and factories of that sort, depends solely upon these two instances? A. I only know the part where we take the rags. I don't inspect the factory.

MR. STEUER: You are examining on one subject, and the subject about which the judge gave me permission to inquire

was quite a different one. It is not on the general custom of keeping any factory.

Mr. BOSTWICK: You continue your examination, Mr. Steuer.

BY MR. STEUER:

Q. In the shirtwaist factories you visit whether they are of the same size, or whether they are a little smaller or larger, but in those shirtwaist factories that you visit, are the arrangements made for the keeping of the cuttings or the offings that come from the cutting tables, substantially the same as they are in the place of business of Harris and Blanck?

MR. BOSTWICK: I have no objection to that if it is limited to the physical conditions
~~ the receiving.

Q. The receiving? A. They were about the same.

BY THE COURT:

Q. That is to say, the character of the bins, location of bins, presence of material inside or outside of bins, position of bins with respect to tables, and so on ~ A. Yes.

BY MR. STEUER:

Q. Now, did you get the Judge's question? A. I did.

Q. Now, instead of answering the question you take all that the Judge just added to it and answer that question then. Is the arrangement with respect to all the matters that the Judge just mentioned substantially the same in the other factories as it is in the factory of Harris and Blanck? A. About the same.

THE COURT: I think that that question ought really be made as of the date of March 25th.

BY THE COURT:

Q. You will consider that question being asked you with the addition, during the month of March, 1911. Do you understand that? We are not talking about what maybe or may not be to-day, but we are talking about what you observed with respect to the conditions in the factory of these defendants as you visited it before March 25th, 1911, and what you observed respecting similar conditions and similar matters in other factories. You understand that, do you? A. I do.

MR. STEUER: All right.

BY MR. STEUER:

Q. And your answer remains the same? A. It does.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. I show you again the diagram of the eighth floor (marked People's Exhibit 1); this is the Washington place — represents the Washington place elevators and door and that (indicating on diagram) the Greene street elevators and door, and the fire-escape on the north wall here. Were the machines on the eighth floor as indicated on this diagram? A. This I couldn't say. I only went over to the cutting tables.

Q. Well, on this side of the room were there machines? A. There are machines in the same floor where the cutting tables are.

Q. And they were on the westerly side away from the Greene

street windows? A. On the westerly side all the cutting tables.

Q. And the cutting tables were near the Greene street windows? A. They were.

Q. And there were more cutting tables over by the fire-escape? A. Yes.

Q. There were two cutting tables by the fire-escape, were there not? A. There was.

Q. And can you state to the best of your recollection –

MR. STEUER: When you say by the fire-escape, you mean by the fire-escape side?

Q. On the fire-escape side of the building. I correct that to read that way. And what is your best recollection as to the number of cutting tables near the Greene street windows? A. I believe there were six tables there.

Q. And what length would you say those tables were? A. Well, about twenty-five feet.

Q. Assume that ruler (laying a ruler on the diagram) to indicate 48 feet, what would you say the length of the tables to be? A. The ruler to indicate 48 feet? I believe there was about 25 feet, within a few feet.

Q. This ruler, the distance from there to there on this diagram represents 48 feet, because it is drawn on the scale of a foot for every one-quarter inch, or four feet for every inch, do you see? A. I do.

Q. Every inch on that diagram represents four feet. Now, this is a ruler fifteen inches long, you see. Therefore, the

distance from one end of that ruler to the other is 60 feet (not 48), do you see that? A. I do.

Q. Now, if the length of that ruler represents 60 feet, how long would you say the tables were compared to that? Were they as long as the ruler? A. They were not.

Q. Well, give us your best estimate of how long you think the tables were, now that you know that ruler represents 60 feet? A. About half the size of the ruler. Q. Or about thirty feet? A. About that.

Q. And the tables on the side of the loft nearest the fire~ escape, how long would you say they were? A. About twenty feet.

BY THE COURT:

Q. How wide were the tables, do you know what I mean by that? A. I do.

BY MR. BOSTWICK:

Q. Were they as wide as that table there (indicating District Attorney's table in court room)? A. About the width of that.

Q. Just about the width of this table? A. Three feet.

Mr. BOSTWICK: (Turning to Mr. Steuer) Three feet?

MR. STEUER: Three feet two inches, Mr. Bostwick.

Q. I ask you to look at this material and state whether you see there material which was like that which you found — any of it like that which you found underneath the cutters' tables?

MR. STEUER: Do you mean in the bins?

Q. In the bins. A. There was some like it.

How long were you with Mr. Blanck last night? A. Just the time that it took to go up to Mr. Steuer's office.

Q. And did you go to Mr. Steuer's office? A. I did.

Q. How long in all were you with Mr. Blanck last night? What time did you first see him? A. It must have been before six and I left him about — well, it must have taken an hour all around, the time when I first saw him and after I left him.

Q. Pick out some that was as much like what was in the bins as the exhibits that you have already produced (referring to Defendants' Exhibits for identification A and B)?

MR. STEUER: I don't want it to appear as if the witness produced any exhibits; he didn't, we produced those; those came from our factory this morning.

THE COURT: As much like those Exhibits for identification shown you by defendants' counsel.

MR. STEUER: Yes.

MR. BOSTWICK: I ask that this be marked for identification.

Marked for identification People's Exhibit 26, (being the material produced by Mr. Bostwick and shown the witness).

Q. I show you defendants' Exhibits A and B for identification and I ask you whether many of the pieces that you got from underneath the bins were nothing but narrow strips of that same kind of material? A. There were some strips.

Q. And that is also true of the other exhibit (showings witness Defendants' Exhibit B for identification)? A. There might have been some strips.

Q. Since court adjourned last night have you had any conversation with Mr. Harris or Mr. Blanck? A. With Mr. Blanck.

Q. Where did you see Mr. Blanck? A. At his office.

Q. What part of the City? A. Knickerbocker building, Fifth avenue and 15th street.

Q. You saw him on Fifth avenue? A. Yes, in his building.

Q. Then did you and Mr. Blanck go downtown? A. I was.

Q. Did you go to Mr. Steusr's office? A. I did.

Q. How long did you remain in Mr. Steuer's office? A. About five minutes.

Q. Only five minutes? A. That is about all.

Q. Did you go back to Mr. Steuer's office? A. I didn't go back.

Q. Were you only five minutes in all in Mr. Steuer's office? A. That is about all.

Q. Did you go uptown with Mr. Blanck? A. As far as 14th street.

Q. Did you produce your books for Mr. Blanck last night? A. I did.

Q. Do you remember making a statement to me at my office, November 23rd, in regard to the ninth floor, in which you said that "I presume they were taken from the eighth floor, I can't say positively the last time I took rags from the ninth floor ~ it might have been the same day"; speaking of January 17, 1911? Do you remember making that statement? A. A statement of what?

Q. Do you reiaember saying to me, "I can't say positively the last time I took rags from the ninth floor, it might have been the same day".

MR. STEUER: Ninth floor, you say?

MR. BOSTWICK: Yes.

Q. You don't recall making that statement to me on November 23rd, 1911? A. Not exactly, Mr. Bostwick.

BY MR. STEUER:

Q. There were no cutting tables on the ninth floor were there, Mr. Levy, at any time?

A. Not that I know of.

BY MR. BOSTWICK:

Q. Do you remember signing this statement? A. I would like to see the testimony, Mr. Bostwick, I would like to see the testimony where you --

MR. STEUER: If you say he signed or said that, that is sufficient for me.

MR. BOSTWICK: I want to see if it refreshes his memory.

A. I really don't know how the ninth floor got in here, unless I overlooked that.

Q. Don't you remember reading that statement and my asking you to read that statement very carefully before you signed it? Do you remember my saying that to you? A. I do,

Q. And didn't you read it over very carefully? A. (No answer.)

Q. Never mind. A. I must have been mistaken about the floors.

RE-CROSS EXAMINATION BY MR. STEUER:

Q. Is there any doubt in your mind that there was, in January, 1911, or for six months prior to that time, or since

these people have had the tenth floor, any cutting table on the ninth floor? A. Not that I know of.

Q. Well, now, you know? You were in that building? A. I never removed any rags from that floor.

Q. From the ninth floor? A. From the ninth floor.

Q. And you never saw any cutting table on the ninth floor?

MR. BOSTWICK: I don't think there were any cutting tables on the ninth floor.

Q. The District Attorney has asked you whether you were at my office yesterday evening. Up to yesterday did you ever see me in your life? A. I did not.

Q. Did you ever have any conversation of any kind? A. Never saw you before.

Q. Yesterday evening, over the telephone, did you receive a communication that I would like to see your books? A. I did.

Q. Did you bring them down? A. I did.

Q. Other than to ask you to give me the dates in 1910, the two times that you took away offings from Harris & Blanck's place, prior to January 15, 1911, did I ask you a single question? A. Nothing at all, just the dates and the weight.

Q. And the weight. And did I ask you whether in each instance when you took offings away from Harris & Blanck's place prior to January 15, 1911, whether the weight that you took away was larger or smaller? A. You did.

Q. And did I ask you any other question of any kind at that time, or any time in my life? A. You did not.

Q. Now, you had the record of those two occurrences when you took away the weights, did you not? A. I did.

Q. Will you tell the jury what those weights were?

MR. BOSTWICK: On what dates are these?

MR. STEUER: I don't know. My recollection is August.

MR. BOSTWICK: I don't think we want to encumber this record as of last August.

MR. STEUER: All right, but I didn't want you to make it appear before this jury that I was stealing thunder or taking witnesses, or anything of that sort.

THE COURT: Now, that ends that.

MR. STEUER: If it ends the incident, I am perfectly satisfied. The defendants, though, have as much right to see a witness as the prosecution.

MEYER COHEN, called as a witness on behalf of the People, being first duly sworn, testifies as follows (through Interpreter Rosenthal):

(The witness states that he resides at 24 Ludlow street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Are you one of the five employes of Louis Levy, the rag man? A. Yes.

Q. And do you remember going to the building, corner of Washington place and Greene street, to the factory of the Triangle Waist Company, to pick up rags? A. Yes, once I was

there.

Q. Were you sent there by Mr Levy? A. Yes.

Q. Were there four other men? A. Yes.

Q. Did you pick rags? A. Yes.

MR. BOSTWICK: If you object as leading, Mr. Steuer?

Q. Did you clean about five tables? A. Yes.

Q. About how long before the fire was that that you went there, the fire being in the end of March? A. I was there about six months before the fire, but after I was there he sent others.

THE COURT: I think I will strike out "after I was there he sent others".

MR. STEUER: That would indicate that six months before the fire was the last time that Levy sent there, and even the prosecution doesn't claim that.

THE COURT: Not but so far as this witness is concerned, all he can testify to is as to his knowledge at the time he was there.

MR. BOSTWICK: I consent that the whole answer be stricken out. I think the witness is confused, anyhow, from the statement.

Q. Do you remember going there about January 14th or 15th with Mr. Levy and four other men? That was after Christmas and after the first of the year? A. I don't know for sure whether I was there then, but I know I was there six months before the fire, and that after fire he sent other people to get

rag.

MR. BOSTWICK: I move to strike it out, and I withdraw the witness.

THE COURT: Strike it out.

HARRY FINGERHERTH, called as a witness on behalf of the People, being first duly sworn, testifies as follows (through Official Interpreter Rosenthal):

DIRECT EXAMINATION BY MR. BOSTWICK:

(The witness states that he resides at 19 Essex street.)

Q. Were you in the employ in January of Levy, the rag man? A. Yes.

Q. And have been in their employ for six years? A. Yes, going on seven years.

Q. Did you go to the building corner of Greene street and Washington place, to the factory of the Triangle Waist Company, at various times? A. Yes, I was.

Q. Do you remember going there about the middle of January with Mr. Levy? A. I can't say when it was, but I did go there. My boss has made a note of it in his book.

Q. Do you know about how long it was before the fire? A. I can't say how long before.

Q. Do you remember who was with you that last time you went there? A. Yes.

Q. Who? A. Mr. Goldberg.

Q. Anybody else? A. Nobody else, the last time I mean.

Q. And the last time you were there you were with Goldberg? A. Yes.

Q. Was Sam Angleman there? A. No, sir.

BY THE COURT:

Q. What season of the year was it when you were there last? A. I can't remember.

MR. STEUER: If Mr. Bostwick says this man was there on the 14th of January, I won't make any point of his not remembering the time.

MR. BOSTWICK: That is what he told me only ten minutes ago.

BY MR. BOSTWICK:

Q. Were you there two months before the fire? A. I think about that time I was there.

Q. You think it was about two months before the fire? A. I think about that time.

Q. And that was the last time you were there? A. Yes.

HARRY GOLDBERG, called as a witness on behalf of the People, being first duly sworn, testifies as follows (through Official Interpreter Rosenthal):

(The witness states that he resides at 149 Norfolk street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Is your name Aaron or Harry? A. At home in the Old

Country my name was Aaron, but here I am being called Harry.

Q. Were you employed by Levy Bros., the rag men? A. Yes.

Q. And have you been with them for the past three years? A. Yes.

Q. Do you remember going to the building at the corner of Greene street and Washington place, to the factory of the Triangle Waist Company? A. Yes.

Q. And do you know about how many months it was before the fire that you were there for the last time? A. About two months.

Q. And were you with Mr. Levy? A. No.

Q. Was Fingerherth there? A. Yes.

Q. That was the last time you were there? A. Yes, with Fingerherth.

Q. Was anybody else there? A. I don't know. I know I was there with Fingerherth.

Q. Was Sam Angleman there? A. I don't know.

Q. Would you know if he was there? A. (No answer.)

Q. I mean at the same time that Fingerherth was there, about two months before the fire? A. I don't understand the question.

Q. The last time that you were there, about two months before the fire, picking rags, who was there besides Fingerherth, if anybody, who works for Levy? A. I don't know.

THE COURT: Repeat the question and interpret it again.

Q. (Question repeated). A. We were there, I don't know who else was there.

CROSS-EXAMINATION BY MR. STEUER:

Q. From Levy Bros., the men that picked the rags, was there anybody but you and Fingerherth? A. I was there with Fingerherth, I don't know about the others.

BY THE COURT:

Q. When you say you don't know about the others, do you mean that you don't remember whether there were or were not others there? A. We went home, he didn't allow us to pack up -- since that time I was not there.

THE COURT: That is not responsive. I think that is conceded, isn't it? He has not answered what I asked him. Strike out the answer.

Q. (Question repeated.) A. I don't remember. It is two months ago, I don't remember.

BY MR. STEUER:

Q. When you went there, you were asked about picking rags; you said packing rags ~ you didn't say anything about picking rags, did you? A. It makes no difference to me whether you call it packing or picking. I was to pack it into bags. Picking is something else. I mean packing the rags into bags.

Q. And you took the rags from the boxes under the cutting table, didn't you? A. Yes, from under the table.

SAM ANDELMAN, called as a witness on behalf of the

People, being first duly sworn, testifies as follows (through Official Interpreter Rosenthal):

(The witness states that he lives at 217 East 4th street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You have worked for Mr. Levy, the rag man, about a year and a half? A. Yes.

Q. Do you remember going to the building at the corner of Washington place and Greene street to pick rags about two months before the fire? A. Yes.

MR. STEUER: I object to that question.

MR. BOSTWICK: Question withdrawn.

THE COURT: Pack rags.

Q. Do you remember going to the building at Washington place and Greene street to pick rags at any time?

MR. STEUER: I object to that.

THE COURT: I will allow him to answer. A. Yes, I was there once to take the rags.

Q. Did you take the rags from under the tables? A. Yes.

Q. Did you put them in bags? A. Yes, sir.

Q. Is that what you mean by picking rags? A. No, we didn't pick the rags; we took them in bunches and put them into bags.

Q. Was that about January 15th? A. I don't remember that.

Q. Was it about two months before the fire? A. Yes, about two months, I think.

Q. And was that the last time you were there? A. I don't

remember that.

BY THE COURT:

Q. When were you there last before the fire? A. I remember it was about two months, up to nine weeks, before the fire that I was there.

BY MR. BOSTWICK:

Q. That was the last time you were there? A. I was only once there, I don't know whether others were sent after that.

SAM RAPPAPORT, called as a witness on behalf of the People, being first duly sworn, testifies as follows (through Official Interpreter Rosenthal):

(The witness states that he resides at 76 Mangin street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You work for Mr. Levy, the rag dealer? A. Yes, sir.

Q. And do you remember going with some of Mr. Levy's men to the building at the corner of Washington place and Greene street, the Triangle factory? A. Yes.

Q. About how long was that before the fire? A. About eight weeks.

Q. Is that the last time you were there? A. Yes. (No cross-examination.)

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

(The witness was sworn by Official Interpreter Rosenthal.)

(The witness states that he resides at 237 East 115th street.)

(The witness now proceeds to testify without the use of the Official Interpreter.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. You were employed by the Triangle Waist Company on March 25th, 1911? A.

Yes.

Q. On what floor? A. On the eighth floor. Q. As a cutter? A.

Yes.

Q. About what time was it when the fire first started? A. I would rather speak

Yiddish.

MR. STEUER: He speaks English all right, there is no reason why he should speak through the Interpreter.

THE COURT: I suppose there is a certain timidity on the part of this witness --

MR. STEUER: It makes a great deal of difference, your Honor. I think he should speak in English if he can.

BY THE COURT:

Q. Every time that a question is asked you, I want you to listen to it, do you understand that? A. I understand.

Q. And if you understand the question I want you to answer it, do you understand that? A. I can't answer it in English.

Q. And I want you to answer it in a tone that is loud enough for the Juryman who sits the furthest away from you to hear you easily; do you understand that? A. No.

Q. How long have you been in America? A. A year and a

half.

THE COURT: I will allow him to speak through an Interpreter.

(The following questions are put and the answers
given thereto through Official Interpreter Rosenthal.)

BY MR. BOSTWICK:

Q. About what time was it when the fire first started? A. A quarter to five, when the bell rang for us to stop working,

Q. Had you punched your card? A. I was about to punch my card.

Q. Where did you first see the fire? A. At first I saw the fire on the Greene street side of the corner of the table.

THE COURT: Locate this witness at the time he first saw the fire.

Q. About how many feet were you from the fire when you first saw it? A. About eight feet.

Q. (Showing witness People's Exhibit No. 1) These are the Greene street windows, and the cutting tables are in here? A. Yes.

Q. Do you remember how many cutting tables there were? A. There were five this side and two on the other side.

Q. There were two on the side of the building where the fire escape is, were there not? A. Yes.

Q. And there were five in here (indicating the blank space marked "Cutting tables")? A. Yes.

Q. And the fire, you say, took place near the Greene street

side? A. The Greene street side, on the corner of the table.

Q. Was that near the first or the second cutter's table? A. Near the first table, it was at the wall.

Q. Was it at the end nearest the freight elevators, or the end nearest Washington place? A. It was the corner where the elevators come up from Greene street.

Q. And near the end of the first cutter's table and near the Greene street side? A. On the Greene street side near the wall.

Q. There were rows of machines on the other side of the room, were there not? A. Yes.

Q. As shown on this picture? A. Yes, it was so.

THE COURT: By "picture", you mean the diagram?

MR. BOSTWICK: Yes, referring to the diagram.

Q. What did you do as soon as you saw the fire? A. As soon as I saw the fire, which was very small, and I was about to take my card to be punched, I ran to the Greene street side and took a pail of water.

BY THE COURT:

Q. Where did you find the pail? A. The pail was standing in a place where they usually stand in a shop — red pails.

Q. How far from where you were was the pail that you went to? A. About three feet.

Q. When you got to the pail, was there anything in it? A. Water was in there.

Q. When you first noticed the fire, were you sitting or

standing or walking? A. When I saw the fire I was standing at a place where the cards are being punched.

Q. Where is the place that cards were punched? Show us on that diagram (People's Exhibit 1) — BY MR. BOSTWICK:

Q. There are the freight elevators, Greene street; there is the stairway, then three windows, then the fire escape windows, then two more windows, cutting tables, you see, right here? A. Yes.

Q. Where was the place you punched your card? A. At the end of the cutting table there was a little wooden wall and there the cards were punched.

THE COURT: Make a mark on that diagram at the place where you say you were to have your card punched. A. (Witness continuing) Assuming that the number of tables were standing here, at the end of the table there was a wooden wall where a box was hanging for the tickets.

THE COURT: Make a mark now on that diagram.

A. (Witness continuing) Here was the end of the table and there towards the wall was the place.

THE COURT: Will you please make a mark on that diagram where you say the punching machine was, and put your initials there.

(Witness marks as directed.)

Q. In the middle of these long tables which had machines on, there was a place to put the finished work, was there not?

A. What do you mean? Baskets were standing there.

Q. Wasn't there a trough in the middle of each table, where something was put? A. Yes, while the machines were going there was something like a canal, a deepening in the table, in the middle of the table.

MR. STEUER: He said there was a canal in the center where the garments fell from the machine.

THE COURT: Very well.

Q. Was there a place under the cutting tables to put cuttings? A. (In English) Sure, there was rags under the cutting tables.

Q. How long before the fire had they been taken away? A. About two or three months.

BY THE COURT: (Through Interpreter)

Q. Are you able to tell me about how many persons were on that eighth loft at the time when you saw the fire? A. I was very much excited and I can't tell.

Q. What kind of work were you doing there that day? A. Cutting. I was a cutter.

Q. And at which one of the cutting tables did you work on that day? A. I had a steady place there; the table was near the yard on the Greene street side.

Q. Were you working at the table that was nearest the fire escape, yes or no? A. Yes.

Q. And were you working at that end of the table that was nearest to the fire escape?
A. It made no difference, I

was on one side and the other side — wherever the work required.

Q. Your work was done standing up or sitting down? A. Standing up.

Q. And that was true, was it, of the work done by all the cutters, so far as you know, on that floor? A. All worked standing up.

Q. Do you know how many cutters were working on that floor at the time when you first saw the fire? A. A lot of them, but I didn't know all of them.

Q. How many cutters other than yourself worked at the same table, if you know, on that day? A. Four.

Q. Do you know how many cutters were working at the table next to yourself on that day? A. Four cutters at both tables.

Q. You mean to say there were two cutters at each table, four altogether, or four at each? A. Four cutters worked at both tables.

Q. You mean there were four man who did cutting work, and they worked at two tables? A. Yes, worked at two tables.

Q. And those were the cutting tables that were on or near thf fire escape side of the buildingf is that so? A. Yes, those were the two cutting tables that were near the fire escape of the building.

Q. Were the cutters men? A. Men.

Q. On that same floor that afternoon, were there any women

working? A. Yes, sir.

Q. And the women, did they do their work, if you know, sitting or standing? A.

Sitting at the machines.

Q. On chairs? A. On chairs, yes.

Q. If you know, how close together were those sitting on the same side of a table? A. I didn't observe that and I don't remember.

Q. Do you know how many women were working at any one of the tables on the eighth floor At the time when you saw the fire? A. A many as there were machines, just as many girls were working at the machines.

Q. Do you know how many machines, as you call them, there were upon that floor at the time when you first saw the fire? A. No.

Q. How long had you worked on that floor before the fire? A. Three or four months.

Q. Do you remember seeing on the afternoon of the fire in that loft a young man by the name of William Bernstein? A. Yes.

Q. Did you me him at the time that you saw the fire? A. It may be he was there, but I didn't see him; I was surprised.

MR. STEUER: I submit that that is not what the witness said.

THE COURT: Repeat the question.

(Question repeated by stenographer.)

THE COURT: Translate it to him.

A. Maybe he was there, but I was surprised and I didn't look.

CROSS-EXAMINATION BY MR. STEUER:

Q. I want you to talk out loud and tell the Judge and the Jury what you said in answer to the Judge's last question? A. What question?

Q. (Question repeated by stenographer as follows:) "Did you see him at the time that you saw the fire"? A. What Bernstein?

THE COURT: Well, we will let it go at that.

Q. Do you work for Harris and Blanck? A. You mean now?

Q. Yes? A. No.

Q. Have you worked for them since the fire? A. Two days I worked.

Q. I am asking you whether you worked for Harris and Blanck at any time after the fire?

A. I said already that I worked about two or three days.

THE COURT: You say to this witness, Mr. Interpreter, that he is talking so low that I can't hear him, and that he must answer every question in a tone that is loud enough for every one of the Jury to hear him. Tell him that I won't tell him that again.

MR. STEUER: Well, let him go.

MR. BOSTWICK: That's all.

ISIDORE ABRAMOWITZ, called as a witness en be-

half of the people, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. I want you to speak loud enough for that gentleman over there to hear you, and a little louder than I am talking. A. Yes, sir.

Q. On the 25th day of March, 1911, were you working for the Triangle Waist company on the eighth floor as a cutter? A. Yes, sir.

Q. Now, about what time did the bell ring on that Saturday? A. Quarter of five.

Q. And had the bell rung? A. Yes, sir.

Q. Where did you have your clothes? A. At the beginning of the table on the Greene street side, the first table.

Q. That was the first cutter's table? A. Yes, sir.

Q. Near the Greene street windows? A. Yes, sir.

Q. Do you know how many tables there were — cutter's tables, running parallel to Greene street? A. I can tell you about — about five tables.

Q. And there were how many over on the side of the loft where the fire escape was? A. Two tables.

Q. Two cutter's tables? A. Yes, sir.

Q. Are you very good at drawing? A. No, sir.

Q. Do you think you could draw a picture of where those tables were? A. Which?

Q. The five cutter's tables and the two cutter's tables?

I can draw lines, that's all, one after the other. That is the Greene street side (indicating), one, two, three, four, five. And those two on this side, one, two.

Q. About how long were those cutter's tables? A. I don't know; about twelve yards, I guess, or twenty, either one.

BY THE COURT:

Q. How long do you say? A. About twelve yards. I don't know; I am not sure about the length of them.

BY MR. BOSTWICK:

Q. Were they as long as this room is wide? A. Oh, twice as much.

Q. Showing you People's Exhibit 1, diagram of the eighth floor, that is the Greene street side of the building and these openings are windows along there, and this is the Washington place side of the building, and there are the passenger elevators, the Washington place passenger elevators, and there is the stairway to go downstairs, and there is the dressing room, and there is a toilet room, and there is a toilet room, and here is a table with machines on it, and another on which -and another and another, five in all; the fire escape is here? A. Yes, sir.

Q. There were two cutting tables, you say, on the side there? A. Yes, sir.

Q. And there are the freight elevators and the stairway nsxt to the freight elevators? A. Yes, sir,

Q. And there was a partition, was there not, in front of

the freight elevators, as indicated there? A. Yes, sir.

Q. And these tables were here as indicated, were they not? A. Yes.

Q. Now, that ruler represents 60 feet; in other words, from there to there is 60 feet. Were the tables as long as that, would you say? A. The tables were from the partition here down to the Washington place side.

Q. The tables ran almost from the partition down to the Washington place side? A. Yes, sir.

BY THE COURT:

Q. How much room was there between the end of the table that was nearest to the partition and the partition itself? A. About two yards.

Q. About six feet? A. Yes, sir.

Q. About how much room was there between the Washington place end of the table and the Washington place wall? A. The same space.

Q. About six feet? A. Yes, sir.

Q. And was that one table running the entire distance from a point six feet away from the Washington place wall to a point six feet away from the partition? A. Yes, sir.

Q. So that there were in here five tables (indicating the blank space marked "Cutting tables"), and over here (indicating place near fire escape), two cutter's tables? A. Yes, sir.

Q. Where did the fire start? A. The fire started at the end of the table near the freight elevators.

Q. Near the end of the cutter's table near the fireight elevators? A. Near the partition.

Q. Near the partition, near the Greene street window? A. Yes

Q. As soon as you saw the fire, what did you do? A. (No answer.)

BY MR. BOSTWICK:

Q. How near were you to the fire when you first saw it? A. At the end of the table there; I was at the end of the table.

BY THE COURT:

Q. You mean at the end of that separate table? A. Yes, sir, on which the fire caught the first time.

Q. Were you at the end of that table which first caught on fire? A. Yes, sir.

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

Q. And you were at the end of that table nearest to the fire at the time that the fire started, is that so? A. Yes, sir.

Q. And were you on the side of the table nearest the Greene street windows, or were you on the opposite side? A. I was near the window.

Q. In other words, you were betwesn the Greene street windows and the first table, is that so? A. Yes, sir.

Q. At the end of that table nearest the partition? A. Yes.

Q. And that you say was the point where the fire started? A. Yes, sir.

Q. And you will say that you were there at the time that the fire did start, is that so? A. Yes, sir.

Q. What was the first thing you did when you saw the fire? A. I spilled a pail of water on it.

Q. And where did you find the pail? A. Right near the table there was a small partition with three pails of water on the top.

Q. Those pails stood on the partition? A. Yes, sir.

Q. Did they stand on a shelf? A. On a shelf.

Q. There was a shelf? A. Yes, sir.

Q. And was that shelf fastened to the partition that was opposite the freight elevators? A. No, sir; it was fastened to the wall.

Q. There was a shelf fastened to the wall; what wall, Greene street wall? A. Yes, sir.

Q. And on that shelf were how many pails? A. Three pails.

Q. Did you get to the place where there was a pail? A. I stood right there; the shelf and the pails was near the table.

Q. How far did you have to go from where you were at the moment when you first noticed the fire to the place where the pail was? A. I didn't have to go any place, it was right there. Our clothes hung over that corner of the table, and the same place the pails were there, too.

Q. You just turned around, is that all? A. That's all.

Q. From where you were standing could you reach a pail? A. Yes, sir.

Q. Did you reach a pail? A. Yes, sir.

Q. When you reached it was there anything in it? A. Yes.

Q. What was in it? A. I suppose water.

Q. What did you do with it? A. I put it on the fire under the table.

Q. Did you at the time when you first saw the fire see a young man by the name of Bernstein? A. I don't remember.

Q. Do you know a young man by the name of Bernstein? A. William Bernstein, I do.

Q. Did you know a William Bernstein on the 25th of March last? A. Yes, sir.

Q. Did you see him on that day? A. Yes, sir.

Q. Did you see him on the afternoon of that day? A. I don't remember.

Q. Did you see him at about the time that you saw the fire? A. I don't remember it from that time.

Q. How many cutters were employed on that floor on the afternoon of the fire? A. About twenty.

Q. They were all men, men or boys? A. Both.

Q. And the work of the cutters, was it done standing or sitting? A. Standing.

Q. About how many cutters to a table? A. It just depends on what work is worked on a table. If there is special work they put more cutters on the table.

Q. That is to say, there as no special position for any particular cutter, but he was called upon to do work from time

to time at different cutting tables, is that so? A. No, sir. Everybody had this table, but if there was any special work they took them away from one table until they finished out the specials, and then he went back to his position.

Q. How many people, if you remember, were working at the table at which you were working on the afternoon of the fire? A. About four.

Q. And how many were working at the cutting table that was next to them? That is, the second table from the Greene street side? A. I was working on both of these tables with a few assistants -- a few helpers; we were about four in all.

Q. About four in all at the two tables nearest to the Greene street side, is that so? A. Yes, sir.

Q. How many were working at the three tables farthest away from Greene street but running in the same direction as the tables that you were working on, on the afternoon of the fire? A. I don't remember exactly how many.

Q. Were there any women working on that floor on the afternoon of the fire? A. Yes, sir.

Q. What kind of work, if you know, were they doing? A. I don't know what kind of work -- by the machines or so.

Q. Did the women do the work sitting or standing? A. Sitting.

Q. On chairs? A. Yes, sir.

Q. And at tables? A. By the machines, not at tables.

Q. Can you tell me how many women were there on that floor at the time that you saw the fire? A. About two hundred.

Q. On that floor? A. No, sir.

Q. Who was it on that floor that did the punching on that afternoon? What was the name of that person, or isn't it done by a person? A. No, sir; it is done by everybody himself.

Q. In other words, you go to a machine that does it, is that so? A. I go to a place where the card is and I take it out and punch it myself and then put it back in its place.

Q. At the moment when you saw the fire, do you recollect whether the women were still seated and working at their machines, or whether the work at that moment had stopped? A. At that moment the work had stopped; they all went to the dressing rooms.

Q. In other words, before you saw the fire, the women on the eighth floor had left their machines, is that so? A. Yes, sir. Just started to go to the dressing rooms.

Q. So you mean by that that they were coming from and moving from their different seats to the dressing room? A. Yes.

Q. Walking out, is that so? A. Yes, sir.

Q. At the time when you first saw the fire, had your card already been punched? A. No, sir.

Q. Did the women on that floor, if you know, have cards punched at the end of the day? A. Yes, sir.

Q. Were the cards that were used by the women on that day, if you know, already punched at the time when you first saw the fire? A. No, sir.

Q. And by "No, sir", what do you mean? That you don't know or that they had not been punched? A. I mean that some girls before they go to the dressing room punch the cards, and some punch them after they go out of the dressing room, after they go down.

Q. So that you don't know, as a matter of fact, whether all the cards of the women had been punched that day or not? A. No, sir.

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Q. You are given a card, is that so? You have a card? A. I don't keep it with me — there is a place where I put it in.

Q. You go to a place where there is a card? A. Yes, sir.

Q. And by putting it into a certain machine it is punched? A. I got to press a handle to punch it.

Q. The time that you saw the fire had you already gotten your hat and coat to go? A. I had it in my hands, but I didn't put it on yet; I hadn't it on yet.

BY MR. BOSTWICK:

Q. How many feet or inches were there between the Greene street wall and the side of the table?

THE COURT: Referring to the table nearest the Greene street wall? A. You mean the wall or partition?

Q. I mean the wall. There is the Greene street wall (indicating); what was the distance between the wall and the table that stood there? A. About a yard, no more.

Q. That is three feet? A. Yes, sir.

Q. That is about that much, isn't it (indicating the width of District Attorney's table in court room)? A. Yes, sir.

Q. Now, if this diagram is drawn to a scale, so that every quarter of an inch represents one foot, it would be just about three quarters of an inch, wouldn't it? A. Yes, sir.

Q. Now, measure three quarters of an inch from the wall there and make a mark, will you? A. (Witness marks on diagram).

Q. Now, you say that that was about where the first side

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of the table was? A. That is the space between the first side of the table --

Q. Between the wall and the side of the table? A. Yes.

Q. How wide was the cutter's table this way (indicating the width of a table)? A.

About a yard wide.

MR. BOSTWICK: How much did we say before?

MR. STEUER: Three feet two inches.

Q. About a yard. Well, now, according to the same scale that would be about three quarters of an inch, wouldn't it? make another mark. Now, these tables run parallel to the wall, do they not? They run the same way as the wall? A. Yes, sir.

Q. Where did this corner of the table commence? How far from the partition? A. I said about two yards before.

Q. That would correspond to about an inch and a half, would it not?

THE COURT: I think upon the basis of the testimony of this witness a diagram can be prepared by somebody which will indicate the location of the tables and the space occupied by them. Not necessarily on the basis of the testimony of this witness, but on the basis of such testimony as there may be in the case on the subject.

MR. BOSTWICK: All right.

BY MR. STEUER:

Q. You are not working for Harris and Blanck now, are you?

A. No, sir.

SAM BERNSTEIN, called as a witness on behalf of the People, being first duly sworn, testified as follows:

(Through Official Interpreter Rosenthal)

(The witness states that he resides at 25Q. East 4th street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. On March 25th, 1911, were you an employee of the Triangle Waist Company, and in the ninth floor of the building at Washington place and Greene streets? A. Yes.

Q. And what was your business -- what did you do? A. An operator, working as an operator.

Q. Do you remember about quarter of five in the afternoon of that day --

THE COURT: Pardon me a moment.

BY THE COURT:

Q. What do you mean by an operator? A. Working at a machine.

Q. Doing what? A. I was making the fronts of the waists, the front part.

Q. You worked at a machine? A. Yes.

BY MR. BOSTWICK:

Q. Now, at 4:45 had the bell sounded? A. Yes.

Q. And were you dressed? A. Yes.

Q. And what first attracted your attention to the fact that there was a fire? A. When I heard the outcry "Fire!" I was standing at my place, and I turned around and I saw the

smoke.

BY THE COURT:

Q. When you say “dressed” do you mean you had the clothing on with which you intended to go into the street? A. Yes.

THE COURT: Now, locate his place.

BY MR. BOSTWICK:

Q. You say you were standing by your machine, do you not? A. I was standing near my machine and was preparing my clothes.

Q. And where was your machine? A. My machine was at the first table, near the Greene street door.

Q. I show you People’s Exhibit 2, and ask you to look at that diagram (diagram of ninth floor). This is Greene street, this is Washington place, this is the Washington place stair way, these are the passenger elevators. Do you know what these are (indicating on diagram)? A. That is the elevators to Greene street.

Q. Those are the freight elevators? A. Yes.

Q. Don’t you speak English? A. No.

Q. Do you know what that is (indicating)? A. The stairway.

Q. Is that called the Greene street stairs? A. Yes.

Q. When you go out from those stairs you go into Greene street? A. Yes, sir.

Q. And when you go down these stairs you go out Washington place? A. Yes.

Q. And you say you worked at the first row of machines near the Greene street side? A. Yes.

Q. And the fire-escape was on this side of the building, (indicating where the fire-escape is on diagram) is? A. Yes.

Q. And were there examining tables near the fire-escape side? A. Yes.

Q. And also near the open court? A. Yes.

Q. And next to the Washington place stairway were there two dressing rooms as shown on this diagram? A. Yes.

Q. And was there a toilet room as indicated on this diagram? A. Yes.

Q. And another toilet room? A. Yes.

Q. Which of these toilet rooms was used by the men? A. The first one for the men.

Q. This one (indicating)? A. Yes.

Q. The one marked "A" in pencil? A. Yes.

Q. And the other one was the women's toilet? A. Yes.

Q. Now were there rows of tables upon which there were machines, as shown upon this diagram? A. Yes.

THE COURT: Let him indicate where his machine was.

Q. Indicate by a mark where your machine was.

THE COURT: Make a mark where you were standing at the time when you first saw the fire? A. I was facing the windows going out into Greene street.

THE COURT: Now, you put initials where you have made the mark.

(Witness places his initials on diagram next his mark, as directed.)

BY THE COURT:

Q. That mark shows where your machine was and where you were standing at the time when you first noticed the fire, is that so? A. Yes, sir.

Q. And you say, as I understand you, that at that moment you were looking toward the Greene street windows, is that so? A. At that time I was occupied in brushing off my coat, and I didn't look at the window.

Q. Where was the fire when you first noticed it? A. Towards Greene street.

BY MR BOSTWICK:

Q. Well, at the very first you heard that there was a fire? A. Yes, I heard an outcry.

Q. And that was before you saw any fire? A. Yes.

Q. When you heard the cry of fire where did you go? A. I was about to go towards the Greene street door, but there was a crowd of people, and one was falling on top of the other.

Q. So where did you go? A. Then I started to go towards the Washington place ---

Q. Did you go over the tables, or did you go around them? A. Over the tables.

Q. Where did you say you went toward? A. Toward Washington place.

Q. Did you go towards the Washington place door? A. Yes.

Q. And when you got to the Washington place door, what did you do? A. I went up to the door and tried to open it.

Q. How did you try to open it? Show us? A. I tried with both hands to open it. (Witness indicating)

BY THE COURT:

Q. What did you take hold of? A. The handle of the door, the knob.

Q. What did you do with the handle? A. I turned it, trying to open it.

BY MR. BOSTWICK:

Q. Was the door locked or unlocked? A. (No answer)

BY THE COURT:

Q. Pardon me. After you turned the handle, what if anything did you do? A. I wanted to open it.

Q. But after you had turned the handle what was the next thing you did with the door? A. I tried to open it either in one direction or the other direction.

Q. When you say you tried to open it, what do you mean? A. I tried to open it, not knowing whether it was open or locked.

Q. Did you open it? A. No.

BY MR. BOSTWICK:

Q. Why couldn't you open that door.

MR. STEUER: I object to that as being his conclusion.

THE COURT: Objection sustained.

BY THE COURT:

Q. Did you look at the door at the time? A. Yes.

Q. What parts of the door did you look at? A. There where the lock was, I wanted to tear it open.

Q. Did you see the lock? A. The handle of the lock I saw.

BY MR. BOSTWICK:

Q. Now, after you tried that door and found that you couldn't open it where did you go? A. Then I went towards the window that leads out into Washington place.

BY THE COURT:

Q. Do you know whether or not that door was locked at the time that you got to it?

MR. STEUER: I object to that as calling for a conclusion of the witness and as incompetent.

THE COURT: I will allow him to answer yes or no.

MR. STEUER: I respectfully except.

A. When I tried it it was closed and I couldn't open it.

BY MR. BOSTWICK:

Q. After you couldn't open it you went to the window? A. Yes.

BY THE COURT:

Q. At the time you got to the door did you see whether or not there was any key in the lock?

MR. STEUER: I respectfully object to that question, and I object to the number of questions that the Court is interposing on this trial.

THE COURT: Yes. The objection is overruled.

MR. STEUER: On the ground that it indicates, or

may indicate — well, I don't like to state any grounds. I just object to it on the ground stated, and I except.

A. No.

Q. When you say "No", what do you mean?

MR. STEUER: I repeat the same objection.

Objection overruled. Exception.

A. I didn't see a key there.

BY MR. BOSTWICK:

Q. Was there any key in the door when you tried it? A. No.

Q. Now, after you tried the door and found it would not open, you went to the Washington place window; then where did you go? A. I saw the fire and the engines had arrived, and I looked down; than they put on a ladder, and I thought I might be able to get down on the ladder.

Q. And then after that where did you go? A. There I couldn't get out, I ran around in the shop.

BY THE COURT:

Q. When you say the shop, you mean the ninth floor? A. The ninth floor.

BY MR. BOSTWICK:

Q. How did you finally get out? A. When I was running around I saw other people over towards the Washington place elevator, and I was pushed in together with them.

MR. STEUER: May I ask for the completion of the answer he made? Pushed in where? He stated it.

THE COURT: We will get it by the next question.

Q. Showing witness diagram (People's Exhibit 2). This door leading on the ninth floor to the Washington place stairs is the same door shown in People's Exhibit 13. I should say this doorway or place for a door. Now, this is the door that you went to? A. Yes.

Q. And this is the door you couldn't get out? A. I didn't.

Q. And this is the Washington place stairway door? A. Yes.

Q. And immediately after that you went to the windows on the Washington place side? A. Yes, the corner.

Q. And then you came back towards the elevator? A. Then I run around about here, and then I ran back again, and other people got there and I was driven into the elevator.

Q. So you know whether you went down the elevator nearest the Washington place or those furthest away from Washington place? A. This I can't know.

BY THE COURT:

Q. But you did go down in one of those elevators? A. Yes.

BY MR. BOSTWICK:

Q. How long have you worked for the Triangle Waist Company? A. About four years.

Q. Did you see any other people go to that Washington place door? A. At that time when I went to the door I didn't see any other person there.

Q. When did you see anybody go to the Washington place door? A. I saw plenty, I didn't notice who they were; whether

they tried the door or not, I don't know.

Q. At night you went out which door, which stairway? A. Greene street stairway.

Q. Do you know Nathan Zollet? A. You mean perhaps Benny Slaver?

Q. Now, at night, when you went out was there any man standing near the Greene street door? A. Yes.

Q. And as the employees went out what would they have to do? A. At the door towards the Greene street exit there was standing a man and he made the girls show their pocketbooks.

MR. STEUER: I protest against this. He did not say anything about anybody making him do anything of the sort. We cannot go on this way, for each time it happens there is an error on only one side.

THE COURT: The protest is overruled. I heard the answer. Proceed.

MR. STEUER: I except.

Q. Are you related to the manager of Harris and Blanck's factory? A. Yes.

THE COURT: I want you to take extra pains, Mr. Interpreter, in the interpretation, both in translating questions and in making answers.

THE INTERPRETER: I am very careful, your Honor.

CROSS EXAMINATION BY MR. STEUER:

Q. How long are you in this country?

MR. STEUER: May I have that answered without the Interpreter?

THE COURT: If he can, yes.

Q. How long are you in this country? A. (Witness answers in Yiddish).

THE INTERPRETER: (Translating) Six years, going on seven.

Q. Where do you live? A. (Witness answers in Yiddish).

Q. Tell me in English? A. (Through Interpreter) I can't speak English; I understand a few words, but I don't talk.

(The following questions are put and answers given through Interpreter Rosenthal.)

Q. Are you a member of the Union, Mr. Bernstein? A. Yes.

Q. How many times have you been to the District Attorney's office? A. I can't remember how many times, but I was there every time I was called.

Q. Well, give us an idea of how many times you were called? A. You mean up to this week?

Q. Yes. A. I think about four or five times; perhaps once more.

Q. The union that you belong to, have they got a lawyer? A. No. I have nothing to do with their lawyer. I have no cases with him.

Q. You are quite sure you had nothing to do with the Union lawyer about this case? A. Nothing at all. I was not at his place once, not even once about this case.

Q. I didn't ask you whether you were at his place, I asked you whether you saw him? A. Yes, I did see him. It happens that at a meeting he is there, but I didn't speak to him.

Q. Well, you held quite a number of meetings, didn't you, at the Union at which the lawyer was present and when this fire was talked about? A. I didn't attend all the meetings. I was there a couple of times at the meetings.

Q. You know everybody got letters, that all the people that worked on the ninth floor got letters to come to see the lawyer, and each person was told exactly what to say about the door on the ninth floor, isn't that so? A. I didn't receive any such letter, and nobody can prove whether I received any letter or had any conversation with him about it.

Q. Will you say letters were not sent out to the girls that worked on the ninth floor by the Union to come there and meet the lawyer?

Objected to. Objection sustained. Exception.

Q. Have you worked for Harris and Blanck since the fire?

A. No.

Q. You were not injured in the fire, were you? A. I left back only my coat and my overcoat; my coat and my overcoat I left behind.

Q. You said you were related to Mr. Blanck, did you not? A. I am related?

THE COURT: To the foreman, I think he said.

MR. BOSTWICK: He said he was related to Mr. Bernstein who is the superintendent and manager for Messrs. Harris and Blanck.

MR. STEUER: I beg your pardon.

Q. The fact is, you are a relative of Mrs. Blanck?

THE INTERPRETER: He said just now "I am related to Mrs. Blanck".

Q. And despite the fact that you are related to Mrs. Blanck you never went back to work for Harris and Blanck after the fire? A. No.

Q. You called at their place of business several times after the fire, did you not? A. No.

Q. You called at their place of business, did you not, several times after the fire? A. I was there that week when I got my wages; after that I didn't go there.

Q. You claim that you were only there once? A. You mean in the shop?

Q. Did you call to see Mr. Blanck on more than one occasion after the fire? A. I didn't see Mr. Blanck more than once after the fire.

Q. Did you see Mr. Blanck and ask Mr. Blanck for five thousand dollars?

MR. STEUER: May I have a direct answer?

THE COURT: Yes, and if he has any explanations they can be made on re-direct. A. Yes, for my father.

Q. You say that you didn't ask it for yourself, but you did ask five thousand dollars for your father, is that right? A. Yes.

Q. You lost a brother in that fire, did you not? A. Yes.

Q. And you told Blanck that if he did not give you five thousand dollars that you would be an important witness against him, did you not? A. About being a witness at the trial I didn't say anything.

Q. You only went there to ask him to give you five thousand dollars, is that right? A. For my father, but I didn't demand it for myself.

Q. Well, you wanted five thousand dollars for your father then, is that right? A. Yes.

Q. Now, when you asked for the five thousand dollars you didn't say anything as to what you would do if he did not give it to you? A. I didn't talk anything about a trial, about anything.

Q. Did you at that time say to Blanck, in the presence of three people, on two different occasions, that if you did not get the five thousand dollars that you would be an important witness against him, and would state that the door on the ninth floor was closed or locked?

THE COURT: Yes, or no to that. A. No.

Q. Did you see a Pinkerton's detective in Blanck's place on one occasion when you were there? A. I didn't go to the place.

Q. I want to ask you particularly now, did you go to the University place loft that Harris and Blanck had after this first happened?

THE COURT: Yes or no?

A. No.

THE SEVENTH JUROR: University place or Washington place?

THE WITNESS: University place, no.

Q. You say you never were in the University place loft of Harris and Blanck after the fire?

THE COURT: Yes or no to that?

A. Only when I went there to get my wages.

Q. Where was it that you asked Blanck for the five thousand dollars for your father? A. That was that time on a Saturday in University place.

Q. How on that occasion didn't you say that you would give Blanck several days to make up his mind, and you would come again to find out whether he would give you the money? A. No.

Q. Did you never come back to get the five thousand dollars? A. No, I didn't come — I didn't ask —

Q. Then do you want the jury to understand that having asked for the five thousand dollars at one time that you dropped the matter entirely?

Objected to. Objection sustained. Exception.

THE COURT: You may leave out "Do you want the jury to understand."

MR. STEUER: Oh, all right, then. All right, your Honor, then I don't except.

Q. Is it the fact, then that after you asked for the five thousand dollars that one Saturday, that you never paid any more attention to it? A. I got my wages and I didn't go near the place any more.

Q. Well, did you get the five thousand dollars? A. No.

Q. Did you never come again about that? A. No.

Q. What did Blanck say when you asked him for five thousand dollars? A. He didn't answer me; he told me to get down, and I did go down.

Q. Isn't it the fact that on one occasion you came there— not the first time — to ask for the five thousand dollars, that Blanck took you to either a Pinkerton man, or to Captain Dominic Henry and told him that you were insisting upon getting five thousand dollars or you would be a witness against him, and that he then told you never to come again, or he would have you arrested? A. No, never.

THE COURT: We will take a recess now. Gentlemen of the jury, you are admonished not to converse among yourselves on any subject connected with this trial, or to form or express any opinion thereon, until the same is submitted to you; you are not to talk to anybody about it or let anybody talk to you about it. Recess till 2 p.m.

(Recess till 2 o'clock p. m.)

After Recess, Trial Resumed.

SAM BERNSTEIN resumes the stand and further testifies.

CROSS EXAMINATION BY MR. STEUER: (Continued)

Q. On the occasion when you came to the factory at University place did you come alone? A. Yes, sir.

Q. On the occasion when you got your wages were you alone? A. Alone; there were other people there, but I came there alone.

Q. And did you go away alone? A. There were other people going away, men and girls. We all together went away.

Q. Now, isn't it a fact that on one of the occasions when you came to ask for the five thousand dollars that you brought a brother of yours along?

MR. BOSTWICK: I object to that on the ground that —

THE COURT: Objection sustained, assuming something not in evidence.

MR. STEUER: I except.

Q. Did you bring your brother along at any time when you came to the place at University place? A. No.

Q. Have you got a brother? A. I have two brothers.

Q. Have you got a brother by the name of Hyman? A. Yes.

Q. Didn't your brother Hyman come along when you asked for the five thousand dollars? A. No.

Q. Isn't Hyman the one that sued for five thousand dollars? A. Yes.

Q. But Hyman was not along when the money was asked for? A. No.

Q. And on no occasion was Hyman with you up at the University place factory of Harris and Blanck? A. No.

Q. When you asked Blanck for five thousand dollars you said, did you not, that he ordered you down? A. Yes.

Q. How many flights did you go down that time? A. I went down stairs.

Q. How many flights of stairs, do you remember? A. Four floors, I believe so.

Q. At any rate you know that it was some floors up, don't you? A. I didn't go up higher; I was in the shop where they were working.

THE COURT: He didn't understand the question.

When you went up to the shop where they were working ~-

and we are speaking of University place --- you went up

some flights above the ground, did you not? A. Yes.

Q. Isn't it a fact that on the occasion when you went to get your salary that you went to the loft on the ground floor, and that is where the salaries are re paid? A. Yes, the wages I got downstairs, not upstairs.

Q. Did you ask for the five thousand dollars before or after you got the wages? A. Before, but on the same day.

Q. Before you got your wages you asked for the five thousand dollars. A. Yes.

Q. Do you know a girl by the name of Dinah Lipschitz? A. Do you mean the bookkeeper?

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

Q. Was she there on the occasion when you asked for the five thousand dollars? A. I didn't notice.

Q. Do you know a man by the name of Fletcher? A. Yes, sir.

Q. Was Fletcher there when you asked for the five thousand dollars? A. No; Mr. Bernstein was there.

Q. Which Mr. Bernstein was there? A. My cousin.

Q. What is his first name? A. Sam.

Q. Is he the superintendent? A. Yes, sir.

Q. He was also there when you asked for the five thousand dollars, was he? A. Yes; he was there.

Q. Do you remember anybody else that was there? A. No.

Q. Did you know Mr. Alter? A. Yes; I know him.

Q. Was he there when you asked for the five thousand dollars? A. No. He may have been in the place but he was not near me.

Q. Do you remember the day of the week it was when you asked for the five thousand dollars? A. It was the next Saturday.

BY THE COURT:

Q. When you say the next Saturday, you mean the Saturday after the fire? A. Yes, after the fire, because that week I had not gone out anywhere.

BY MR. STEUER:

Q. When your brother started the suit against Harris and

Blanck? A. We went together.

Q. Where did you go? A. It was several weeks later.

Q. Several weeks after you asked Blanck for the five thousand dollars? A.

Yes.

Q. Where do you mean that you went after you asked Blanck for the five thousand dollars, together with your brother? A. To a lawyer in East Broadway. We went to a lawyer to give him the case.

Q. And that you say was about two weeks after you asked for the five thousand dollars? A. Not two weeks, more, several weeks.

Q. Well, I want you to state to the Jury the largest number of weeks that you mean by "several"? A. The largest number of weeks may be about two months, because I had heard that other people had commenced suit, and we went there to have talks, and we went for our lawyer.

Q. Don't you know that your suit was not started ~ or your brother's suit, to be technically accurate -- until November 1911? A. I don't know. I was at the lawyer's, and he told me to be patient, and I didn't go there any more.

Q. You say that your machine was right near to Greene street, don't you? A.

Yes, at the first table.

Q. (Showing diagram of ninth floor to witness) You put your name there, or rather, the initials of your name to indicate where you were at the time when you saw the fire? A. yes. (witness indicating).

Q. Between you and the door of the Washington place entrance there were at least seven tables, weren't there? A. Yes.

Q. And at each of these seven tables there were girls working, were there not? A. At that time no one was working there.

Q. Then there was not a single girl working at that time is that right? A. No, the power had stopped.

Q. How long had the power stopped before you knew there was a fire? A. About two minutes, I believe.

Q. Well, now, were there any girls at all between where you were and the Washington street entrance, at the time when you knew there was a fire? A. While I was running no one was in my way.

Q. I didn't ask you whether there was anybody —

THE COURT: Mr. Steuer, whenever you consider an answer as not responsive I will strike it out.

MR. STEUER: No, it doesn't matter, Judge.

Q. I don't ask you whether there was anybody in your way, but I want you to tell those twelve gentlemen and the Judge, whether there were not girls between the space where you marked that you were and the Washington place entrance?

THE COURT: At the moment when you saw the fire?

A. They were on both sides, but not in the way where I was running, no one was in my way, no one touched me.

Q. Were there girls when you saw that fire, or knew there was a fire that were nearer to the Washington place door than you?

THE COURT: Yes or no?

A. I didn't look over there then whether there were any; they were running towards the fire-escape and I was running in that direction.

Q. Now, your answer to the question that I put was that at the fire escape they were very much packed and also at the door at Greene street, wasn't it? A. Yes.

Q. At the very instant when you knew there was a fire there was already a crowd packed together at the fire escape and at the Greene street entrance? A. Yes.

Q. Was there a great deal of excitement in the loft at the very instant that you knew there was a fire? A. Yes, outcries.

BY THE COURT:

Q. I want to ask you again substantially the same question that Mr. Steuer asked you a moment ago. At the time when you first knew that there was a fire, did you see any girl nearer to the Washington place door than you were? And I want a yes or no, or you don't remember? A. Near the entrance there I met a girl — Becky is her name, I don't know the family name.

BY MR. STEUER:

Q. Was this girl Becky the only girl that was nearer to the Washington place entrance more than you were at the instant when you knew that there was a fire? A. No, she was also working at the same table I was working, only on the other side, nearer to Greene street.

BY THE COURT:

Q. Will you pay attention again? At the moment when you first knew that there was a fire, did you observe or see any

girls on that loft who were nearer to the Washington place door than you were? A. No.

BY MR. STEUER:

Q. Do you say that there were no girls that were nearer to the Washington place entrance door than you, at the instant when you knew there was a fire? A. From the other side nearer to the entrance there may have been, but from the place where I was I didn't see any.

Q. Are you able to tell this jury that it is not the fact that after there was the cry of fire on the ninth floor, that a girl opened the door on the ninth floor, saw the flame and shut the door, and then that the girls started to run for the fire escape? A. I don't know.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. How are you related to any of the Blanck family?

A. My father and the father of Mrs. Blanck were brothers.

Q. How are you related to Mr. Bernstein? A. The same.

Q. You were telling of your conversation that you had with Mr. Blanck about the \$5,000 and you started to say something in your own language about "life". What did you say to Mr. Blanck about your father's life or your brother's life or your own life, when you were interrupted?

MR. STEUER: I have no recollection of any interruption, and I object to the question solely on that ground.

THE COURT: I won't say that he was interrupted. But he was on the point of making some explanation, and

I suggested that that would be brought out on re-direct examination.

MR. BOSTWICK: I withdraw the question.

Q. Tell the jury what you said to Mr. Blanck as to why you wanted. \$5,000, and whom you wanted it for? A. I demanded it for my old father and my old mother, because the brother who perished, he was a single man, he could send them much money, while we other brothers could not.

BY THE COURT:

Q. What brother as that? A. The one who was burned.

BY MR. BOSTWICK:

Q. That is your dead brother? A. Yes.

Q. What was his name? A. Morris Bernstein.

Q. And this is what you told Mr. Blanck? A. Yes.

Q. You had gone there for your pay had you not? A. Yes, and at that time I did, when they sent me in the daytime.

Q. And it was the same time you went for your pay that you had this conversation with Mr. Blanck? A. Yes. This was at twelve o'clock, and at four o'clock I was paid, and after that I didn't go there any more.

Q. Did your brother contribute to that support of your father and mother?

MR. STEUER: I object to that as immaterial.

THE COURT: The examination bore on the question of the bias of the witness; I think it bears upon the explanation that he may make. I allow it.

MR. STEUER: I except.

A. Yes.

Q. And he lost his life at that fire? A. Yes.

Q. You didn't come to the District Attorney voluntarily, did you?

MR. STEUER: I object. How could he come any other way? How is it possible he got there any other way?

MR. BOSTWICK: I will withdraw the question.

Q. How did you happen to come to the District Attorney's office the first time that you went there? A. They brought me a paper that I should come to the District Attorney's office.

Q. And did you get a paper every time you came to the District Attorney's office? A. Yes. Whenever I was called I went; otherwise I didn't.

Q. And was it the same kind of a paper? A. No, it was another colored paper than this kind.

Q. Well, it was either brown or pink, was it not? A. (No answer.)

BY MR. STEUER:

Q. Have you gotten of your invitations to call?

MR. STEUER: Put it in, and then we can see it. A. This was the one I received last week when I was called (witness producing a paper).

BY MR. BOSTWICK:

Q. Was it because of your receipt of this piece of paper,

or papers like this, that you called upon the District Attorney's office? A. Yes, whenever I received one I went.

THE COURT: That may be marked for identification. (Marked for Identification Defendant's Exhibit C.) Q. Did you see your brother at or near the Washington place door at the time of the fire? A. No.

Q. Did you see him at all at the time of the fire? A. No. Downstairs I was asking for him but I didn't see him upstairs.

MR. STEUER: May the jury be informed that the papers of this kind (referring to Defendant's Exhibit C for Identification) and similar ones, are nothing but a letter of invitation to the witness to call to see the District Attorney.

MR. BOSTWICK: I object. It being further stated that they are known as "brown" subpoenas.

MR. STEUER: They are not subpoenas at all.

THE COURT: The wording upon the paper may be made to appear; whatever is contained upon the paper in words may be made to appear ~

MR. BOSTWICK: I offer it in evidence.

MR. STEUER: I have no objection to it.

(Received in evidence and marked People's Exhibit 27.)

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

(Through Official Interpreter Moustacki).

DIRECT EXAMINATION BY MR. BOSTWICK:

(The witness states that she resides at No. 309 West 42nd street, City and County of New York.)

Q. What is your present name? A. Mary Cisco.

Q. How long were you employed by the Triangle Waist Company? A. Two years — nearly two years.

Q. And were you in their employ and in their factory on the ninth floor at Washington place and Greene streets on March 25th, 1911? A. Yes.

Q. And that is in the County of New York? A. Yes.

Q. Now, after you had finished your work did you go to the dressing room? A. Yes.

Q. And after you had come from the dressing room, where did you go? A. Then I came out and I went to the dressing room to get my dress and hat, and when I came out of the dressing room I was near the machine where they attach the buttons -- the button machines on the Washington place side.

Q. Is that near the first row of tables? A. (In English) Yes — no, the second.

Q. And how did you know there was a fire? What was the first thing that called your attention to that fact? A. I didn't see any fire, but I saw a certain quantity of girls accumulating at the elevator, and they were shouting and screaming, and I dropped everything and went —

BY THE COURT:

Q. When you say the elevator, what elevator do you mean?

A. The front elevator.

BY MR. BOSTWICK:

Q. That is the passenger elevator, is it not? A. I saw them screaming, and going away from the elevator in front.

BY THE COURT:

Q. What do you mean by "in front"? A. The elevator on the Washington place side.

BY MR. BOSTWICK:

Q. Did you go anywhere near the Washington place door? A. Yes.

Q. When you got to the Washington place door, what did you do to the door, if anything? A. I tried to open it, but I couldn't.

Q. Was that door locked or unlocked?

MR. STEUER: I object to that as calling for a conclusion of the witness, and as incompetent.

THE COURT: I think I will sustain the objection.

She may describe what she saw and what she did.

Q. Could you get out that door?

(Objected to. Question withdrawn.)

Q. Did you try to get out that door? A. I tried to open it but I couldn't.

Q. What did you do to try to open it? A. I took hold of the handle and I turned it and pulled it towards me.

Q. Did the door open? A. No.

Q. After you failed to get out of that door that you tried

to open, and couldn't open, where did you go? A. Then I went to the rear and followed where the other girls went to, and when I saw them all going toward that direction I said to myself, if they will go there then I can't go there, because we will get killed, and I came back and jumped on a table, broke a window and went out of that window, on the fire escape.

Q. Did you have to get onto the table to get to the fire escape?

(Objected to as incompetent. Objection sustained.)

Q. When you went to that door that you could not open, did you see any key in it? A. There was no key, I saw no key.

Q. Now, every night when you ceased to work and went out, you went out by what door? A. On the Greene street side.

Q. Was there a watchman standing there as you went out?

MR. STEUER: I object to that.

THE COURT: That is leading, objection sustained.

MR. BOSTWICK: I withdraw the question.

Q. As you went out was there anyone standing by that Greene street door? A. Yes.

Q. And what did you do as you went past him? A. He would examine the pocketbook.

Q. And was there any other way to get out, so far as you know, excepting that Greene street passageway?

MR. STEUER: I object to that as calling for the conclusion of the witness, and as incompetent.

THE COURT: I will sustain it. You may ask her if she ever did go out any other door except that.

Q. Did you ever go out any way at night except by that Greene street door? A.

Always from Greene street. Sometimes from the elevator from the Washington place side.

Q. (Showing witness People's Exhibit 2) This is the Washington place side of the building? A. Yes.

Q. And this is the Greene street side of the building? A. Yes.

Q. Here are the Washington place elevators. And this is the Washington place door that you say you tried and couldn't get out? A. Yes.

Q. And there is the stairway on the other side of that right door on Washington place, and there is the dressing room next to it, and there is another dressing room right next to that, and here are the ladies' toilets? A. Yes.

Q. And there are the men's toilets? A. Yes.

Q. And there is the sink? A. Yes.

Q. And near there were examining tables, were there not? A. Yes.

Q. And more examining tables near the fire escape? A. Yes, and a table for the bookkeeper ~~

Q. And there is the fire escape? A. Yes.

Q. What did you jump on to get to that fire escape?

MR. STEUER: I object to that as immaterial.

(Objection overruled. Exception.)

A. All the tables where all the waists were on.

Q. And were they in front of that fire escape? A. Yes.

MR. STEUER: I object to that.

THE COURT: Yes. You may ask where they were.

MR. STEUER: I move to strike the answer out.

MR. BOSTWICK: Consented to.

Q. Show us with a pencil where those tables were that you did get on to get to that fire escape?

THE INTERPRETER: The witness would like to know where the window is.

Q. That is one window, that is another window? A. This window (witness indicating on diagram).

Q. Put your initials there? A. (Witness marks on diagram as requested.)

Q. Now, show us that the Greene street end of the building —

MR. STEUER: Do not point to where you want to be shown, Mr. Bostwick.

Q. This represents the Greene street end of the building, does it not? A. Yes.

Q. There are the freight elevators? A. Yes.

Q. And next to the freight elevators were the stairs? A. Yes.

Q. And in front of the freight elevators was a clothes closet, was there not?

MR. STEUER: I object to that as leading and sugges-

tive.

MR. BOSTWICK: The diagram is in evidence as a correct representation of the floor and the place ~~

MR. STEUER: If it is, then it speaks for itself. Why, we will understand there wasn't any entrance to that building at all, that you had to scale fences to get out of that loft, if Mr. Bostwick is permitted to put it that way.

THE COURT: No; they are entitled to show by this witness what the condition was.

MR. STEUER: Unquestionably, your Honor, but not by Mr. Bostwick, unsworn, or in any other way. I have not heard the witness say anything — Mr. Bostwick tells her and she says yes.

THE COURT: Objection sustained.

Q. Was there any clothes closet on the Greene street side of the building? A. I don't remember.

Q. Was there anything on front of the Greene street elevators? A. I don't remember.

Q. Was there any partition? A. There was a partition immediately as you enter from the door.

Q. When you got out of the freight elevator, could you see the whole of the loft, or did you see a partition?

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

THE COURT: Objection sustained.

BY THE COURT;

Q. In stepping out of the flight elevator, what did you see? What could be seen by a person stepping out of the freight elevator? A. (No answer.)

Q. Suppose your back were to the body of the elevator and you were looking in the direction of Washington place, now, what would you see? A. Immediately you come out from the elevator door you see a kind of wooden partition there. It was placed there, I was told — well, I don't know why it was placed there. That partition has not been there a long time.

BY MR. BOSTWICK:

Q. In order to get to the Greene street elevators from the Greene street stairway, did you pass through a door? A. Yes, there is a door there.

Q. And did the person whom you say examined those pocket-books stand inside the loft or outside that door? A. Inside the factory near the partition, the new wooden partition.

Q. Can you point on that diagram, or can you not, to the door which led to the stairway end the freight elevator, Greene street side? A. I don't understand which door you mean.

Q. At the time you went to the Washington place door and found that you could not open it, did you see any other girls near that Washington place door? A. They were there, but with the confusion I don't know who they were.

Q. Were you injured in the fire? A. Yes.

Q. Have you brought a suit against these defendants? A. Yes.

BY MR. STEUER:

Q. You brought two separate suits, didn't you, against these defendants — one in which you want \$5,000 and another one in which your mother wants \$10,000? A. No, one — \$1,000 is the suit by my mother against these defendants, and another one of my own suit — \$5,000.

Q. How did you get downstairs? By way of the fire escape? A. Yes, the fire escape.

Q. When you got to the Washington Place door were there other girls there before you? A. I can't remember, because I was nearly blind there for the excitement.

Q. And smoke, too? A. Yes, a little smoke.

Q. Didn't I understand you to say to Mr. Bostwick — or am I mistaken -- that you did see other girls at the door, but that you could not tell who they were? A. Yes, that is true.

Q. And the fact is that there was a great crowd of girls around the door, isn't it? A. Yes, screaming and crying.

Q. And the fact is that there was a great crowd of girls in front of you, isn't it? A. I couldn't tell whether they were in front or back of me, but there were so many all around.

Q. Well, there was great excitement there at the time, wasn't there? A. Yes, screaming and crying and shouting.

Q. I want you to take plenty of time before you answer the question, I have asked it of you twice, and I want to ask it once more. In front of you — not paying attention to how many girls there might have been in the back of you, but tell these twelve men whether in front of you it is not a fact that there were a great many girls -- in front of you — while you were trying to get to the Washington place side door? A. I didn't count them.

Q. Well, I don't mean that you did count them at all, but I mean you should tell the jury ~ isn't it a fact that there were a lot of girls there in front of you as you were trying to get to the Washington place side door? A. I can't tell you because I gave so many pushes and kicks.

Q. Because you gave so many pushes, or received? Both? A. I gave and I received.

Q. Well, now, of course when you gave the pushes it was on girls that were in front of you, wasn't it? A. I didn't say they were exactly in front of the door, because I would meet them all around me.

Q. Well, they were in front of you, no matter where you went, and they were also in back of you no matter where you went? A. I was throwing them down whenever I met them, no matter whether they were in front or the back. I was pushing them down, I only was looking for my own life.

Q. And that is what the others were doing, too, wasn't it? A. Certainly. I was only looking for a particular friend

of mine, but I couldn't see her.

Q. And the reason why you couldn't see your particular friend was because the excitement was so great, because the girls were running around and because the smoke was getting thicker all the time; isn't that so? A. No, she was not there. There was not so much smoke, but the girl I was looking for was not there, and she was looking also for me and she couldn't find me.

Q. You couldn't see her and she couldn't see you? A. No.

Q. You lost each other? A. Yes. First we were together.

Q. Tell the jury what was the smallest number of girls that was in front of you when you were trying to get to the Washington place door? A. I can't remember that.

Q. Well, isn't it a fact that there was no time when you were trying to get to that Washington place door when there were not at least twenty girls in front of you? A. At a moment like that, there is a big confusion and you must understand that you cannot see anything. You see a multitude of things, but you don't distinguish anything; with the confusion and the fright that you take, you can't distinguish anything.

Q. Are you able to tell this jury whether at any time while you were trying to fight your way toward the Washington place door there were less than ten girls in front of you? A. I told you before that while I was at that door I saw a multitude of girls there, but I couldn't tell you how many there were, at a moment like that. I even cannot tell you

whether they were men or women. I saw a mass of flesh there, but I couldn't tell you what they were.

Q. Was there a single instant while you were trying to make your way to the Washington place door when there was not a mass of flesh so that you could not distinguish men or women, in front of you? A. I couldn't see anything. I saw many persons, but I couldn't tell. If I should tell you now that I saw one party I would tell you a lie, for I couldn't see anything.

Q. You mean if I ask you to give a name, that you couldn't give any name, and I am not asking you to? A. I only saw a mass of flesh there, and I felt like fainting and I couldn't see any more.

Q. You said that when you went downstairs evenings, or when you went home evenings, you went home by the Greene street entrance? A. Yes.

Q. That is, you mean that you went on the elevators? A. Yes. The stairs were too high.

Q. You didn't mean to say that you walked downstairs? You took the elevators on the Greene street side? A. Not with the elevator. Sometimes when we used to work late, we had to work overtime, then the elevator was closed and we had to walk down the stairs.

Q. But ordinarily, when you did not work overtime, you went downstairs with the Greene street elevators? A. Yes.

Q. And you said sometimes you went down by the Washington

street elevators? A. We used at first to go with the Washington place side, but then when they get some new rules out, that only the employes must go through the Greene street side.

BY THE COURT:

Q. When were those rules first made or announced to you? A. After eight months I worked there, the orders were given out.

Q. And you began to work there when? A. It is nearly two years or more.

BY MR. STEUER:

Q. In the last year that you worked there, did you never use the Washington place elevators? A. No, never. I always used to take the Greene street.

Q. Well, now, before you started to go down, only the Greene street elevators, and while you said you sometimes used the Washington place elevators, was there a watchman at the Washington place elevators to look at your pocketbook?

MR. BOSTWICK: What did she just say, Mr. Interpreter?

THE INTERPRETER: She said something about the forelady.

THE COURT: It was not responsive.

A. No, only in Greene street.

Q. You spoke of somebody looking at your pocketbook. Did you mean that if you had a pocketbook in your hand that you opened that to show the man? A. It was compulsory. He wouldn't let us pass unless we did so.

Q. If you had an ordinary pocketbook in which you kept money — A. No.

Q. You mean if a girl had a handbag or a parcel? A. I had a large pocketbook — I don't know about the others — but I had always to open that book.

Q. As you went by the man you opened it and showed him you were not taking any goods or embroidery or lace? A. Yes.

Q. Who was it that gave you the orders that you should not use the front elevator? A. All the girls said that they got orders not to go to that elevator.

MR. STEUER: I move to strike out the testimony elicited by your Honor, that there were any such orders given, and also the testimony that there was any such order given.

MR. BOSTWICK: I would like to have the record read to see whether counsel for the defence did not himself bring that out.

MR. STEUER: You will see that I did not ask a question about it, but it is quite true that the witness made the voluntary statement that there were orders given and—

THE COURT: I should be disposed to strike it out. Appropriate questions may be addressed to this witness for the purpose of ascertaining whether she knows whether such orders were or were not given. But, as the matter stands now, I will strike it out.

MR. STEUER: I will take the risk of asking that my-

self, on your Honor's suggestion, to show you that I am perfectly willing to elicit anything that will aid the trial.

BY MR. STEUER:

Q. Did you ever hear Mr. Blanck or Mr. Harris give any order to any girl in the place on any floor, eighth, ninth or tenth, that they should not use the front elevator? A. No, but everyone told me.

MR. STEUER: Now, I move to strike that out.

THE COURT: I will strike it out.

Q. Did you ever hear Sam Bernstein give an order to any girl that she could not go down by the Washington place elevator? A. No.

BY THE COURT:

Q. Did you ever see any notice posted up on the walls regarding what elevators were to be used? A. No.

BY MR. STEUER:

Q. Do you know a man by the name of Sam Bernstein that worked at a machine on the ninth floor? A. No. I never used to talk with the men there.

Q. As you came into the courtroom this afternoon, just before you went on the chair, did you see a man walking out that had been on the chair?

THE COURT: He can be brought back if you want, for the purposes of identification.

MR. RUBIN: He has gone back to work, your Honor.

A. No, because at that time I was talking with somebody when I was called in.

Q. Were you in the same room upstairs with anybody by the name of Bernstein this morning, do you know? In the room where the witnesses are? A. No, I was not, and I don't know any person by the name of Bernstein.

Q. You have already said that of the people that were in front of you when you were trying to get to the Washington place door, you could not distinguish any man or woman and could not say whether any particular person was there; have you not?

MR. BOSTWICK: I object to the question.

THE COURT: I think it is the substance of what she testified to; I will allow it.

A. No, I could not.

Q. When you were at work where did you sit? A. The last time, you mean?

Q. Yes. A. Fourth row, towards Greene street, near the window.

Q. When you say fourth row, do you mean the fourth table? A. Yes.

Q. And beginning to count the tables which way? A. From the window on the Greene street side.

THE COURT: Just take a pencil and make a mark.

MR. STEUER: I do not think it would be clear to her yet, your Honor.

THE COURT: Very well.

Q. (Indicating on diagram) That is Greene street and that is first table, second, third and fourth? A. I think this side (indicating).

BY THE COURT:

Q. When you were at work, did you sit so as to face the Greene street windows, or was your back to those windows? A. I had it, facing Greene street.

BY MR. STEUER:

Q. And you fix that you were working then — put a mark anywhere you fix?

(Witness marks on diagram.)

THE COURT: That is the machine that she customarily worked at?

MR. STEUER: Yes.

THE COURT: I do not think her testimony is that she was at her machine at the time of the fire.

MR. STEUER: No, I just wanted to get her located.

BY MR. STEUER:

Q. You had stopped work before you knew anything about a fire, had you not? A. No, no; we didn't know anything about the fire when we ceased work.

Q. There rings a bell when the power is shut off and then one stop work, isn't that it?

A. Yes, sir.

Q. When the bell rang and you stopped work, what did you do then, do you remember? A. I went to the coat room and took

my hat and coat and came out and I went near the table where they attached the buttons ~~ called the button table.

Q. Where was the coat room to which you went? A. On the Washington place side.

Q. Well, they have got some rooms over here (indicating) marked "dressing rooms"? A. The one near the toilet I went to.

Q. Well, both of them, according to this diagram, seem to be — A. Not the one near the elevator, but the next one.

Q. Well, then, that would be —

THE COURT: She larger room, isn't it?

MR. STEUER: It looks a little larger.

THE COURT: Well, the one nearer the fire escape.

MR. STEUER: Yes, sir.

Q. And did you get your hat and your coat? A. Yes.

Q. Do you remember whether you put them on or not? A. On my arm, I didn't put it on yet.

Q. And where did you go from the dressing room? A. At the table where they sew the buttons on.

BY THE COURT:

Q. And where is that table? A. That is this one (indicating).

THE COURT: Make a mark there and put your initials there.

A. Just right here (witness marking as directed).

BY MR. STEUER:

Q. Did all the girls get up and go to the dressing room

when the bell rang to stop? A. We all got up to go and get dressed.

THE COURT: The witness has indicated as the position of the button table the end of the second table nearest the fire escapet the end furthest away from the Washington place side of the second table.

Q. Was the button table a separate table? A. No, there is one end where I have marked here, where they make the buttons, four machines for the buttons; further down is where they make the button-holes and so on.

Q. When you were over here at the button table where you have marked on this diagram, the first thing that you heard was shouting and screaming that attracted your attention? A. Yes.

Q. Where did the shouting and screaming come from? A. (Witness points at the passenger elevator on diagram Exhibit No. 2.)

Q. And that is right alongside of the Washington place staircase? A. No, they were standing in front of the elevator, screaming.

Q. The people were in front of the elevator at that time? A. Some of them.

Q. Well, now, from that moment on did the excitement begin? A. Yes.

Q. And then the people began to run all around? A. Yes.

Q. And scream? A. And cry.

Q. And you were running into each other and throwing each other out of the way? A.

Yes.

Q. From there at the end of the button table, when you heard the screaming, did you get excited yourself? A. Sure.

Q. And you got mixed up, did you? A. Yes.

Q. And you ran around, too, did you, like the rest? A. No. My first idea was to find out what it was. I went right in front of the door.

Q. How many girls did you run into between the time that you were at the button table and while you were going over to the Washington place door? A. I didn't count them.

Q. And you can't tell? A. I can't tell.

Q. You have no idea? A. No.

Q. And at this time the smoke was coming from every direction, was it not?

A. Yes.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. When you had your hand on that door and trying to open it and it wouldn't open, were you running around the room?

MR. STEUER: I object to the question. In the first place it includes an absurdity, and, in the second place it assumes a fact which is in great doubt in this case. She certainly would have been a marvel if she had her hand on that door knob and could then be running around the room.

MR. BOSTWICK: This witness has testified, in no unmistakable language, that she took hold of that door.

THE COURT: No one questions it. This witness has testified as to what her movements were, and she has testified, as I recollect the evidence, that she did go to that door and as to certain things she did while at the door; she has testified as to doing certain other things. I will sustain the objection to the question on the ground that it is manifest that when the witness stated that she was running around she was not referring to the time, as she has testified, that she was at the door.

Q. When you had your hand on the knob of that door, as you have testified, and pulled it and it wouldn't open, were you mixed up?

MR. STEUER: I object to that on the ground that it bases a second hypothesis on a former that is in no way connected.

(Objection overruled. Exception.)

A. Certainly. I took a terrible fright.

Q. And is that what you mean by "mixed up"? A. Sure.

Q. How did the foreladies go out of that floor? A. How do I know?

Q. Do you know what elevator they went down by? A. I don't know, because I couldn't go through the elevator myself so I don't know.

MR. STEUER: She is evidently thinking of the time of the fire. Do you mean to ask her on other occasions? I think she really had reference to the time of the fire.

Q. I am speaking now of every day? A. I couldn't tell, because we used to go home ahead of the foreladies.

Q. When you had your hand on the knob of that Washington place door and pulled it and it wouldn't open, were any girls in front of you at that moment?

MR. STEUER: Objected to as leading and suggestive.

(Objection overruled. Exception.)

A. They were all over.

BY THE COURT:

Q. Were there any at that moment between you and the door itself? A. Once I had my hand on that door knob no one could take it away, I was there alone, but all around me there were people.

RE-CROSS EXAMINATION BY MR. STEUER:

Q. And at the time when you got your hand on the door knob, these girls or men, or whoever they were, behind you, were crowding on top of you, weren't they? A. Yes, they used to push me and rush and knock me about.

Q. From every direction? A. Every way.

Q. And when you said that you were mixed up and excited, you mean that you didn't know what you were doing? A. I was half crazy, I didn't know myself what I was doing.

BY MR. BOSTWICK:

Q. Have you now any doubt in your own mind about the movements that you have testified to here to-day?

MR. STEUER: Objected to as being simply asking a witness to corroborate herself.

THE COURT: Objection sustained.

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

(Through Official Interpreter Rosenthal.)

(The witness states that he resides at 607 Morris Street, Philadelphia.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Were you in the employ of the defendants, Harris and Blanck on March 25th, 1911?

A. Yes.

Q. And did you work on the ninth floor of the building at the corner of Washington place and Greene street? A. Yes.

Q. Where were you when the fire broke out? A. I was at the machine.

Q. Did you have any sisters at work there? A. Yes, two sisters.

Q. As soon as you knew that there was fire in the building what did you do? A. Before the firm broke out I told my younger sister to go downstairs, she should go and dress herself.

Q. How did you first know that the place was afire? A. At the second table there was a passage way towards Greene street and I was standing there; there was a lot of people standing near me -- Jake Klein was there, and his cousin, and the forelady Fannie was there; they didn't stay near me, and I looked around where I was, when I saw from the direction of Greene street flames come up near the dressing room. When I ran over there to take my coat to the dressing room there was fixed a piece of wall — it was only fixed up lately — and I

wanted to run out to the Greene street side with the steps; I remembered that my sisters imre there and I ran towards the door of Washington place. At the side where the examining tables were there were a lot of people, they were standing on the tables. Then I ran to the door and I found a crowd there at the Washington place side ~—

MR. STEUER: Now, wait a minute. I object to what the people were saying, or anything like that.

THE COURT: Yes; don't say what was said; what did you do?

A. (Witness continuing) I pushed through the crowd which was near the door, and I tried the door to go out to Washington place; I couldn't go out there.

Q. What did you do in your effort or your trial to get out the Washington place door? A. I took hold of the handle, and I was pulling it.

Q. When you say handle do you mean the door knob? A. Yes, the handle of the door knob.

Q. Look this way, Mr. Witness. Do you mean this part of the door here (indicating door knob on door in court room) A. Yes.

Q. And did you take hold of that? A. Yes.

Q. Jnd did you turn it? A. Yes.

Q. Did you try to pull it? A. Sure, yes, and I tried to pull it, then I heard the elevator coming up, then I pushed myself into the crowd and into the car of the elevator.

Q. Did either of your sisters get out?

Objected to. Question withdrawn.

MR. STEUER: Objection withdrawn. It doesn't make any different.

Q. Did you see anybody near that Washington place door that you knew? A. Yes, I did.

Q. Who? A. Jake Selzer was standing at the door, he couldn't come in; and there was another one who came in, Charles Gorsky is his name; he is alive.

Q. Is Jake Selzer alive? A. No.

Q. How long have you worked for the Triangle Waist Company?

A. About two years and a half or three years. I don't remember exactly.

MR. BOSTWICK: Counsel for the defendants said he objects to this or any witness stating what was said by bystanders under these circumstances. Would your Honor like to hear me upon that proposition? I have strong feelings about it and have given the matter most careful earnest consideration for a couple of months, and I should not like, knowing that this our last court of appeals ~~ we have no exception, we have no appeal — I should like to be heard before the final ruling is made upon that very important matter.

THE COURT: I think you may submit a memorandum and I examine it between this and Monday.

MR. BOSTWICK: All right. I will refrain asking this

witness any questions at this time on that point, so it will be reserved.

THE COURT: You may likewise, Mr. Steuer, submit a memorandum on that proposition, if you care to. It will be understood, Mr. Bostwick, that in the event that I conclude that you have the right to ask the questions, you may resume your examination of the witness.

MR. BOSTWICK: Unfortunately this witness returns to Philadelphia to-night and I will lose that opportunity, but I will —

THE COURT: Have you got your authorities here now?

(Authorities handed to the Court by Mr. Bostwick.)

THE COURT: Have you any New York case on the point?

MR. BOSTWICK. It never has been decided in the State of New York, sir, as far as I know. And the particular cases the New York Court of Appeals passed upon were statements made after the accident and not at the time.

THE COURT: Have you any authority on the point, Mr. Steuer?

MR. STEUER: No, may it please your honor, I have not. I have not considered the possible propriety of testimony of this kind.

THE COURT: I do not care to hear you orally now, but I may afterwards.

MR. BOSTWICK: I do not ask your Honor to make a ruling in the case of this witness, because there will

be several other witnesses from whom the matter can be equally well brought out.

THE COURT: Under those circumstances I will take it under Advisement.

CROSS EXAMINATION BY MR. STEUER:

Q. After you heard the bell to stop work you spoke to one of your sisters? A. No, the sisters weren't there.

THE COURT: On the direct examination of this witness I don't think his exact location at the time he heard the cry of "Fire" was marked out on the diagram.

MR. STEUER: I will go into that in a moment, your Honor.

Q. Didn't you say before that you told your little sister, your younger sister first to go downstairs, and then after you changed it that she should put her clothes on? A. No, I told her she should dress herself and come back.

Q. Well, that was after the bell rang to stop work, wasn't it? A. No. I told her that while we were still working. I always used to do that because she was working near me and I told her that.

Q. Told her to go and get dressed before the bell rang? A. Yes.

Q. Did she go to get dressed before the bell rang? A. Yes.

Q. Is it not a fact that they were not allowed to stop working until the bell rang? A.

Some of the working men were working by the week for the boss, but she was working for me.

under me.

Q. So that you could tell her to stop or go whenever you liked? A. Yes.

Q. Did you stop when you heard the bell? A. Yes.

Q. And did you stop before you knew there was a fire or after you knew there was a fire? A. I knew it after the bell had rung.

Q. Where did you sit in that loft, or in that shop? A. At the third table; my number was 85.

Q. The third table from where? A. (In English) From Greene street.

Q. And about where on the third table did you sit? A. Towards Washington place, the number was 85.

Q. Tell us again -- the third table from Greene street? A. Yes.

Q. Well, there is the first table from Greene street, (indicating), then this would be the third? A. It was the passageway on the second that I mentioned before. I was sitting about here.

THE COURT: Mark it and put your initial. there.

(Witness marks diagram as directed by the Court.)

BY THE COURT:

Q. When seated at work was your back to Greene street? A. Yes.

Q. And your face to the Washington place stairway? A. Towards the elevator, Washington place.

BY MR. STEUER:

Q. When you got up when you heard the bell rung where did you go? A. I went through the passageway (indicating an opening at the second table).

Q. And that is where you were standing? A. Yes, and here I was standing (indicating).

MR. STEUER: Indicating the point at which the second table begins its second division, nearest the north wall of the building, is that correct, your Honor?

THE COURT: That is right.

Q. Did you stand there all the time, or did you go anywhere from that point before you started for the Washington place door? A. I was standing here and the others I have mentioned were standing here also.

Q. You mean by the others Jake Klein? A. Yes.

Q. And his cousin? A. Yes.

Q. And Fannie? A. Yes.

Q. Whom you said was a forelady? A. Yes.

Q. When you were standing there, is that the point at which you first learned there was a fire? A. While I was here the others left me and I went towards the dressing room. Before I had reached that place I saw fire already in the windows on the Greene street side.

THE COURT: The witness indicated on the diagram that he moved along a passageway between the first and second tables in the direction of the Greene street freight

elevators.

MR. STEUER: He was moving in that direction, Your Honor, intending to go to the dressing room on that side.

THE COURT: Intending to go to the dressing room on that side.

Q. After you saw that there was fire did you go to the dressing room at all? A. Yes, and I went down to the dressing room to take my coat.

Q. And to get your coat? A. Yes.

Q. Have you got the same coat still? A. The same coat here.

Q. You then started to go down to the Greene street court did you not? A. Here is the dressing room and I went along the dressing room.

THE COURT: The witness indicates that he moved along the loft side of the partition separating the dressing room from the hall and stairwell on the Greene street side.

A. (Witness continuing) After I had taken the coat out of the dressing room I came over to a place where there was a partition. There was no fire as yet. There was a passage to go through to the freight elevator.

THE COURT: Indicating the door on the Greene street side, leading out of the loft to the stair-well.

A. (Witness continuing) Then I remembered my sister, then I ran up.

Q. I want you to please the the jury how far you got towards the elevator on the Greene street side? A. I didn't get to the elevator; I came to the point where I have indicated and then ay sister came to ay mind and I ran for her.

THE COURT: And the point indicated is the doorway leading out to the stairs on the Greene street side.

Q. As you were standing, or as you were walking, or when you got to that point that you have just indicated, your sisters came to your mind? A. Yes.

Q. And when you thought of your sisters then your object was to find your sisters? A. Yes.

Q. Did you cry out for your sisters then? A. Yes.

Q. You ran around and called out your sisters' names? A. I called my younger sister, because the older sister was sitting far away.

Q. Was sitting a distance away? A. Yes.

Q. You were calling out your younger sister's name, is that right? A. "Sarah! Where is Sarah?" "Surka", I called her, in Yiddish, and "Sarah".

Q. You were calling out your sister's first name and saying "Sarah", or "Surka," "Where is Surka Brenman?" A. I said, "Surka, where are you?"

Q. And then did you keep running around to try to find her?

THE COURT: Witness indicates with his finger on diagram.

A. When they came to my mind I started to run towards in the direction of the examining tables, and a lot of people were standing on the tables (indicating a point about opposite the fire-escape).

Q. Go ahead and tell what you did? A. On the tables were standing a lot of people, and I didn't see my sister there, and then I ran towards the Washington place door.

THE COURT: Indicating with his hand, running about around the row of columns nearest to the Washington place dressing room side.

Q. And then you say that you pushed your way through the girls? A. Yes, and I ran up to the door.

BY THE COURT:

Q. When you say the door, what door do you mean? A. The door leading out to Washington place.

BY MR. STEUER:

Q. Didn't you meet a man there by the name of Sam Bernstein? A. I didn't look at the particular man — there were lots of men.

Q. Didn't a man by the name of Sam Bernstein have hold of the door knob? A. I didn't look exactly at him, as he was holding a door.

Q. Well, did you see a man that had hold of the door knob? A. I saw a lot of girls and boys and I pushed some aside and I myself tried the door.

Q. Did you see a girl standing there by the name of Bucelli,

who was holding her hand on the door knob? A. I don't know them by name.

Q. Well, did you see a girl there that had her hand on the door knob and held onto it and was trying the door? A. I don't remember it.

Q. While you were running around coming from the Greene street dressing room, the dressing room on the Greene street side, near the freight elevators, all the way over to the Washington place door, did you run into girls? A. I don't remember, I don't know.

Q. Do you know whether any girls or men ran into you? A. I can't remember it.

Q. Were you thinking of the flames at all at that time that had come in through Greene street? A. Yes.

Q. Wasn't the place getting all full of smoke and flames from everywhere? A. When I got to the elevator, then the smoke and flames came from different sides.

Q. Did you get excited at all? A. A little.

Q. Very little? A. Not very little, but more than a little.

A. Isn't it a fact that you were all excited and didn't know what you were doing? A. I had in my mind my sisters, and I couldn't look at things around me.

Q. Well, in order to find your sisters you were looking at the people that you were running into, weren't you? A. I only looked at the hats, because she was dressed already, and didn't

look at the faces.

Q. Did you look at the hats of the girls? A. Yes.

Q. Did you see your sister? A. If I would have seen her I would have taken her along.

Q. Then you didn't go all around to see where she was? A. At the tables the people were all near the fire-escape and the elevator, none of them were near the tables.

Q. The girls were either massed over here by the fire-escapes, or they were bunched together over on this side (indicating the Washington place elevator)? A. Yes.

Q. Didn't the girls run right over to the ninth floor windows and begin to jump? A. At this side, near the elevator.

Q. Well, there weren't any windows on the elevator side, were there? A. I mean the Washington place side.

Q. The girls ran over to these windows and began to jump? A. Not near Greene street, but nearer the Washington place entrance.

Q. I am speaking of the Washington place side. That is you saw them run and jump?

MR. BOSTWICK: He says near the Washington place entrance as distinguished from the Washington place side. It is all on the Washington place side, but he says it is near the Washington place entrance rather than the Greene street end.

MR. STEUER: Well, we understand that much. We both had our fingers in the excitement right near the spot (on

the diagram). You seem to be terribly afraid somebody is taking advantage of you, Mr. Bostwick.

THE COURT: The witness indicates a point on the diagram at the third window, starting from the side furthest from Greene street on the Washington place side.

MR. RUBIN: Washington place end.

Q. Was there a great deal of screaming? A. Yes.

Q. Which elevator did you get into and go down? A. The second elevator from Washington place.

THE COURT: Indicating the one furthest from the Washington place wall of the building.

Q. While you were there you tried the door knob, did you? A. What? Which?

Q. Did you try any door knob at all? A. Yes; the door from the Washington place side I did.

Q. Did you try any other door knob? A. There is no other door to go out.

Q. Did you see any other people try that same door knob? A. I didn't see them. I pushed them away, I didn't find them at the door.

Q. Do you mean to say there was not a big crowd wherever you went, behind you all the time? A. Everywhere I say there were people they were.

Q. The people at the Washington place door allowed you to crush through them and you threw them all onside, did you? A. I pushed through by force.

Q. Weren't they pushing with all their force? A. They were girls who felt faint and they couldn't withstand my force.

Q. Well, were there any men there that could withstand your force? A. I can't remember.

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

Q. Didn't you ever get a letter to come down to see the lawyer of the Union? A. No.

Q. Who is your lawyer that brought the suit against Harris and Blanck? A. I didn't make a complaint, my brother, my older brother did.

Q. Do you know how much your brother sued them for? A. No, I don't know.

Q. Your brother wants \$75,000 in one case, doesn't he?

Objected to. Objection sustained. Exception.

MR. STEUER: Is it on the ground that he has no knowledge?

THE COURT: He says he has no knowledge.

MR. BOSTWICK: I ask that it be stricken out.

RE-DIRECT EXAMINATION BY MR. BOSTWICK:

Q. Do you know Fannie Lausner? A. I don't know the second name.

Q. Lanser? A. Lanser, some thing like it; it is the forelady.

Q. Where did you see her last? A. She was near me where I pointed out at the second table.

Q. Is that the last time you saw her? A. Yes.

THE COURT: Gentlemen of the jury you are admonished not to converse among yourselves on any subject connected with the trial, or to form or express any opinion thereon, until the same is submitted to you. You will not talk with any one about the case or allow any one to talk with you about the case, you will not visit the premises referred to in the testimony, and you will not read any newspaper account relating to the trial.

(The Court now directs an adjournment to Monday, December 11, 1911, at
10:30 a. m.)

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