

*Kheel Center for Labor-Management Documentation &
Archives*

*Transcripts of Criminal Trial Against Triangle
Owners*

Cornell University ILR School

Year 1911

Vol. 3, sec. 7 (pp. 1803-1901).
Testimony by workers; and by Isaac
Harris, co-defendant/owner, who
describes earlier fires, petty thefts by
workers, inspection of pocket-books,
layout of premises

ROSE COHEN, called as a witness on behalf of the defendants, having been first duly sworn, testifies as follows: (Through Official Interpreter Rosenthal)

(The witness states that she resides at 381 Marcy avenue, Brooklyn.)

DIRECT EXAMINATION BY MR. STEUER:

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

Q. Have your wages been raised since the fire? A. No.

Q. What did you do when you worked for Harris and Blanck before the fire? A. I was a sleeve setter.

Q. Is that work at a machine? A. Yes, sir.

Q. Where was your machine? A. In the first row from the Washington place door.

Q. Which way when you were sitting down were your eyes? A. Towards the door.

Q. Did you ever go in and out of that door towards which your eyes were? A. Yes, once in a while the forelady from the eighth floor used to call me to work for a couple of hours there, and then I went with her through that door.

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

Q. And you used to go down to work for a few hours with the eighth floor forelady? A. Yes, with the forelady.

Q. How often did you go from the ninth floor to the eighth floor through the Washington place door? A. Sometimes a couple of times a week, sometimes once a week, just as I saw anybody.

Q. From where you sat were your eyes right on that door?

A. Yes.

Q. Did you see people come in and go out of that door every day?

MR. BOSTWICK: I object.

Objection sustained. Exception.

MR. STEUER: What is the objection to that, may I ask your Honor.

THE COURT: It is leading.

MR. STEUER: I don't know how to put that any different.

BY THE COURT:

Q. What if anything did you see with respect to the Washington place door? A. What do you mean?

Q. When you saw that door at the time when you saw it, was it open or closed? A.

It was closed, but whether it was locked, I don't know.

BY MR. STEUER:

Q. You went through it sometimes, you say, with the forelady? A. Yes.

Q. Did you ever see anybody else go through it? A. Yes, the bosses and the fore ladies and other people, I don't know who they are.

Q. Where was the key to the door, if you know? A. In the door it was.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. At night when you went home how did you go out, and

how did the other employees go out? A. We used to go by the Greene street elevators.

Q. And did any go down the Greene street stairs? A. Not I.

Q. Did you ever see anybody at night when you were going home go down the Washington place stairway to the street? A. No.

Q. You are still in the employ of Harris and Blanck, at what place? A. For Harris and Blanck, 16th street, corner of Fifth avenue.

Q. You are not related to Ray Cohen, are you?

MR. STEUER: Probably that is Rachel.

A. No.

Q. Or Jennie Cohen? A. No.

Q. Or Ida Cohen, or Ida Wallinsky? A. No.

Q. Nor Sallie Cohen? A. I had no relatives there at all.

Q. Were you there the day of the fire? A. Yes.

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

(The witness states that she resides at 405 Miller avenue, Brooklyn.)

DIRECT EXAMINATION BY MR. STEUER:

Q. What floor did you work on when you worked for Harris and Blanck? A. I worked on the ninth and eighth floor.

Q. What floor did you work on at the time of the fire? A. On the eighth floor.

Q. You work for them now, don't you? A. I do.

Q. And you are related to them, aren't you? A. Yes, sir.

Q. I am a cousin — my mother is a cousin of their wives.

Q. Of both their wives? A. Yes, sir.

Q. When you were working at the time of the fire what did you do? A. I was a time keeper on the eighth floor.

Q. Were you the lady or the person to whom Bernstein was talking? A. Yes, sir.

Q. The manager, at the time when you first heard about a fire? A. Yes, sir.

Q. Will you tell us please where the telephone is on the eighth floor? A. It was right on my desk.

Q. And this other instrument that you had? A. Telautograph? Right on my desk.

Q. Were you the person that used the telautograph at the time of the fire? A. Yes, sir.

Q. When you used to connect it —

BY THE COURT:

Q. At that time which did you use first, the telautograph? A. The telautograph first.

BY MR. STEUER:

Q. With what floor did you have a direct connection? A. With the tenth floor.

Q. And that was the only floor with which you could make a direct connection? A.

Direct connection with the tenth floor only.

Q. If you wanted to send a message by this telautograph to the ninth floor could you do it? A. Yes, sir.

Q. How? A. I had to send my message up on the tenth and wait for an answer until they were connected with the ninth floor.

Q. After they were connected then did you communicate direct from the eighth to the ninth, or would you always have to communicate through the tenth? A. With the telautograph they always answered me through the tenth floor.

Q. Now, we will come to the telephone --

THE COURT: I do not think that is entirely plain.

BY THE COURT:

Q. Do you mean to say that after you had connected with the tenth floor and they had made a connection with the ninth floor that you could talk directly with the ninth floor? A. That is with the telautograph. That is a message, it couldn't talk, I had to write.

Q. But did anybody else? A. No, that wasn't used to the ninth floor. I couldn't use it direct to the ninth floor.

Q. You at the telautograph would communicate with the tenth floor and the tenth floor would make a connection with the ninth floor? A. Yes, sir.

Q. But after that connection was made could you operate the telautograph with the ninth floor just the same as you could with the tenth? A. No.

BY MR. STEUER: Q. If you wanted to 'phone to the ninth floor

you would have to get a connection with the tenth floor? A. Yes, sir.

Q. But after you got the connection through the tenth floor with the ninth floor, then you talked directly to the ninth floor, didn't you? A. Yes, sir.

Q. That is on the telephone? A. On the telephone, direct to the ninth floor-

Q. Did you say that you ever worked on the ninth floor? A. I worked on the ninth and on the eighth.

Q. How long had you worked on the ninth? A. Steady, two years and a half on the ninth.

Q. How long did you work on the eighth floor? A. I worked on both floors about two years.

THE COURT: I would suggest to you, Mr. Steuer, if agreeable, that you ascertain from her first whether she did get a connection with the ninth floor at that time, and how soon she got that connection after she learned of the fire.

Q. How soon after you learned that there was a fire do you do anything for the purpose of connecting with the other floors? A. When Mr. Bernstein left my desk and went over there and I saw smoke, I right away sent a message to the tenth floor or the telautograph.

Q. Have you any way of knowing when you are on the eighth floor working that telautograph whether they get that message on the tenth floor? A. No. They didn't get my message, because

I had no answer. I supposed the wires were wrong.

Q. How do you get an answer on the telautograph? A. By buzzing, I know it, it is right back of me.

Q. There comes a buzz, and then it writes on the paper? A. Yes, sir.

Q. And that is the way you communicate, is it? A. Yes, sir.

Q. Did you get any answer there on the telautograph? A. No, sir.

Q. When you didn't get an answer on the telautograph, what did you then do? A.

I telephoned.

Q. Whom did you telephone to? A. I telephoned to the tenth floor.

Q. Did you recognize the voice after you got a connection on the tenth floor? A. Yes, sir.

Q. Whose voice, do you remember? A. The stenographer's.

Q. That was Miss Alter, wasn't it? A. Miss Mary Alter.

Q. Did you say anything to miss Alter? A. Yes. I said ~~~

MR. STEUER: Do you want what she said?

THE COURT: I think you might as well get it.

Q. Tell us what you said? A. I told her it was a fire on the eighth floor, "Tell Mr.

Blanck about it."

Q. Is that all that you said about it? A. Yes.

Q. At that time did you ask for a connection with the ninth floor? A. No, she answered me right from there, "All right, all right".

Q. And then you did nothing to connect with the ninth floor?

A No, I was still holding the wire for another two minutes and I couldn't talk any more.

Q. You couldn't talk any more? A. No.

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, till the same is submitted to you. You may now leave. (Recess until 2 p.m.)

After Recess, Trial Resumed.

DINAH LIPSCHITZ, resumes the stand, and further testifies.

DIRECT EXAMINATION BY MR. STEUER: (Continued)

Q. When you were working on the eighth floor, what were you doing there? A. I was the keeper.

Q. Time keeper then? A. Time keeper.

Q. Did that take you up on any of the other floors? A. On the ninth?

Q. Only? A. On the tenth sometimes.

Q. But very seldom? A. No — well, a few times during the day.

Q. A few times each day. How often did you go to the ninth floor too the eighth floor? A. I couldn't count.

Q. It was so many? A. So many times.

Q. When you worked on the tenth — well, you did not work

on the tenth? A. No.

Q. When you worked on the ninth floor what were you doing then? A. I was also assistant time keeper.

Q. Did you have to go down to the eighth floor then? A. Not that time I didn't go down to the eighth floor.

Q. You didn't go down there then, you just stayed on the eighth floor, is that right? A. Yes.

Q. When you worked on the eighth floor and went to the ninth or the tenth floor how did you go? A. I went to the Washington place door and to the Greene street door and used the elevators on the Washington place side also.

Q. You went three ways? A. Three ways.

Q. The Greene street stairs but not the elevators? A. No.

Q. The Washington place elevators and the Washington place stairs? A. Yes.

Q. Is that right? A. Yes.

Q. How often did you use the stairs on the Washington place side in going upstairs? A. A few times during the day.

Q. Did you ever find it locked? A. Never.

Q. Where was the key on the eighth floor? A. In the keyhole.

Q. During all the time that you worked on that floor? A. During all the time that I worked on there.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Where do you work now? A. Triangle Waist Company.

Q. Still working with the Triangle Waist Company? A. Yes.

Q. And I think you said your mother was a cousin of Mrs. Harris? A. Mrs. Harris and Mrs. Blanck.

Q. Of Mrs. Blanck also? A. Yes.

Q. And were you present when Mr. Bernstein called out to Mr. Brown, when the fire was first discovered? A. No, I didn't hear Mr. Bernstein talk to Mr. Brown.

Q. You didn't hear that? A. No.

Q. You don't recollect it? A. No.

Q. Do you recall attending at my office on March 29th, four days after the fire? A. Yes, sir.

Q. Do you recollect now that I asked you, or that at that time you said Bernstein said, "Brown, help the girls to the doors"? A. I didn't say that, "Help the girls to the door", I didn't hear that.

Q. You didn't make that statement to me as being the statement of Mr. Bernstein to Brown? A. No, I don't remember that.

Q. Did you see the girls run in both directions, -- to Greene street and to the Washington place side? A. I saw them run to the Washington place door, the most of them.

Q. And at that time did the Greene street door look to you to be on fire? A. Yes, it was on fire, I guess.

Q. When you left the eighth floor did you see anybody on the eighth floor? A. No.

Q. Where were you in the habit of keeping your coat? A. In the Brown, the Machinist's room.

Q. Anybody else keep their coat in Brown's room? A. Mr.

Bernstein.

Q. So that you, Mr. Bernstein and Mr. Brown were the only people who kept your coats together? A. I think so, yes.

Q. In the early part, that is, from the time you knew there was a fire, was the door at the Washington place side leading to the stairway open or closed? A. Open.

BY THE COURT:

Q. When you say open do you merely mean unlocked, as you believe, or was it actually open? A. No, it was unlocked; it was shut but not locked.

BY MR. BOSTWICK:

Q. Was it shut until Mr. Brown opened it? A. Yes.

Q. Were all the doors open? A. They were unlocked.

Q. Do you remember these questions being put to you, and your making these answers:

“Q. Were any of the doors locked? A. All the doors were open. Q. Unlocked? A. Yes, sir.”

Now, this is the particular question that I want to ask you, whether you remember making the answer to me on April 29th, 1911, in my office: “Q. When you say open you mean unlocked? A. Yes, sir. The Greene street door was always open. I used to go down about five or six times during an hour; we never used the Washington doors”? A. I don't remember of saying that.

Q. You don't remember saying that? A. No.

Q. You won't state now that you didn't state that, will you? A. I don't remember whether I stated that or not?

Q. And was this question put to you and did you make this answer: "Q. You used to use the rear door and not the front door? A. Yes, sir." A. I meant the majority used to use the Greene street door.

Q. No, but did you hear that question put to you and did you make that answer? A. I don't remember that question.

Q. Then do you remember this question being put to you, "When you speak of rear you mean Greene street and when you speak of Washington you mean the front? A. Yes, sir."?

A. Yes, I meant to say ~~

Q. No, was that question put to you and did you make that answer? A. I don't remember whether I made that answer.

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

Q. Did Mr. Harris send you to a lawyer shortly after the fire? A. He didn't send me. I told him —

Q. No; did or did not Mr. Harris send you to a lawyer? A. He didn't send me.

Q. He didn't send you? A. No.

Q. Now, did you make a statement to me at the same time in my office: "Is there anything further that you think of? A. When I got down to the place, yes. You asked if anybody suggested that I answer the Journal. When I got in the place I first saw the paper, and I said I never said anything like that, and Mr. Harris sent me to one of his lawyers." A. I asked him to send me to the lawyer.

Q. No; did you make that statement to me? A. I don't

remember that. I wanted to tell you that I wasn't sent there.

Q. No, did you make that statement to me, is all I want you to answer? A. No.

RE-DIRECT EXAMINATION BY MR. STEUER:

Q. What was there about the Journal and a lawyer? Tell us about it?

MR. BOSTWICK: I object to that on the ground that the witness has answered no.

THE COURT: I think I will sustain the objection.

MR. STEUER: I except.

THE COURT: Something else.

Q. What did you say to Mr. Bostwick about a lawyer and the Journal? A. I was talking about a picture in the Journal and underneath was the line, "Dinah Lipschitz, that claims the doors were never locked". I never gave any interview to any reporter of the Evening Journal.

MR. BOSTWICK: Your Honor, she is not stating what she stated to me, but stating other facts.

THE COURT: Yes, strike that out.

Q. Tell us what you said to Mr. Bostwick. What did you say to Mr. Bostwick, if you remember about that lawyer and the Journal? A. I said I come up to the place, and I said there was my picture in the papers and I never said anything to any reporter about locked doors; I says about my going to the doors, I can swear the doors were open. And Mr. Harris says to me, "The only thing you can do is to see a lawyer about it."

I says, "I am willing to see anybody.

BY THE COURT:

Q. Is this what you said to Mr. Bostwick? A. Yes, I am willing to see a lawyer.

BY MR. STEUER:

Q. Did you see a lawyer? A. I went down to a lawyer and next day —

THE COURT: No, we won't go into that.

Q. Did you ever come to my office? A. No, sir.

EMILE W. TESCHNER, called as a witness on behalf of the defendants, being first duly sworn, testifies as follows:

(The witness states that he resides at 445 East 140th street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You are a salesman in the employ of Harris and Blanck, are you not? A. Yes, sir.

Q. And have been for how many years? A. A little over nine years.

Q. You worked for them nearly all the time they were in this Washington place and Greene street building, did you not? A. Yes, sir.

Q. What kind of a salesman are you? I don't mean whether you are good or bad, but are you a road man, city man, or what? A. I am traveling about four months on the road, four and a half months.

Q. Four and a half months you are away from the City, is that it? A. Yes, sir.

Q. During the years that you worked there, you worked before that at the tenth floor, didn't you? A. Yes, sir, on the eighth floor.

Q. Where was the office then? A. I can't just remember where it was at that time.

Q. What floor was it on? A. On the eighth floor.

Q. During the time that you were on the eighth floor did you ever go to the ninth floor? A. Yes, sir.

Q. What would take you to the ninth floor? A. business that I had to do in the factory, getting samples, and other things of that kind. I was always in the habit before I would go out on the road to get my own samples, so that I would go out equipped in proper fashion.

Q. Do you remember on the eighth floor whether the salesmen room, or rooms, whatever it was, whether they were on the Greene street side or on the Washington place side? A. I can't remember, because when they were on the eighth floor I was with them two weeks about that time, and then we had our office over on Broadway, I believe.

Q. You didn't have you office in that building at all at that time, is that the ides? A. No, I just came with the firs as they had moved an office and salesroom to the Broadway place, 733, I believe, from 729.

Q. At that time you were at 729 Broadway? A. Yes. sir.

Q. And had nothing to do with the firm over at the Washington place business at all? A. No, sir.

Q. Then from 729 Broadway, when they took the eighth loft, the office was moved to the eighth loft, is that the idea? A. Yes, sir.

Q. That is when you got with them? A. Yes, sir.

Q. And after that you moved up to the tenth floor? A. Yes.

Q. When you were on the tenth floor where was your office? A. As you get off the elevator on the Washington place side, you walk into a little doorway, and my desk was right in front, well, about six or eight feet from the Washington place door.

Q. Is your desk in what we would call a room or an enclosure, or was it in an open room, and you just had a desk? A. An ante room it was.

BY THE COURT:

Q. Was your desk in the same room as Miss Alter's typewriting machine? A. No, sir.

BY MR. STEUER:

Q. What room would you walk into from the room that your desk was in, if you wanted to go to the show room? A. Through our ante room and into the show rooms.

Q. That led right into the showroom? A. Right into the show room.

Q. So that altogether how far from the Washington place door was your desk? A.

Well, as near as I can judge the measurement about six to eight feet, sir.

Q. Did you have occasion while you were on the tenth floor to go to the eighth and ninth floor? A. Very often.

Q. You know this man Jacobs, who testified here? A. I do, sir.

Q. Is he a friend of yours? A. Yes, a friend of mine. We have been friends for fifteen or eighth years.

Q. Did he ever call to see you while you were with Harris and Blanck? A. Yes, sir.

Q. Was there any occasion when you took Jacobs through the factory? A. Yes, sir.

Q. Do you know this Miss Perrett -- is that the name? A. Yes, sir.

Q. I mean Litt Brother's buyer? A. Yes, sir.

Q. She says that two days before the fire you [went down] — I don't recall whether from the tenth to the ninth floor or from the tenth to the eighth floor — do you remember anything about that? A. Yes, sir, from the tenth to the ninth floor.

Q. How did you go down? A. Miss Perrett came in that afternoon about two or three days before the fire -- I can't just exactly say, but it must have been either two or three days before the fire, and came in and wanted some extra sized waists, and I just happened to be at my desk as she came in and she asked me whether we had any, and I said I didn't believe so. So she said, "Where is Mr. Blanck or Mr. Harris?" and I said "Downstairs", and I opened the door and we went downstairs to the ninth floor, and there we found Mr. Blanck.

Q. Well, now, how did you go from the tenth floor to the ninth floor? In what way, whether by elevator, stairway or what? A. Stairway.

Q. On the Washington place side, sir.

Q. You said that you had occasion to go to the ninth and the eighth floors frequently. When you went down to the ninth or eighth floor tell the jury the different ways that you would go down? A. (No answer).

BY THE COURT:

Q. On this occasion that you speak of, when you reached the ninth floor what did you do? A. I opened the door.

Q. What door? A. The Washington place door.

BY MR. STEUER:

Q. On each occasion when you went downstairs, I want you to tell the jury all the different ways by which you would go down? A. There wasn't a way I didn't go down.

Q. You mean there wasn't a way you could go down that you could go down? A. There wasn't an entrance or door or elevator I didn't use, in the years I have been with them.

Q. Does that apply also to the Greene street elevators? A. Greene elevator or door, or Washington place elevator and stairway ~~ I went all four ways, whichever way was nearest for me to go.

Q. And I suppose if the elevator was handy you went by the elevator? A. Exactly.

Q. Did you on frequent occasions go by the Washington

place stairway? A. Very often.

Q. Did you at any time have to use a key to get in or out of the Washington place stairway door? A. Never, sir.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Still working for Harris and Blanck? A. Yes, sir.

BY THE COURT:

Q. When last before the fire did you pass through the Washington place door to the ninth loft? A. With Miss Perrett, either two or three days before the fire, your Honor.

EVA HARRIS, called as a witness on behalf of the defendants, being first duly sworn, testifies as follow.:

(The witness states that she resides at 25 West 111th street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. You are a sister of Mr. Harris, who is a partner in the firm of Harris and Blanck? A. Yes, sir.

Q. How long have you worked for your brother's firm? A. Seven years.

Q. Do you work with him now? A. Yes, I do.

Q. What floors have you worked on in the Washington place building? A. On the eighth.

Q. Only? A. Only.

Q. Only on the eighth? A. Yes, sir.

Q. Where did you sit on the eighth floor? A. At first I was sitting on the Washington side and then they changed me on

the Greene street side.

Q. At the time of the fire you sat near the Greene street side of the building did you not?

A. Exactly.

Q. Can you remember what table it was? A. Well, it was the first table from the cutters.

Q. Will you tell the jury where you were when you first, know there was going to be any trouble in the eighth loft, or that there was any trouble? A. I was sitting the third machine from the window.

Q. There were windows on the Washington place side, and windows in back of you on the Greene street side; now which windows do you mean? A. Well, I was sitting with my back towards the cutters.

Q. With your back towards the cutters? A. Exactly.

Q. And three machines from the window? A. Exactly.

Q. That would mean windows in the Washington place wall, wouldn't it? A. Well, one window was right this way where I was sitting; I faced the entire Washington side.

Q. You were sitting then just the same way as you are sitting now? A. Exactly.

Q. You sat with your back to the Greene street side? A. Yes, sir.

Q. Then the Washington place wall or this wall that is behind the jurymen? A. The Washington place wall ~~~ I can't quite ~~-

THE COURT: Q. As you were sitting at your machine was the

Washington place wall on your right hand side, or your left hand side? A. At my lefthand side.

BY MR. STEUER:

Q. Are you speaking of the window to your lefthand side, when you say that you sat three machines from — A. Yes, I was sitting the third machine from the window.

Q. Which table of machines did you sit at? And we will count from the Greene street side? A. The first table from the cutters.

Q. That would be the last sewing machine table from the Washington street side? A. Yes.

Q. What did you do when you heard that there was trouble? Or how did you first know that there was any trouble? A. I went to dress myself.

Q. Where did you go? A. I went to the dressing room.

Q. Where was that? A. Washington side, and I went to dress myself when I heard the scream of fire, so we ran right through — I couldn't get my clothes, but I ran right started to the door.

Q. To which door? A. To the Washington side door, and when I came to the door, the door was open and girls were crowding running around the stairs, and of course they pushed me down the stairs, and there I fainted, and I don't know what became of me.

Q. At that time did you get near the door, and did you try the door, and then when you tried the door with your hand.

did you shout out, "My God, the door is locked!"? A. No, I wasn't near the door.

MR. BOSTWICK: This witness being examined on direct examination —

THE COURT: That question that was put was proper within the rules. I will allow it. Her attention may be called specifically.

Q. At the time when you got near the door what was the position of the floor at that time? A. I don't understand what you mean.

Q. Well, I want to know —

THE COURT: Suppose she goes to a door here, if you have no objection. and let her show.

Q. Will you go to that door and show us how the door was when you got to it? A. The door was wide open.

Q. Well, open that door and show us. A The door was wide open, and while the girls were crowding around this place, I followed them, I was running with them. (The witness having indicated with the door in north wall of court room by having opened the door wide open).

No cross examination.

SAM ORANSTEIN, called as a witness on behalf of defendants, being first duly sworn, testifies as follows: (Through Official Interpreter Rosenthal)

(The witness states that she resides at 166 School street, Brooklyn.)

DIRECT EXAMINATION BY MR. STEUER:

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

Q. What do you do for a living? A. An operator.

Q. Did you work for Harris and Blanck at the time of the fire? A. No.

Q. Did you work for them before the fire? A. Yes.

Q. How long before the fire, if you know, did you stop working for them? A. About a year.

Q. You stopped working for them a year before the fire? A. I worked in the second shop.

Q. Oh, you mean you kept on working for Harris and Blanck, but you didn't work in the Washington place building, is that the idea? A. Yes.

Q. So even at the time of the fire you were working for Harris and Blanck, weren't you? A. Yes.

Q. Did you ever work in the Washington place building? A. Yes.

Q. How many years? A. Five years.

Q. What floor? A. ninth floor.

Q. What did you do? A. Sleeve maker, I was.

Q. Where did the sleeve makers work on the ninth floor? A. At the machines.

Q. Where were the machines? A. At Washington place.

Q. The sleeve makers were on the first row of machines, right by the Washington place side, weren't they? A. I was sitting at the second table.

Q. Well, now, did you ever see people come in or go out of the Washington place door? A. Yes.

Q. Whom did you see go in or come out? A. I saw Mr. Bernstein and I used to the see foreladies.

Q. During all the time that you worked there? A. Yes, during the five years I have worked there before the fire.

BY THE COURT:

Q. How long is it since you worked in that building? A. I worked there for five years and then I left them and I worked in the second place.

Q. I want to know how long it is since you worked in that building? A. About a year up before the fire, three months, I worked before the fire.

Q. In other words, you worked there until three months before the fire, is that what you mean? A. No, about six days before the fire there was work.

Q. You mean you worked there until six days before the fire? A No.

MR. STEUER: I get what he says now. He says three months prior to the fire he worked in that place six days.

THE COURT: Very well. Ask him if that is what he means.

A. Six days I worked but it was three months before the fire.

DAVE PUSER, called as a witness on behalf of the defendants) being first duly sworn, testifies as follows: (Through Official Interpreter Rosenthal)

(The witness states that he lives at 70 East 7th street.)

DIRECT EXAMINATION BY MR. STEUER:

Q. What is your business? A. Carpenter.

Q. Did you do any work in the eighth, ninth and tenth lofts for Harris and Blanck, when they were in Washington place? A. Yes, all the time I worked there.

Q. You don't mean that you worked there every day all the time, do you? A. No, not every day.

Q. Tell the jury what work you did for Harris and Blanck on the eighth loft? A. I know there was a dressing room on the eighth floor, a closet for trimmings in front of the elevator, two different doors, the doors that go on wheels.

BY THE COURT:

Q. Sliding doors? A. Sliding doors.

BY MR. STEUER:

Q. Which door did you see? A. On the eighth and ninth floors.

Q. Which side was that those sliding doors were in front of the elevators? A.

Washington place.

Q. How many feet away from Washington place elevator doors did you put these sliding doors that were a half inch thick? A. About six or seven feet.

Q. Is that all that you put in front of the Washington place elevator doors on the eighth or ninth floor? A. Nothing more.

THE COURT: I don't quite understand that situation.

Q. What did the doors rest on, on the floor? A. They were going on wheels on the top, on the floor they stood on nothing.

BY THE COURT:

Q. You mean there wasn't any iron runner or sill that they ran on? A. No.

Q. Nothing on the floor? A. Nothing on the floor.

BY MR. STEUER:

Q. How did they run on top? A. There was an iron where the wheel just fitted on, and that is the way they rolled.

BY THE COURT:

Q. You mean to say you put up an iron bar a certain distance from the floor? A. From the sides there were two boards about seven or eight feet, and on top there was an iron, and on the iron the wheels ran.

Q. And if you wanted to go through to the elevator doors if you wanted to go through that partition, what did you do? A. There were two knobs and one gets hold of the two knobs and push that door.

MR. BOSTWICK: Did he say knobs?

THE INTERPRETER: Handles; they use the same word for it.

Q. On the sides of this sliding partition, running back from the partition to the Washington street wall, was there

anything? A. There was nothing, it was vacant, the partition didn't run to the wall.

Q. Was there any partition that ran in the same direction as the Washington place wall, but from these sliding doors towards the elevator near the Washington place wall? A. No, it was open there.

THE COURT: I am not sure that he understands. A (Continuing) There was a corner there that was vacant.

BY MR. STEUER:

Q. (Showing witness People's Exhibit 2) Here on the Washington place elevators on the ninth floor? A. Yes.

Q. Well, they were just the same on the eighth floor, weren't they? A. Yes, same thing.

Q. Here is the Washington place door to the stairs? A. Yes.

Q. And you made a partition in front of these two elevators, didn't you? A. Yes.

Q. And you said that you built that partition six or eight feet in the loft? A. From the doors, yes.

Q. Now, were the Washington place stairs where that wall went into the loft further than the Washington place passenger elevators? A. Yes.

Q. Did you build this partition that you built from this wall over here in front of the elevators? A. There was a strip on top, I projected the strip, but at the side it was open.

BY THE COURT:

Q. In other words, you had a cross-piece there to hold

these doors in position, so that they wouldn't fall one way or the other, but the sides were open.

MR. STEUER: That is what he said.

A There was on top a board that the iron could be fastened to thought the doors could be held there.

BY MR. STEUER:

Q. But the sides were open? A. The sides were open.

BY THE COURT:

Q. How wide was each sliding door in that partition? A. About four or four and a half feet.

Q. How far apart could they be slid back? In other words, how much of an opening could there be when they went back as far as they would go? A. About seven or eight feet.

Q. Now, you take the sliding door that was nearest to the stairway door on the Washington place side, when that would be slid back as far as it would go how near did it go to the Washington place door? A. It didn't reach the door, - it couldn't reach the door, there was something to prevent it, it shouldn't go further.

BY MR. STEUER:

Q. Did you build the partition, the sliding door partition, in front of the Washington place elevator doors at the same time of the eighth and ninth floors? A. Yes.

Q. Were the partitions the same kind on the eighth and ninth floors on the Washington place side? A. Yes, the same.

Q. Now, you are sure of that, are you? A. Before that

elevator, yes, the same.

Q. I don't remember your answer, ~ did you build them at the same time? A. Yes ~~ not in one day.

Q. Did you work alone or have workmen with you? A. A couple of people worked with me.

Q. You said you built dressing rooms and other things also on the eighth and ninth floors, didn't you? A. Yes.

Q. You did all the carpenter work on all the three floors, didn't you? A. Yes.

Q. Were the partitions on the Greene street side the same on the eighth, ninth and tenth floors? A. On the eighth it was different, there was a kind of a well.

Q. You are speaking of the Greene street side? A. Yes. It was placed there so if the door was opened the wind should not come in.

Q. It consisted of two separate walls, this partition, wooden walls, didn't it? One coming from the Greene street wall and one coming from the northerly wall, and those two partitions meeting, - where the fire escape is? A. (No answer).

BY THE COURT:

Q. (Interposing) Did you at the same time that you made these partitions put in springs, self-closing springs, on the doors? I mean at the time you did your work? A. I didn't make any springs.

Q. I don't mean to the sliding door, but to any other doors? A. At no doors at all.

Q. You didn't put on the spring then on the Greene street door? A. I did not.

MR. BOSTWICK: Will your Honor ask if any springs were there?

THE COURT: There is testimony that on the Greene street door there was a spring.

MR. BOSTWICK: One witness has sworn to it, and the witness or the jury might infer from that that you have passed on that question.

THE COURT: Oh, no, I have not.

Q. Assuming that there was a spring on that door, did you put it on? A. I didn't put on any spring.

BY MR. STEUER:

Q. In the partitions that you built on the Greene street side — we will first take the eighth floor — there was a door; wasn't there? A. Yes, sure.

Q. And was the partition on the Greene street side on the eighth floor the same as the partition on the Greene street side on the ninth floor? A. It was the same, but not quite; about the same.

BY THE COURT:

Q. I understand that you did all the carpentering work in putting up the various interior partitions on these lofts, to fit them up for the business purposes of the defendants, Harris and Blanck, is that so? A. Yes.

BY MR. STEUER: Q. Now, I ask you, while you were doing carpen-

ter work in that place, did you ever go from the eighth floor to the ninth floor and from the ninth floor to the tenth floor? A. Used to go about six times a day when I worked there. Whenever I needed nails the nails were on the tenth floor, and I went up there. Whenever I needed screws I went to the machinist. There was a machinist on the eighth floor, there was a machinist on the ninth floor.

Q. How did you go from the eighth floor to the ninth floor and from the ninth floor to the tenth floor, and how did you go down from the tenth floor to the ninth floor and from the ninth floor to the eighth floor? A. I used to go by the stairs.

Q. Which stairs? A. When I was at the Greene street side I used to go by the Greene street side; when I was at the Washington place side I used to go by the Washington place stairs.

Q. How many years did you work in that place? During what years did you do carpenter work in that building on the eighth ninth and tenth floors? A. Four or five years.

Q. And in each year did you do work on both sides of the building? A. Sometimes for two weeks on both sides. I didn't work there steadily. Whenever they needed me they called me and I did the work. On they ninth floor they had to fix the box for the belts, the belts attached to the machines. And I used to go over and fix it because this was the most important thing there.

Q. What I wish to know is back for the last four years

that they were in that building did you work every year in these lofts? A. Yes.

Q. If you did work on the Washington place side you say that you went up and down by the Washington place stairs? A. Yes.

Q. If you did work on the Greene street side you went by the Greene street stairs? A. Yes.

Q. Did you ever go up and down with the elevator from the eighth, ninth and tenth floors? A. No, I never could wait for the elevator.

Q. When you went upstairs from the eighth, or ninth floor, to the tenth floor on the Washington place side, what did you do, how did you go? A. I went up to the door, opened the door and walked up.

Q. Now, did you ever have to lock or unlock a door in going from one floor to another? A. I never knew that a door was locked when I went up to the door and opened it.

BY THE COURT:

Q. I would like to tell me which doors you yourself placed at any time on the ninth loft? We will start now with the sliding doors on the Washington place side, you put those in, did you? A. Yes.

Q. Did you put the door in on the ninth loft that leads from the loft to the dressing room nearest to the Washington place stairs? A. Yes.

Q. Did you put the door in that leads from the ninth loft

to the dressing room that was nearest to the men's toilet? A. Sure I did.

Q. Did you put in the door leading from the loft to the women's toilet? A. Where was no door to the toilet, - the toilet was separate.

Q. Was there any door leading from the loft to the men's toilet? A. At the toilet there was a door, yes.

Q. Did you put that door in? A. No, that door is from the building, I didn't make it.

Q. There is a partition is there not, around on the Greene street side in front of the elevators? A. Yes.

Q. Was there a door in that partition? A. Yes.

Q. Did you put it in? A. Yes.

Q. Did you put in any other door on the ninth loft, except those that you have already told me about? A. No.

THE NINTH JUROR: Will you ascertain through the witness what the height of the door was from the floor, the height of the partition is on the elevator partitions ~~~

THE COURT: You want to know the height of the —

THE NINTH JUROR: Of the door from the floor and the height of the partition.

MR. STEUER: May I suggest that you question him as to whether in the partition itself he means that he constructed a door or a door way, - a door opening?

THE COURT: I don't quite understand your Mr. Juror, but suppose you put it yourself.

THE NINTH JUROR: Please ask the witness the height of the door from the floor to the top of the door — the elevator door, either one.

THE COURT: You mean the sliding doors?

THE NINTH JUROR: Yes, if they are the same -- he says they are the same, so I am saying "either one."

THE COURT: He put in two sliding doors.

BY THE COURT:

Q. Now, how high were those sliding doors in front of the Washington place passenger elevators from the floor to the top of the doors? A. Seven and a half feet.

Q. How thick were those doors? A. Half an inch.

BY THE NINTH JUROR:

Q. What was the height from the floor to the top of the partition? A. Perhaps one foot more, eight and a half foot altogether.

BY THE COURT:

Q. What were the thicknesses of the doors that you put in other than the sliding doors?
A. Three quarters of seven eighths inch, I didn't make them any bigger than seven eighths inch.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. The doors that you speak of in front of the passenger elevators were hanging screens, were they not? A. No, only the doors were sliding doors.

Q. Was there any part of the partition that did not slide on this roller? A. On the side there must have been, it was necessary to put pieces which didn't slide.

Q. How much of the partition was not sliding partition? A. I can't remember, perhaps about three feet.

BY THE COURT:

Q. You mean these doors slid into a partition? A. When coming from the loft one would take hold of the doors with both hands and open them.

BY MR. BOSTWICK:

Q. Were these handles on the side of the door nearest to the elevators? A. On both sides. When one came from the loft and took hold of the handles, and one came from the elevator, could take hold of the handles—

Q. Will you just show us what kind of handle it was on this paper (going to paper on blackboard at easel in court room); just what kind of a handle it was? A. (Witness draws on paper).

Q. And you put your fingers in so (indicating)? A. Yes.

Q. Something like that (indicating)? A. Yes.

Q. And you would take hold of it so, is that the kind of a handle, something like that (indicating)? A. Yes.

MR. BOSTWICK: Meaning a piece of metal shaped so that the hand could grasp it, when the hand was in the shape of a fist.

Q. The only time that you ever went from one of these

floors to another floor was when you were working there, was it not? A Yes.

Q. And you kept your nails on the tenth floor? A. Not my nails, but I saw there a barrel of nails, and I went there to get some.

Q. You mean that the nails that you used were kept on the tenth floor? A. Yes.

BY THE COURT:

Q. What kind of wood were the doors made of that you put in on the ninth floor? A.

Plain, soft wood.

Q. Pine? A. Pine.

ABRAHAM BERNSTEIN, witness called on behalf of the defendants, being first duly sworn, testified as follows: (Through Official Interpreter.)

DIRECT EXAMINATION BY MR. STEUER:

Q. Where do you live? A. 134 Avenue C.

Q. Mr. Bernstein, are you a relative of the manager Bernstein, the man who was manager for Harris and Blanck? A. Yes.

Q. You are a relative of all the Bernsteins that worked there? A. Yes, I am the uncle of them.

MR. BOSTWICK: There was one testified that he was not.

MR. STEUER: CHANGE THAT to that he was related to most of the Bernsteins.

Q. Mr. Bernstein, where did you work when they had the tenth and ninth and eighth lofts? A. I worked on the ninth floor.

Q. Where? A. Washington Place; there is a door in here (Indicating); and in the back there was a door at Washington Place.

Q. Was your table the first table that a person would see when he came from the Washington Place elevators? A. Yes.

Q. Did you know where the door was that went to the stairs on Washington Place stairs?
A. Yes.

Q. Did you ever see any people going in through that door and going out through that door? A. Yes.

Q. Did you work there in that ninth loft up to the day of

the fire and including the day of the fire? A. Yes.

Q. Did you get through that door yourself to go up to the tenth floor? A. Yes.

Q. Can you remember any particular time when you went up to the tenth floor for any particular purpose. Let him say yes or no. A. I had to go up to Mr. Blanck and I went up there.

Q. Now what was that for? A. My boy didn't feel well and I went up to Mr. Blanck to ask him to send me a doctor.

Q. How did you know that your boy was not feeling well that day? A. They telephoned to me in the shop that I should come home, he didn't feel well.

Q. Did you go up through that door any other time or was that the only time? A. When I was eating my dinner, after I had my dinner sometimes I used to go down and smoke a cigar.

Q. Did you go down through the Washington Place door? A. No, with the elevator.

Q. With the elevator? A. Yes.

Q. I want to know whether you ever used the Washington Place door or stairway door going up stairs or down stairs any other time except that once that you told us about? A. Well I say that I did go, when I was sitting right by the door, I used to go down stairs sometimes and smoke a cigar.

Q. Did you see any people — if you saw any people coming in or going out of that door whose names you know, tell us what their names are? A. I saw Mr. Bernstein, he used to go up all the time; and Mr. Alter used to come in to see whether

is clean, looked in whether it is clean.

Q. Anybody else, tell us anybody else. A Mr. Blanck used to come in once in a while.

Q. Have you told us all you could think of? A. All I say what I know.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Now when you went down to smoke a cigar, you went down from what place? A. From the ninth floor.

Q. To where? A. I used to go down two or three steps and sit down, I used to sit down there and smoke my cigar, because we were not permitted to smoke in the shop.

Q. And would you smoke in the stairway or on the stairs? A. Yes.

Q. And are you sure that you smoked on the Washington Place stairway? A. Well I was sitting there near the door -- I was sitting like here on the witness chair (Indicating) and right in back of me was that door.

Q. Well, were you in the Washington Place stairway when you were smoking? A. Yes.

Q. Well now what do you mean when you told Mr. Sterner that when you went down to smoke you went by the Washington Place elevators? A. Why, when I was smoking, what if I should go down by the elevators.

Q. Well, you said that when you went down, you go down to take a smoke of your cigar. Mr. Steuer said "How"? And you said "By the elevator". What did you mean by that? A. I

didn't say that, I didn't say that.

Mr. BOSTWICK: Mr. Stenographer will you please read what he did say so we can see how near he did say to that.

(The stenographer turned back and read as follows:

“Q. Did you go down through the Washington Place door? A No, with the elevator. Q. With the elevator? A. Yes.”)

Q. Well now did you ever go down during the day time by the Washington Place elevators from one floor to another, that is from the tenth to the eighth, or the tenth to the ninth or up to the ninth and tenth from the ninth to the tenth or the eighth to the ninth or the eighth to the tenth? A. No, I used to sit all day at my work and when I used to go home I used to go with the elevator, otherwise I was sitting all day by my machine.

Q. Did you ever go by the Washington Place stairs to the floor above or the floor below through that Washington Place door? A. I said already that I did go when my boy didn't feel well I went up to Mr. Blanck to ask him to send me a doctor.

Q. Is that the only time you ever went through the Washington Place door on the ninth floor?
A. Twice I did.

Q. What was the other occasion? A. I went to tell Mr. Blanck that he felt better, — the boy.

Q. And did you go there from the ninth floor to the eighth floor or from the ninth to the tenth?
A. From the ninth to the tenth, to the office.

Q. And did you ever know any of the employees to go out by the Washington Place stairway door at closing time? A. I didn't

see it.

Q. Did they go out by the Greene Street way? A. I used to go with the Washington Place side because I sat right near the door.

Q. Was not that Washington Place door on the ninth floor kept wide open at night when the employees went out, and didn't some of them go that way and some of them go by the Greene Street?

A. In summer the doors were open, used to be open; in winter the door used to be closed. I myself closed that door because from the draught I had caught a cold in the shoulder.

Q. Now at closing time did not some of the employees go out by the Greene Street way, and did not others go out by the Washington Place stairs and down those stairs? A. I didn't see it; I didn't look at it; I didn't observe it.

Q. Was not the Washington Place door wide open at closing time? A. Sometimes I saw it open and sometimes I saw it closed; I did not take exact notice of it.

Q. I am speaking now especially when the people were going out at night just as they had quit their work? A. No; I say I didn't take notice of it.

Q. Do you know whether the door was kept locked or not? A. I saw the door was open; I tried the door myself, many times when I went out to smoke my cigar, it was open and the key was sticking in the door.

Q. Was the key in the door on the day of the fire? A. Yes.

Q. How many months did you work for these defendants before

the fire? A. Eight months.

Q. What day was the fire, do you know? A. Saturday.

Q. Do you remember going down to the office of the District Attorney shortly after the fire and making a statement? A. Yes.

Q. Now at the time of the fire, did you remember that there was a Washington Place door there? A. Well, I was sitting right near the door.

Q. Do you remember making this statement to me: "I did not remember there was a way to go down on Washington Place side by the stairway there"? A. No, I didn't say that.

Q. Do you remember saying to me: "That you didn't see any of the girls trying to go through the Washington Street door; I was awfully excited"? A. I say it now that I didn't see any; I didn't take notice.

Q. Did you state to me that that door was – "I knew there was a Washington Place door, that door was always locked."? A. Oh, no.

Q. Did you state to me "I always saw a key inside, I cannot say if the door was locked, but I always saw the key there?"

MR. STEUER: I thought you stated that he said it was always locked.

MR. BOSTWICK: I am reading exactly what I believe to be what the stenographer wrote down that he said.

A. I said there was a key was in the door, I said that.

Q. And did you not say to me: "I never saw anybody go in or out of that door during the whole five months"? A. How

could I say it, I saw them going in and about the working people I could not say it.

Q. Did you say to me: "I never saw anybody go in or out of that door during the whole five months"?

THE COURT: Yes or no to that.

A. I didn't say it.

Q. At that time did you say to me: "On the day of the fire I didn't see the key, I saw the key many times before"?

THE COURT: No, yes or no to that.

A. I said that I did see a key.

Q. No, I want an answer. Did you say what I have asked of you whether you said? A. I say yes I did see a key.

Q. No, I want you to tell me whether you made that statement to me or whether you didn't make that statement to me? A. I said yes, I did see the key; I always saw the key there.

MR. BOSTWICK: I move that that be stricken out as not responsive.

THE INTERPRETER: I made it as clear as possible to him.

THE COURT: Strike that out.

Q. Now to this I must have an answer, to this question, no or yes. I don't wish to know now whether you think there was a key there or not, I want to know whether you spoke certain words in my office when you came down, when you say you came down to the District Attorney's office?

A. I didn't say that.

Q. Do you know the man who interpreted at the time that you

made that statement to me? A. No, I don't remember.

Q. Do you know Joseph Pell? A. No, I don't know him.

Q. Would you know him if you saw him? A. I don't know him; perhaps I might recognize him.

MR. BOSTWICK: I am through with this witness but I would like the privilege of sending for Mr. Pell and having him step aside and then when he arrives see if he can recognize Mr. Pell.

(Witness temporarily withdrawn.)

ISAAC HARRIS, one of the defendants, being first duly sworn in his own behalf, testified as follows:

DIRECT EXAMINATION BY MR. STEUER:

Q. Where do you reside? A. 324 West 101st Street.

THE COURT: Now, Mr. Harris, if you will kindly answer questions so all the Jury can hear you.

THE WITNESS: Yes, sir.

Q. You are a partner of Blanck's, aren't you? A. Yes, sir.

Q. And you have been in partnership with Blanck about how many years? A. About twelve.

Q. Now we can't hear you over here. A. Twelve years.

THE COURT: Try to talk so it is easy for the Jury to hear you.

THE WITNESS: All right.

Q. During all that time, you were in the shirtwaist business weren't you? A. Yes, sir.

Q. Do you remember Mr. Harris how long ago it was that you moved into this building at Washington Place? A. [Nine?]

and ten years.

Q. Nine and ten years. And when you moved in you had one loft didn't you? A. Yes, sir.

Q. That was the ninth? A. The ninth.

Q. Do you happen to remember how long you had the ninth loft alone? A. Well about four years.

Q. About four years? A. Yes, sir.

Q. And then after that you took the eighth loft? A. Yes, sir.

Q. Can you tell us how long you had the ninth and the eighth? A. About seven and one half.

Q. About seven and one half years? A. Yes, sir.

Q. You mean from the beginning -- I mean you had the ninth and eighth together about three and one half years, is that right? A. Yes, sir.

Q. And after that you got the tenth loft? A. Yes, sir.

Q. How when you had the ninth left, of course you had everything on the ninth left, didn't you, or did you have an office in some other building? A. On Broadway.

Q. On Broadway? A. Yes.

Q. That was your office and your show room? A. And show room and some machines.

Q. And some machines too? A. Yes, sir.

Q. And when you took the eighth floor, what became of the office then Mr. Harris? A.

Then we transferred the office to the eighth floor.

Q. From over on Broadway? A. From Broadway.

Q. And what did you do in this business of yours, or what have you been doing in this business of yours Mr. Harris? A. Well, looking after everything, taking care of everything.

Q. Are you what is called a manufacturer yourself? A. Manufacturer and designer.

Q. Manufacturer and designer? A. Designer; I am doing the designing practically.

Q. Where did you spend your time? First tell us what time you used to spend and where and between what Mr. Harris? A. Well I always looked after all of it.

Q. What time did you get to work in the morning Mr. Harris? A. Well I always reached my place before eight.

Q. Before eight o'clock? A. Yes, sir.

Q. How long did you stay there Mr. Harris? A. I stayed, seven, eight o'clock.

Q. When you had the ninth floor, did you spend any of your time in Broadway, in the other office? A. Not much.

Q. Not much? A. No.

Q. When you got the ninth and the eighth floor how was your time spent Mr. Harris?

THE COURT: We will suspend with this witness a moment I see that the man that was sent for has arrived.

(Man comes to Bar.)

ABRAHAM BERNSTEIN, resumes the stand.

BY MR. BOSTWICK:

Q. Do you see this man standing there (Referring to the

aforementioned man)? A. Yes.

Q. Do you think that this is the gentleman who interpreted when you were down to the District Attorney's office? A. Yes.

THE COURT: The name can be put on the record.

MR. BOSTWICK: Joseph Pell.

ISAAC HARRIS, resumes the stand.

DIRECT EXAMINATION CONTINUED BY MR. STEUER:

Q. (Repeated by the stenographer as follows: "Q. When you got the ninth and the eighth floor, how was your time spent Mr. Harris?") I mean how was it divided? A. Oh, just going from floor to floor all the day long; being on the eighth and ninth, putting in some time, a couple of hours here or a couple there; going up and going down again; not spending my time on any one floor more than on the other.

Q. When you went from the ninth floor to the eighth floor, that was during the day, how many times would you say you would go from one floor to the other, Mr. Harris? A. Oh, five or six.

Q. Five or six times? A. Yes, sir; sometimes two, sometime more, depends upon the day.

Q. It was not the same every day? A. Not the same; some times ten times; sometimes two times a day, depending upon how things were.

Q. When you went from the eighth to the ninth floor and from the ninth floor to the eighth floor, when you would go up or when you would go down from or to different floors, how did you go? A. I always used the stairway.

Q. You always used the stairway? A. Yes, sir.

Q. Now which stairs would it be that you would use Mr. Harris? A. I used any I wanted to use, the Washington or the Greene Street or the Greene Street or the Washington.

Q. Which stair way did you use most of the time Mr. Harris? A. I could not say; it is impossible to say; I could not say which I used the most; perhaps I used over on the Greene Street side some days and some days perhaps I didn't use the Greene Street only the Washington Place, depending upon some things.

Q. Sometimes you used the Greene Street side and you would not use the Washington Place at all? A. Yes, that happened many times.

Q. Do you say to the jury when you had these two floors, the eighth and the ninth floor, that you never used the elevator going from one floor to the other? A. I never used the elevator at all, not even now.

Q. Not now? A. Not even now; I always used the stairways.

Q. Even when you go to the tenth? A. Even when I go to the tenth.

Q. You always used the stairs? A. I am always going up and down because I think the car of the elevator would not be there and I can take care of the factory part of it so much better without doing it, that seems to me I do better by running up and down.

Q. You think you save time by running up and down? A.

Yes, sir, save time.

Q. After you got the tenth floor Mr. Harris, you moved the office, didn't you? A.

The office, yes, sir.

Q. The office was at which floor when you had the eighth and the ninth? A. On the eighth floor and then we moved on the tenth.

Q. When you got on the tenth floor Mr. Harris, where did you spend most of your time then? A. Just as before, only on the tenth and eighth and ninth; and ninth and tenth and eighth; I was going up and down taking care of everything, keeping everything going wherever I was needed, never on one particular floor, in fact I was from one floor to the other all the time.

Q. And you would always be wherever you were needed most. A Yes, sir.

Q. When you got the three floors how did you -- you said you still always used the stairs?

A. Yes, sir, used the stairs.

Q. Now your office when you were on the tenth floor which was that nearer to, the Greene Street side or the Washington Place side? A. My office?

Q. Yes. A. Nearer to Washington Place.

Q. When you were on the tenth floor, and had the three floors which stairs did you use the most going up and down, have you any idea? A. I can't give you any just idea, I used to go up stairs, up and down the Greene Street side and the Washington side, and the Washington side and the Greene Street

side.

Q. Didn't make any difference in that at all, did you? A. I did not make any difference, I used to use the Washington for a couple of days perhaps and not use the Greene Street or I might use the Greene Street stairs for a couple of days or so and not use the Washington stairs.

Q. Mr. Harris, did you ever carry a key to any of the lofts? A. No, sir.

Q. At no time? A. Never.

Q. No key to any of the lofts? A. No, sir.

Q. In getting from one floor to the other, Mr. Harris, did you ever use a key? A. No, sir.

Q. Did you have anything to do with the locking of the doors Mr. Harris, yourself? A. No, sir.

Q. Or the locking of the doors at any time? A. No, sir.

Q. When you had one loft only, Mr. Harris, when you were on the ninth loft, who used to have charge of locking the doors up then? A. Well, the old man, Mr. Alter, the one that has been here.

Q. The gentleman who was a witness? A. Yes, sir.

Q. Now when you got the ninth and the eighth floor who had charge of it then, do you remember? A. Mr. Alter.

Q. When you got the eighth, ninth and tenth floors, who had charge of it then? A. Mr. Alter.

Q. He had the keys always? A. He had the keys.

Q. Now who would lock up the place, and look after the

locking up of the place, if you know anything about it, Mr. Harris, about the opening up of the lofts in the morning and locking them up at night, do you know anything about that? A. No, this was up to Mr. Alter; he used to have the keys, and he had the two watchmen there, and he used to take care about opening the lofts and locking the lofts, he was the man who took care of all that.

Q. You had absolutely nothing to do with that? A. No, sir.

Q. I think there was one witness testified here, Mr. Harris that you and Mr. Blanck used to stand by the door on the Greene Street side on the ninth floor and watch the girls as they went out, and sometimes that you would look into their books. Did you do that? A. I never done that.

Q. You knew it was done? A. It was done yes, sir, of course that was done.

Q. That was done by your direction and by Mr. Blanck's direction? A. Yes, sir.

Q. But you personally did not do that? A. No, sir; I never done that.

Q. Now on the day of the fire, Mr. Harris, had you been on every floor that day, I mean on the eighth and the ninth and the tenth? A. Yes, sir.

Q. Can you tell us how many times you were on any floor, one mere than any other on that day? A. The same as on any other.

Q. You don't know any more about that day of the fire than you did about any other day? A. No.

Q. On the day of the fire, can you tell the Jury it ma true that you were on any one floor more than on another? A. Well I could not say.

Q. You could not tell that any more about that day than any other? A. No, sir.

Q. It made no difference to you which stairs you used? A. I might use the Greene Street or the Washington; I don't know; I would not make any statement about that one way or the other.

Q. Now where were you Mr. Harris when you first knew that there was any trouble ? A. I was in that time in my office; just had selected some goods from the representative of Krauer and Tynburg.

Q. You had just selected some goods from a salesman? A. Yes, sir.

Q. Who was Krauer and Tynburg's man? A. Mr. Silk.

Q. That is, he is one of the men who testified here? A. Yes, sir, he came in that day and brought in his samples and I had selected goods and placed an order.

Q. At the time you first heard of any trouble you were actually with Mr. Silk? A. With Mr. Silk in the office.

Q. How did you first know that there was any trouble Mr. Harris? A. Well, I really could not remember how I find out this, but is that time when I heard all the noise outside,

I opened the door from my office and seen four girls running to the Washington elevator place.

Q. The Washington elevator doors? A. Running to the Washington elevator doors, yes, sir. I came out, I heard the sound of bells and all the noise of course; and I noticed in the back of the room some flames towards the fire escapes, but I could not see the fire —

Q. You say the back of the room. Do you call the place where the fire escape was the back of the room? A. Yes, sir; I call the front the Washington Place side where was the offices and the back of the room Waverly Place side.

Q. If you can remember, just what you did to tell us, tell us anything that you can remember Mr. Harris. A. When I came out I have seen the girls and everyone hollered fire, and I have seen there is fire through the windows at that time. The elevator just case up and they went into the elevator, I started to rush all the girls into the elevator. I told them go as quick as you can and come back up as quick as you can. He came up once more and took down another load, and then he took about a minute or a half minute and I waited and I didn't see him coming up any more. Somebody started in hollering, somebody in the back, fire, they were hollering in the back, and I heard fire hollered and I ran back to see, they said the fire was in the packing room and so I went back and looked in the packing room and I see that there was fire in the packing room. So I didn't think of the elevator, I didn't think it would come up any more

but which it did afterwards I learned, but I didn't know there that it was coming again.

Q. Where is the packing room? A. The packing room was as over here on the end (Indicating) in the corner, University Place and Waverly Place, right in that corner.

Q. In University Place and Waverly Place corner. A. I mean to the University Building and Waverly Place.

Q. Was Waverly Place the side of the building, the place where the fire escape was? A. Yes, sir.

Q. That is what you call Waverly Place? A. Yes, sir.

THE COURT: That is the northwest corner?

THE WITNESS: Yes, sir.

A. (Continuing) So when they hollered the fire is in the packing room and I went over there and I see in the packing room that the fire is blazing there; so I don't think the elevator will come up any more and I started to holler "Girls, let us go up on the roof; get on the roof". And we all rushed and I cried to them to go up the Greene Street stairs and at that time the smoke was very thick in the room there and it was getting very dark.

Q. The smoke was what? A. The smoke was very thick and we stepped back. I can't remember at that time what I was doing exactly but I remember seeing two little girls come tearing down and screaming to me "Mr. Harris save me". I don't know how I was encouraged but I said "Let us go if we can, Mr. Tichenor this way" — the fire was there I said that you can't go there [...]

I said go one of you two if you can't all go, better one of you get out. Well we were passing to the Greene Street way going on the roof and while we are going there -- there is a window you know, as you go up stairs, there was a window there on the staircase.

Q. On the Greene Street staircase? A. Yes, sir, a window and that window was open and the fire was coming in that window, blowing right into the window.

Q. And the window was open? A. Yes, sir, on the staircase and the fire was right in the face. That is the way we ran up. And I say Don't stand there, come on girls, come on quick and we went as much as we could. We all ran and I says let us run up on the roof, we can get up on the roof away. Of course we went right out onto the roof and next to that building there was a wall about ten or eleven feet, I don't know how high exactly but I climbed up that wall.

MR. STEUER: I think that that wall is seven or eight feet is it not Mr. Bostwick, it has been so testified to here in this case.

A. (Continued) I know it is over ten feet but I climbed up that wall, that place where there is hooks and wire, me and another man, we came up on top of that other building and we broke the skylight over in the next building because the door which is leading down was locked from the roof, and we hollered down to the engineer to help us and a man came up and opened the door and brought up a step ladder and we threw down the step ladder, and then we started to take them up.

Q. Started to take who up? A. All the girls that we have on the roof, every one of them that had come up.

Q. After you got up there some time, did Mr. Blanck come up to the roof? A. Mr. Blanck when I got out on the top there he was there but I had not seen him go up.

Q. You saw him afterwards? A. After, when he was there but I did not see him in the time, we were all so mixed up so, I could not say, I did not see Mr. Blanck at all, I don't know where he was; perhaps he was near me but I could not remember exactly.

Q. Who took Mr. Blanck's two children up do you know? A. Yes.

Q. I mean from one loft to the other loft, how did the children come, do you know yourself, if you don't we don't want to know what others may have told you? A. No, no, I myself don't know how they come up or how they come out only what they told me.

Q. I don't care about that. A. No, I don't know.

CROSS EXAMINATION BY MR. BOSTWICK:

Q. Mr. Blanck had charge of the financial end of the concern, did he not? A. Yes, sir.

MR. BOSTWICK: That is all.

BY THE COURT:

Q. Mr. Harris, I think there has been testimony here that some years ago there was a fire in the ninth loft? A. Yes, sir.

Q. Except on that occasion were there other occasion, was

there any fire in any part of your premises in the Asch building? A. Yes; we had a couple of fires which we didn't make any claim to the trade for damage from, as it happened in the day time and we were able to put it out.

Q. When was the first fire, what was the date of the first fire? A. I really can't tell.

Q. About how many years ago? A. We had two fires that we claimed damage for.

Q. But now, without respect to making any claim, when was the first fire that you had in any part of those premises? A. Without making claims?

Q. Yes; without reference to that one way or the other.

MR. STEUER: When was that Mr. Rubin?

MR. RUBIN: The first one was April 5, 1902.

MR. STEUER: April 5, 1902.

A That is about right.

Q. What loft was it in and what hour of the day?

MR. RUBIN: The next was November 1, 1902.

A. In the morning.

Q. And was there a fire in the ninth loft after that at any time until this one? A. Yes, sir.

Q. When was the next one?

MR. STEUER: The fact is it was on November 1st I think.

MR. RUBIN: November 1, 1902.

MR. STEUER: 1902, the same year.

Q. Do you remember about any other fire there? A. Two fires which we made claims for and three fires that we didn't claim at all, because one fire was put out practically by me. I put it out myself and it was only a few bundles of waists which we thought it didn't pay to make any claim for.

Q. You mean to say that there was five fires before this one? A. Yes, sir; three fires was not much, we thought it not worth claiming for and was put out by ourselves and the help.

BY MR. BOSTWICK:

Q. Now Mr. Harris, the fire of April 5, 1902 was how extensive? What was your damage by that fire, can't you say about how much damage was there in that fire of April 5, 1902? A. I could not say off hand.

Q. Well was it in the neighborhood of about \$19,142? A. Well I knew it was \$18,000. or \$20,000. or \$16,000. or \$20,000. or something.

Q. It would be in the neighborhood of about \$19,142.? A. Maybe; I don't know.

Q. Now the fire of November 1, 1902, do you know how extensive a fire that was? A. No, I could not say.

MR. STEUER: I told you you could put in the claim, whatever that claim is, \$12,000. and something as it?

MR. BOSTWICK: \$12,905.66.

Q. Was that the damage, the amount of the damage? A. Well the goods only was damaged.

Q. Those were the two fires where there was substantial loss?

A. Not on the second one.

Q. You don't understand me Mr. Harris? A. No, sir.

Q. These were the two fires where you had had considerable less, large loss? A. Yes, sir.

Q. Now as to the fires where there was only slight damage, you understand that? A.

Yes, sir.

Q. Were those fires prior to 1902 or after 1902? A. After.

Q. About 1902? A. Yes.

Q. Now can you -- give us as best you can the dates either as to the month or year when the three other fires occurred? A. Well one I knew was about two years before this fire.

Q. That was about 1909? A. Yes; I came down on the floor and an operator was sitting there, -- I could not say for sure that he was smoking a cigar, but after, we did find a cigar and I was suspicious and I was standing there and I saw the flame come out all at once out of his basket where he kept his cuttings and we took hold of this and picks it right up and carried it over to the open space in the building, where there were pails of water sitting all around, we had about 40m pails of water sitting on that floor and we poured in a few pails of water and put it out. After we had put it out I started to investigate and search through the stuff and I found a piece of a cigar and then I discharged the man.

Q. That was in 1909? A. Yes, sir; there was four dozen waists burned in that fire worth about \$60. or \$40. and we didn't care to make any claim. It was about that time but I couldn't

say exactly.

Q. Where was the other of the fires, of the two fires that was slight? A. Well one was a fire on the ninth -- at night, when the cutters were working there over time. In the back, where there is that partition, there is in back there a cage there, and all of those things, and the partition was not very high, it was not more than about eight feet or so, six or seven feet; so the cutters, a cutter must have seen this fire, and they got at it and at they rushed at it, the full eight cutters from that floor when they saw that it was a fire, in a box, they see the box was all afire and they went at it and with a couple of pails of water put it out.

Q. What year was that? A. That I can't remember.

Q. Well was it before 1909? A. (No reply).

Q. Well was it between 1902 and 1909? A. It was about I think in the same year when I put that fire that was in that basket out.

Q. Put it 1908 or 1909 so we will make it a little longer period? A. Yes.

Q. Now can you tell us about when that other fire took place? A. I don't remember it at all.

Q. Was that before that? A. I cannot recollect, it was probably something of this kind.

Q. Was that since you have been in the Washington Place building? A. Yes.

Q. So that since you have been in that Washington Place

building you have had five fires prior to the fire of March 25, 1911? A. Yes, sir.

Q. Now when the operators went out at night as I understood you to say, the examination of the employees was done under your direction and Mr. Blanck's direction? A. Yes.

Q. And you said that you personally had nothing to do with it, never stood there and examined the employees, that is their books and bundles as they passed out? A. No, sir.

Q. Now Mr. Alter performed that duty on the tenth floor, didn't he? A. Yes, sir.

Q. And at the time of the fire Joe Wexler on which floor? A. Joe Wexler, on the eighth floor.

Q. On the eighth floor? A. Yes, sir.

Q. And he had succeeded a watchman that had gone some weeks before, he took the place of the watchman that had been there before? A. No; we never had there before anybody.

Q. Are you sure about that Mr. Harris? A. Yes; we didn't have on the ninth floor before to do that work anybody, to look in the pocket books, we didn't have it, but we had — he was the first man you know. It was on account we find some goods was missing.

Q. Don't you remember that there was a watchman on the eighth floor and Joe Wexler had been employed there in another capacity, and then finally Joe took his place for the last few weeks? A. No, sir, we only had one watchman and one colored man, that is all what we had.

Q. And Nathan Zeller had charge of it on the ninth floor? A. Yes, sir, on the ninth floor.

Q. Now the object of having those watchmen there was to prevent the employees from taking things which did not belong to them was not that so? A. Of course.

Q. You didn't want them to take any of your shirtwaists? A. No, sir, surely not.

Q. And you didn't want them to take any of your laces, is that not so? A. Certainly.

Q. And you didn't want them to take any spools of silk ? A. No.

Q. And you didn't want them to take any of that stuff? A. As far as I could take care of it.

Q. And your proposed to stop it if you could? A. Oh, yes; if I could.

Q. Now you had had some experience in having things taken from your factory had you not? A. Well, enough.

Q. Well, as you say enough, you had had it several times? A. Yes, we once locked up about six girls and we found in their room, the room of one girl two dozen waists; one girl about three dozen waists; and one girl had in every — in every girl's house we found so many waists, and we had detectives that went around there and we searched in every house and found from two dozen to three dozen waists that these girls had taken, and there was six girls that we locked up in one night.

Q. About when was that? A. Well, about three years to

my memory, if my memory is good.

Q. How do you remember of finding a bag, a handbag, and finding that it belonged to one of the employees, and that some of your goods were in it? A. Yes, sir.

Q. And about when was that? A. That was just four weeks ago.

Q. Four weeks ago? A. Yes, sir.

Q. You mean before the fire? A. No; four weeks before -- two weeks before this trial commenced.

Q. Now do you remember before the fire finding one of the bags, hand bags? A. With some goods?

Q. Of one of the girls and finding some of your stuff in it? A. Yes, sir, we found in one case where one girl had took away two waists and carried it in her rat, she had it in her rat, these two waists.

Q. When was that compared with the date of the fire? A. Oh, about eight months. She had the two waists in her rat, and it stuck out, a little end of a string and one girl coming along behind that girl saw this little white string in the hair and said "Look here what is sticking out here" and when she started to pull she pulled out the waist; and they stopped that girl and they took that girl into the office and they took out the two waists; and they asked her "What you want to do it for?" She was a presser. She said her mistress asked her to bring her two waists. So of course we didn't want to make any trouble and we discharged her, all that we could do was, we could discharge

her, we could not do any more.

Q. After you had these six girls arrested about three years ago you didn't have any more arrested, you simply discharged them when you found there had been stealing? A. Yes, we arrested a few of them, and had them fined, a few of the girls and after that they sued us for damages and the only way we could find — we found the best way is to discharge them and not be bothered with them any more. That is the best way to get quick rid of them.

Q. Do you think there was a great deal of stealing in your factory?

MR. STEUER: I object to that as immaterial.

A. Well as to that I can't tell.

MR. STEUER: The newspapers will come out with head lines tomorrow that will put us out of business, we wont get any more employees --

MR. BOSTWICK: I object to that remark.

THE COURT: I didn't hear the remark but I sustain the objection.

MR. STEUER: It was not a remark, a reflection upon anybody.

THE COURT: I think that question calls for a conclusion, not for evidence.

Q. During the year 1911, that is from January 1st to March 1, 1911, how much worth of goods was stolen from your factory so far as you know?

MR. STRUER: I object to that as immaterial

THE COURT: I will allow it.

A. That we can't -

MR. STEUER: I except to Your Honor's ruling.

A. (Continuing) That is pretty hard to find out.

Q. How many times in March -- during the year prior to March 25th, that is from December 25th -- from March 25th, 1910 to March 25th, 1911 — A. Yes, sir.

Q. -- the year immediately proceeding the fire, how many times did you find people stealing goods from your factory?

MR. STEUER. I object to that as immaterial.

THE COURT: I will allow it.

MR. STEUER: I except.

A. I could not answer it.

Q. Well would you say it was ten times. A What do you mean, before the fire?

Q. Yes.

MR. STEUER: He said in the year before the fire.

Q. The year before the fire, the year immediately proceeding the fire? A. Oh, we had a couple of them, the girl with the waists in her rat and about a couple more perhaps, I don't know.

Q. Now all the instances when you found goods taken from your factory by the employees, how much in all would you say was the value of the goods that you found had been taken by these employees?

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

and immaterial.

THE COURT: I will allow it.

MR. STUEUR: I except.

A. You mean goods that was found.

Q. That you found. A. We find perhaps -- in one year you mean?

Q. In one year. A Prior to the fire?

Q. Yes. A. Well, ten dollars or fifteen dollars or twelve dollars or eight dollars, something like that.

Q. You would say it was not over \$25, wouldn't you?

MR. STEUER: I object to that as immaterial.

THE COURT: I will allow him to answer.

MR. STEUER: I except.

A. No, it would not exceed that much.

Q. Now how many times during the year prior to the fire did the watchman report to you that there had been stealing on either the eighth, ninth or tenth floors?

MR. STEUER: I object to that as immaterial.

MR. BOSTWICK: I will withdraw the question and reframe it.

Q. From March 25, 1910 to March 25, 1911, how many times during that year did the watchman who had been designated by you to stand on the respective floors, eighth, ninth and tenth report to you that they had found employees departing from the building with your goods in their handbags or in their hats or concealed about their clothes?

MR. STEUER: I object to that as immaterial.

THE COURT: I am receiving it for a certain purpose.

MR. STEUER: May it please Your Honor am I to understand that there is something in the law that prevents people from protecting their property.

THE COURT: Not at all. Not at all.

MR. STEUER: You would have to put everybody in New York on trial under those circumstances.

THE COURT: I am not receiving it except for a certain purpose, as bearing upon the motive the defendants may have had for adopting certain methods.

MR. STEUER: Why the defendants, as I understand it Your Honor, had an absolute right to adopt any method that they saw fit to protect their property.

THE COURT: Do you want me to state precisely why I am proceeding this way?

MR. STEUER: It don't make any difference to me; I am not afraid of anything that can occur Your Honor; not the slightest fear that any statement may prejudice us; I don't think there is any possible purpose for which evidence of this kind can be received.

THE COURT: I am receiving it merely as bearing upon the question as to whether or not in connection with protectionary steps of the character mentioned, these defendants did not have a like purpose in having but one exit instead of two from the factory.

MR. STEUER : The defendants as I understand the law Your Honor, had a perfect right to command and direct their employees in their employ to leave by one exit, and if they did it as I understand the law, and I don't think Your Honor can have called to your attention any decision, dictum or suggestion in any case where the Courts have ever said that business men do not have the right to direct all their employees to leave by one exit if they had 50; and the common practice in the large stores of this City Your Honor, is to compel them to leave by one door.

THE COURT: I am thoroughly in accord with you on that proposition. There is no provision of law that compels factory owners to have their employees go out of more than one door; and there is no provision of law that prevents an employer adopting in connection with the passage out of employees, of any protectionary steps that are lawful.

This evidence is received merely as bearing upon the question as to whether or not these defendants did not in aid of the protection of their property cause the other exit to be locked and not otherwise.

MR. STEUER: What is the question?

(Question repeated by the stenographer.)

I don't think I have made myself clear to Your Honor. That part of the testimony which would have as I see it, probative force upon that proposition, to-wit for instance:

that they only had a watchman on the Greene Street side, I don't object to; because it would perhaps be a legitimate inference for the Jury to draw that by reason of the fact that they only had the watchman at the Greene Street door, the Washington Place door could have been locked and I make no objection to that. But Your Honor, when you come to inquire the extent to which there were robberies or purloining of goods, the reason I object to it Your Honor is because it opens up to a great many things that might injure us in a great many ways; might injure us in the business of getting help and holding them; and also --

THE COURT: I think you have gone into it as far, Mr. Bostwick, as I will let you go into it. I think you have developed it as far as this witness is concerned, sufficiently for any use that could probably be made of it on this trial.

Q. What is the question (Repeated again by the stenographer).

THE COURT: I will allow the witness to answer this question Mr. Steuer and give you an exception.

MR. STEUER: Exception.

A. What is the question? Q. (Again repeated by the stenographer) A. What do you mean by their clothes?

BY THE COURT:

Q. How often were you told that people were taking out year stuff during the year, how often? A. I could not say.

Q. Just a little louder, the Jury want to hear you. The answer is "I could not say." A. I could not say.

(Recess was here taken for five minutes after which the trial was resumed.)

BY MR. BOSTWICK:

Q. Mr. Harris on the day of the fire, there was employed and working on the eighth floor about how many persons? A. About 180.

Q. How many? A. 180 I guess to 200, — 180.

Q. On the ninth floor how many? A. Over 200.

Q. About how many over 200 would you say? A. Well that is hard for me to say — sometimes —

Q. Would you say there were 260? A. Sometimes 260; sometimes 200; sometimes 220.

THE COURT: On the date of the fire what is your best recollection as to the number working on the ninth floor?

THE WITNESS: I don't think if I could give you any idea over 200 we will say.

Q. Would you say between 225 and 260 would be fairly accurate? A. Yes, sir.

Q. And on the tenth floor, how many would you say were employed and working?
A. Oh, about 40.

Q. Now according to your calculation, that would make less than 500 employees, considerably? A. Well. I never counted them.

Q. Don't you think you had on the day of the fire more than

500 employees? A. I would not say yes or no.

Q. You knew how many machines you had, didn't you? A. They were not always occupied.

Q. I know that, but you have got a pretty keen notion of what proportion were occupied when you would look at the factory in operation. A. Yes.

Q. Is that not so? A. Yes, on the ninth floor machines were never all occupied, never.

Q. How many machines did you have on the ninth floor? Didn't you have as many as 300 machines on the ninth floor? A. No, there was not.

Q. What? A. No, not quite. Never was over 200 or 240 or 260, something like that, I could not tell you exactly.

BY THE COURT:

Q. What was your system of keeping track of the number of persons who worked for you on any particular day, how did you know? A. We never kept it

Q. You mean to say they were paid by the piece and not by the day? A. The majority was piece work. By the week was perhaps 100 in the whole building, the rest of them were all piece work.

Q. And you had no method of keeping a record of those who actually came? A. No, sir; didn't come today -- come tomorrow; didn't come tomorrow -- come next day; or something like that; we didn't keep it.

BY MR. BOSTWICK:

Q. Was your firm a member of the National Fire Protective Association? A. Members?

MR. STEUER: What do you mean by members?

MR. BOSTWICK: I have a report here and I want to know whether it was his report — if this report would refresh his recollection.

MR. STEUER: Tell him what the figures are.

Q. If the report of the New York Board of fire underwriters states that on the 8th floor there were something like 275 operators, and on this floor — and then that there is something like 300 operators were on this floor — meaning the ninth floor; and that on the tenth floor approximately 60 employees were on this floor, you think that would not be correct? A. On the eighth floor 270?

Q. Approximately 275 operators. A. We didn't have 270 machines on the eighth floor.

Q. But didn't you have other people engaged in other kinds of work on the eighth floor? A. Besides operators, only cutters, they amounted only to about thirty cutters; we had about 180 operators, there was never more than 200 operators, and less than 200 operators on the eighth floor.

Q. Didn't you believe in all you had more than 500 employees at the time of the fire? A. I don't think so.

Q. Now among those operators, the majority were females, were they? A. Yes, sir.

Q. What percentage of these operators would you say were

females?

THE COURT: Now you are using the word operators and include in that the various classes of workers there.

MR. BOSTWICK: I will correct my question.

THE COURT: The word "operator" has a technical meaning to this witness.

Q. What percentage of your employees would you say were girls? A. I would say about 60 or 70.

Q. 60 or 70 per cent? A. Yes, sir.

Q. Now the ages of those girls varied? A. What is that?

Q. The ages of those girls were different, they were different ages? A. The age?

Q. The age of these girls? A. I understand.

Q. What was the youngest of the ages of those girls? A. Youngest — well I didn't ask their age; if a girl came in, if she looked young, either she produced her papers or she was not accepted, that is all I know, that was the rule.

Q. Mr. Harris, you have seen over 100 employees on this stand haven't you? A. Yes, sir.

Q. Don't they fairly represent the age of the employees in your factory?

MR. STEUER: You mean the average.

Q. (Continuing) Their average.

MR. STEUER: I will admit it.

MR. BOSTWICK: I want him to admit it.

A. These girls I never asked them their age; to me they looked

some of them perhaps would be as oh something like 18, some 17, some 16.

Q. I understand that, I started out with that question. I want to know whether the bulk of them, the most of them were young girls or old girls, if you can't say ages state it, if you don't know, say so? A. Well the girls to my opinion were all about twenty or over twenty, most of them over twenty.

Q. Most of them over twenty? A. Yes, that was 90 per cent.

Q. Now what proportion of those girls were in your judgment foreign born?

MR. STEUER: I object to that as immaterial.

A. (Interrupting) Well I didn't pay particular attention –

MR. STEUER: Wait a minute.

THE COURT: I think that is immaterial.

Q. What proportion of your employees in your judgment could not speak English?

MR. STEUER: I object to that as immaterial.

THE COURT: I think I will allow that.

MR. STEUER: I except.

THE COURT: If he knows he may say.

A. No; I sever had much to do with the operators; we had a superintendent. I had never anything to do directly with the operators personally, that was Mr. Bernstein used to engage them and discharge them, that was his end.

Q. Did you know in the course of your duties, having ~~ withdraw the question. I understood you to say that it was

your duty taking care of everything, designing and manufacturing? A. Yes, sir.

Q. Now in the performance of your duty of taking care of everything, designing and manufacturing, did you have occasion to learn whether any of these employees could or could not speak English? A. Well some of them could not. I heard them speak Italian or Jewish or English. They may know English though, but they used among themselves, they spoke Jewish and other languages; I didn't investigate carefully.

Q. What percentage of the employees so far as you know spoke English?

MR. STEUER: I object to that as immaterial.

THE COURT: Sustained.

Q. Did not the large percentage, did not the very large majority speak a foreign language while working in the factory?

MR. STEUER: I object to that as immaterial.

THE COURT: Sustained.

Q. Diagram No. 1 (Diagram placed before witness). I ask you, Mr. Harris to look at People's Exhibit No. 1, which purports to represent the 8th floor. This is drawn — purports to be drawn to a scale of a foot to a quarter of an inch. This represents the Washington Place side of the building (Indicating). A. Yes, sir.

Q. And that the Greene Street (Indicating). A Yes, sir.

Q. Over here were the freight elevators (Indicating). A Yes.

Q. And over here was the -- (Indicating). A The stairway.

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

Q. And then came the most northerly wall to which was attached the fire escape? A.

Yes.

Q. And over here the Court leading to the University? (Indicating). A Yes.

Q. And here (Indicating) are the men's toilets, the women's toilets and dressing room and Washington Place stairway and the Washington Place elevators (Indicating) A. Yes, sir.

Q. And here (Indicating) are tables? A. Tables.

Q. And posts are here (Indicating). A Yes, sir.

Q. There were cutting tables on this side (Indicating). A. Yes, sir.

Q. And cutting tables on that side (Indicating) A. Yes, sir.

Q. I ask you to look carefully at that diagram and state whether it accurately and substantially sets forth the conditions as they existed on the eighth floor of your factory at the time of the fire.

MR. STEUER: That question Mr. Bostwick is in itself inconsistent; because substantially represents is not an accurate representation.

MR. BOSTWICK: I will take out the word substantially and leave it "An accurate representation of the conditions." A. I don't remember that door (Indicating)

Q. You don't remember the door? A. No, sir.

MR. BOSTWICK: Indicating a door between the loft proper and the space included by the wooden partitions. Is that right?

A. Yes, sir.

Q. Meaning the street wall, freight elevators? A. Yes, sir?

Q. By the Greene Street elevators? A. Yes, sir.

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

Q. Now with the exception of that door which is indicated by a single line — A.
That door was not there, and this (Indicating) was not there.

Q. And you don't think that there was that projection? A. This partition line ran about so far (Indicating).

MR. STEUER: Is that the eighth floor.

MR. BOSTWICK: This is the eighth floor. A. (Interrupting) Is this the eighth floor.

Q. Yes. A. The eighth floor, let me think a little while before I say.

Q. Yes, take your time Mr. Harris. A. On the eighth floor was no partition.

BY MR. STEUER:

Q. On the eighth floor no partition at all? A. Yes. there was a partition.

Q. On this side (Indicating) A. This was not en the eighth floor, this just opened straight. This was the partition.

running just to cover the view of the cutters (Indicating), that is here was a box for keeping all dirt in (Indicating) and this was nothing at all (Indicating) this was absolutely vacant.

BY MR. BOSTWICK:

Q. You mean from letters A and B? A. That was not in there.

Q. There was no partition? A. No, sir.

BY THE COURT:

Q. Now having in mind those partitions that did run as far as the — towards the University Place wall as is shown in that diagram, did that partition stop nearer Greene Street, at a point nearer Greene Street? A. It stopped on Greene Street in between the window. This is the window (Indicating) and it ran about, just to cover the tables. There is five tables, it was about fifteen feet long.

MR. STEUER: From the Greene Street wall?

THE WITNESS: From the Greene Street window.

Q. Did it cover the stairway? A. Yes, sir, it finished where the -- it was not within so far (Indicating) it did not go within so far. Here is a door and it was right straight (Indicating).

Q. Right on a line. A. Right on this line.

Q. So that on that diagram it is indicated as somewhat longer than in point of fact it was? A. Yes, sir.

BY MR. BOSTWICK:

Q. And where to? A. Right here it finished.

Q. Opposite to that? A. Yes, sir, nothing was over here in this place (Indicating).

Q. Where you put a line and your initials, will you put your initials there? A. Yes, sir
(Witness marking on diagram)

Q. That is where you think the partition stopped? A. Yes, sir.

Q. Now with the exception of there being no partition between A and B, and the partition which is indicated by your initials stopping at the line drawn — A. Yes, sir.

Q. Is the rest of that diagram so far as you can observe an accurate description of the eighth floor? A. We had a door in this here.

Q. Well you have got a door there leading directly between, to the stairway? A. Yes, sir, that is it, all right. Here are the cutting tables (Indicating). This is the eighth floor?

Q. This is the eighth floor. A. These here are cutting tables (Indicating).

Q. Was there, Mr. Harris, in front of the passenger elevators on the eighth floor a partition? A. Yes, sir.

Q. Now did that partition run from the -- A. Just started from the door.

Q. From here (Indicating)? A. Yes, sir.

Q. Over to here (Indicating)? A. This is the wall.

THE COURT: So it ran on the same line?

THE WITNESS: As the wall. This is the wall between the elevator doors (Indicating) and between the doors

was a will as wide as this (Indicating a space on Court room wall.)

Q. Do you recollect Mr. Harris that the Washington Place stairway came out into the loft more than the passenger elevators, do you recollect that?

MR. STEUER: You mean the Washington Place.

Q. The Washington Place stairway door was further in the loft than the doors to the passenger elevators? A. No, sir.

Q. Most people don't remember that? A. I remember because it is just on a level with the elevator.

Q. Let me see if I have not got a picture that will show it.

BY THE COURT:

Q. When you say the doors, you mean the sliding doors? A. No, Your Honor; this is the door from the elevator (Indicating); the elevator comes inside so far as this corner here (Indicating) remaining like a corner (Indicating) -- brick wall comes in and runs this way (Indicating); the brick wall from the building and that wall it ran up to the door; that wall included the two elevators and the door, and then ran again and back — this was a brick wall and then it ran directly to the place where we had these two dressing rooms. These are over here (Indicating) Then came in the brick wall; this came up this way (Indicating). Here was the dressing room; and this wall was right in the building where the elevator doors and the doors leading to the stairway and to the street were.

Q. You mean to say that the elevator doors were as near to

Greene Street as the door leading to the stairs? A. Yes, sir.

Q. And on the Washington Place side? A. Yes, sir; this is a brick wall coming in (Indicating).

Q. You are now pointing to the wall along the – A. Washington windows.

Q. Washington place? A. There was a window. In here about four or five feet away from that window (Indicating) a brick wall came along.

Q. The brick wall on a parallel with the Washington Place wall and alongside of the passenger elevator and nearest to Washington Place? A. Yes, sir; there was that wall that was brick (Indicating) That was made of brick and extended inside, within the building.

Q. You had some sliding doors put in by a carpenter? A. Yes. Why we went and put in sliding doors Your Honor, to cover the two doors from the elevators.

Q. Yes. The sliding doors; and on the same line with them not as the Washington Place door, that is to say the sliding doors -- A. Not the sliding doors — that was on the same line.

Q. The sliding doors were as near to the Greene Street wall as the Washington Place stairway door? A. No, the sliding door we had about three feet where the Washington Place door was in about three feet.

MR. BOSTWICK: Well now Mr. Harris I show you People's Exhibit No. 2.

MR. STEUER: Just a minute. Do you understand what he

means Your Honor.

Q. He means that the Washington Place doors are three feet nearer University side wall than the sliding doors? A. Yes, sir.

Q. Which was in front of the elevators and the sliding doors of the elevators and the sliding doors in the partitions? A. Yes.

BY MR. BOSTWICK:

Q. I show you People's Exhibit No. 22; and that is the way the building is built on every floor I think; and I ask you whether that recalls to your mind the fact that the elevators did not come out into the loft as far as the stairway door came out into the left? A. Yes, sir it did, just the same, on the same line -- on the same line.

Q. I think you're in error about that Mr. Harris. A. There are the two elevator doors (Indicating) And there is a door to go down street (Indicating).

Q. I am not criticizing your testimony; it is not a point on which there would be any question of criticism to be raised but we want to find out the facts.

MR. STEUER: So many people say it is not so, and Mr. Blanck says it was not so, I do not think that Mr. Harris is right about it.

THE COURT: The stairway wall appears and is in the other lofts underneath, and it is probably of brick underneath in the other lofts and that could be verified easily enough.

THE THIRD JUROR: Mr. Harris just said that the sliding doors which were placed in front of the elevator doors were about three feet further into the left than the door leading to the stairway; and the carpenter told us here today that the sliding doors was six or seven feet away. That proves the door leading to the stairway was a little way back.

Q. There was a partition in front, and when I say in front, I mean towards the Greene Street side in front of the passenger elevators and before you come to the first row of machines?

A. Yes, sir, when you stepped out of the elevators there was a little partition around which you walked through two sliding doors to get through.

Q. And there was a partition in front of that? A. Yes, sir.

Q. Now with the exception of the absence of this partition, and the corrections you have made over there (Indicating) is the rest of that diagram an accurate description of the eighth floor.

Q. Now the ninth floor. (Another diagram placed before witness.) Now take a good look at this diagram showing you People's Exhibit No. 2. This is Washington Place. (Indicating) And this is Greene Street (Indicating). Here are your passenger elevators (Indicating). There is your stairway (Indicating). Here are your two dressing rooms (Indicating), the ladies toilet (Indicating) and men's toilet (Indicating.) Here

is the fire escape (Indicating). Take a look all over that and I call your especial attention to this, to those marks (Indicating) so that you cannot be misled by anything. A. What is that (Indicating)?

Q. This is the stairway, the Washington Place stairway (Indicating). What I want you to do is to take a look at the rest of the diagram so you can state what is correct and then we will put it in afterwards what you say is not by way of exception. A This was not a partition (Indicating).

Q. That was a screen, wasn't it? A. A screen.

BY THE COURT:

Q. That is to say it was not fastened to the floor, it was like an article of furniture, you could push it over? A. To protect them from the wind coming in.

Q. You mean to say it was not fastened to the floor? A. It was fastened to this (Indicating) holding down, with just a strip on top, the cap; and this here was the door (Indicating) the whole thing was a kind of door, just a kind of a door.

Q. He is referring to what is apparently a partition. A. It is not a partition you are referring to now.

BY MR. BOSTWICK:

Q. The wood screen marked, wood screen on the diagram, A and B? A. Yes, sir.

Q. About how high was that wood screen? A. I can't remember; I don't know.

Q. Could you see over it? A. Yes, I think so.

Q. Then it was not as high as your eye? A. Not much higher. This here was a door (Indicating).

Q. There was a door on the ninth floor (Indicating)? A. Yes, sir.

Q. Leading to the Greene Street stairway and freight elevators? A. Yes, sir.

Q. And that is the place where, on the 8th floor, you say, there was a door by mistake on that diagram? A. Yes, sir.

Q. Now I show you some squares and parallelograms, three in number (Indicating) A. There was nothing along there.

Q. Near the Washington Place door? A. No sir; nothing there.

Q. You say there was nothing occupying that space? A. Absolutely nothing.

Q. Which is indicated on this diagram? A. Yes, sir; here is a small screen (Indicating) about the same as on the eighth.

Q. There was a screen in front of the Washington Place elevators the same as you have described in front of the elevators on the 8th floor? A. Yes, sir.

Q. In other respects does this diagram accurately show the conditions in the 9th floor, the tables for the machines and the motors, the windows, the stairways, the doors and elevators, the posts, the places where the examining tables were and the dressing rooms, and the toilets? A. It would be about the same if this is divided as to the measure, the same as our machines were divided.

Q. These measurements were taken Mr. Harris, from the conditions which was shown on the floors after the fire, as shown in People's Exhibit No. 24 (Handing picture to witness). A Yes. This could have been taken two ways.

Q. I don't understand you; but I want you to make clear anything about this diagram that you disagree with. A. I could not disagree with anything, as I don't know exactly how it was done, whether it is done measuring from the leg to leg or from top to top.

Q. Or from top to top? A. I don't know how it was, I could not give you an idea about that.

BY THE COURT:

Q. You had that number of rows of tables of machines right in that loft? A. Yes, we did.

Q. And they were substantially that length? A. That I don't know, that I could not say.

BY MR. BOSTWICK:

Q. Well now, do you know that these first machines, speaking of the one nearest Washington Place stairway had 20 machines on it? A. 10 and 10 - no it could not be 20 machines, it might have been 18 — 9 and 9.

Q. You think it only had 18 machines on it? A. Yes, sir.

Q. The next one shows 36 machines? A. No it could not be on account of this crack.

Q. They have allowed 4 machines for that, how many machines do you think it should be?

A. About 2 machines less.

Q. About 34? A. About 34.

Q. The next table shows 40 machines? A. Yes, sir.

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

Q. The next 36 machines? A. Yes, sir. Q. And the next 40? A. 40.

Q. And the next 38? A. 38.

Q. And the next 36? A. Could not have 36 — 34.

Q. About 34? A. Yes, sir.

Q. You know it is longer at this end (Indicating) than it is over here (Indicating) A. 34.

Q. And the next or last one, the one nearest Greene Street, 38? A. Yes, sir.

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

Q. So that you differ only in that you think there were about 6 or 8 machines less than indicated by the numbers on each of the tables as written upon the tables? A. On certain tables.

MR. STEUER: How many do you indicate Mr. Bostwick?

MR. BOSTWICK: This is indicated on the diagram.

MR. STEUER: How many do they total?

MR. BOSTWICK: How many do they total?

MR. STEUER: Yes. If you haven't added them, I don't want to know.

MR. BOSTWICK: No, I have not added them.

THE COURT: About six or eight.

BY MR. STEUER:

Q. How many do you say on the first table? A. 18.

MR. STEUER: How many do you say?

MR. BOSTWICK: 20 on this.

MR. STEUER: I will add it up in a minute. According to that the diagram shows 284.

THE COURT: How many do you say there were.

Q. How many do you say there were, I think Blanck says there were 265? A. I don't know, I didn't count them.

BY MR. BOSTWICK:

Q. You say there were 2 less here (Indicating) and 2 less there (Indicating) making 4 off. A. And 2 less here (Indicating).

Q. 2 less here makes six off. That would make 278. A. I remember exactly the tables.

Q. In all other respects does the diagram substantially set forth and show the relative positions on the various things and places that I have heretofore mentioned? A. With the exception of the break here in this table (Indicating).

BY THE COURT:

Q. What was that? A. A break like this (Indicating).

Q. You say there was a break in one of those tables, an opening? A. An opening.

MR. BOSTWICK: A break in the top of the table

MR. STEUER: There was a break?

THE WITNESS: Here was a break (Indicating).

BY MR.. BOSTWICK:

Q. You know there was a break in the second table from the

Washington Place door? A. There was a break here (Indicating).

THE COURT: You would say there was a break in the fourth table from Washington Place?

THE WITNESS: There was three breaks I remember.

Q. Three breaks on the ninth floor. A. I remember it, I laid them all out on the floor from my office, I knew about it.

Q. So in what portions of the four tables would you say there was a break? A. That would just about be in the same thing, I could not tell you exactly because that was three breaks I know that.

BY MR. STEUER:

Q. He means in what part of the table, having a break over there. A. Either on this side of the post (Indicating) or this side of the post (Indicating).

Q. Either on one side or the other of this middle post? A. Yes, sir somewheres, just where I can't tell. I laid out the factory, and I put in the machines and everything that was done about putting up the factory was done by me.

BY MR. BOSTWICK:

Q. Now Mr. Harris you say that at the time these machines were put in, counting the machines on these tables that we have gone over, that you laid out the floor? A. I always supervised this kind of work to the best of my knowledge.

Q. Were you the person to give the order for the machines? A. Yes, — the order for the machines?

Q. Yes. A. That would not make any difference, if it was

given by me or Mr. Blanck, we decided upon that, with the machines about it.

Q. You say you laid out the floor? A. Yes, sir.

Q. Were you the one to determine how long these tables should be and the number of machines there should be on them? A. Well we experimented in the laying of them out when we laid them out first, we built and brought them in a few at a time; we figured out one table and we go according to the layout of the business, to the best of —

THE COURT: To the best of your judgment?

A. (Continuing) Best to determine how to do it.

Q. Were you going to use the word “economy”? A. I was saying common sense, that is it.

Q. Common sense? A. Yes.

Q. You wanted to get that particular number of tables into that particular space? A. I had a particular number you see and the business to figure on. Of course this was not all put in in one day, I want you to understand it, that was put in one or two rows and then we added on more and more, a little added on; and by adding on, we would figure out we needed more and more room, and go according to our room and at the same time to do the best way with the space.

THE COURT: Did you run the putting in of the machines on the ninth loft all at once?

THE WITNESS: No, sir.

Q. Now with the exception of the break in the fourth table

that you have spoken of, is the diagram correct in all the particulars that I have mentioned? A. It would be about correct.

Q. Now the tenth floor (Another diagram laid in front of witness). Now I ask you to look at People's Exhibit No. 3 which purports to be a diagram of the 10th floor in the same scale. A Yes, sir.

Q. And I ask you whether that correctly and accurately sets forth what it purports to set forth, and the proper dimensions, so far as you know, omitting therefrom, however, the divisions of the tenth floor into offices by various partitions, and the absence of such tables as were there, and other things?

A. Only one thing I can't remember and that is this coming out further than the elevator; that is the only thing that don't agree with my memory.

Q. There is a great many Mr. Harris that have said the same thing, I have had to take several witnesses —

MR. STEUER: This man who made that diagram — these men, Mr. Harris, were experts, and they were probably there and made their measurements and I do not think there can be any question of memory here.

THE COURT: If you should know, for example, Mr. Harris, that on the 6th floor of that building and being in the sixth loft should see the position of the door, the stairway door on the sixth left as compared with the elevators, do you think that would refresh your recollection in any

way as to what the condition was on the 9th loft?

THE WITNESS: Of that building, yes.

THE COURT: I think it would be a good plan for him to go on the sixth loft or one of the other lofts of that building and take a look.

MR. STEUER: The doors have been changed.

MR. BOSTWICK: Not on the sixth; they have been on the eighth and ninth and tenth.

THE COURT: I mean one of the other floors.

THE WITNESS: If they hadn't changed them it might.

Q. I show you a picture, People's Exhibit No. 22 of the sixth floor, which is identical with 8th, 9th and 10th floor and I ask you if that don't refresh your memory as to the fact.

MR. STEUER: How is his memory on the subject important?

A. (Interrupting) I could not go into --

MR. BOSTWICK: Not at all except he wants to correct the diagram.

MR. STEUER: I consider that Whiskeman's testimony and Moore's testimony is better on that subject than his.

THE COURT: For the purposes of this case shall we understand that?

MR. STEUER: I would consider that the measurements furnished by Whiskeman and Moore with relation to the position of the Washington Place door as much more relevant than Mr. Harris'.

A. (Interrupting) I would not say I am right but --

THE COURT: You are giving us your best recollection.

THE WITNESS: Yes, sir.

Q. Now Mr. Harris, there was provided under the cutter's tables, bins? A. Yes, sir.

Q. In which the cutters would throw what was left over and not to be used in the manufacture of goods? A. What we called the cuttings.

Q. Cuttings? A. Yes, sir.

Q. Now near the aisles where the operators worked there were baskets? A. Each operator had a basket.

Q. And each operator had a basket? A. A basket, and it shoves right under, goes under the machines.

Q. And was it to the side of the operator? A. Right by the side and goes about three quarters of the basket goes right under the machine, it runs even with the chair about.

Q. Now the average distance between the tops of the tables on which there were the machines was about four feet is that not so? A. You mean from one machine to the other on the same table?

Q. No. Assuming this was a table (Indicating) and then assuming this to be the next table (Indicating). A. The next table.

Q. And the machines being on those tables (Indicating). A. Yes, sir.

Q. The distance between those tables upon which the machines were fixed was about four feet, wasn't it? A. Was five

and some seven and some six, you will find by the measurements on the ninth floor, some were seven feet apart.

MR. STEUER: Have you got those equally distant on that diagram?

MR. BOSTWICK: No, they differ slightly.

A. (Continuing) About two feet difference, some would be seven feet wide.

Q. Now the distance between the one nearest Washington Place — the one between Washington Place and the next one was four feet ten and the largest was seven feet one? A. As I have said some were seven feet equally laid out, just figured it to the best purpose you know.

Q. So that these distances are correct as indicated on here, four feet ten?

MR. STEUER: Mr. Bostwick, referring to the smallest one it was a distance of four feet eight.

A. That was five feet, our smallest measurement was five here, and on account of posts we have to allow two feet more so they will be able to pass easier. Wherever there was posts we made more room.

Q. Now on the 9th floor in the very corner of the building, and when I say corner I mean right next to the Washington Place windows and the most westerly place, what was in there, and what was that used for? A. That corner, nothing; there was a couple of girls sat there and cut out laces, small chairs, nothing there.

Q. Was there any table in there on which they cut? A. No, there was a box they used to turn over to cut on the box, not a special table, just a box in the corner, right in that corner.

Q. Now were there any finishing tables or any kind of tables of any kind on the ninth floor? A. No, sir; there was a couple of figures standing there.

Q. A couple of figures standing? A. You know, busts we have to try on garments, to see how it is fitting.

Q. Will you show us as near as you can with reference to these three windows on the Washington Place side, will you show us here by a circle? A. What?

Q. Where the figures were. A. It was not a place they were supposed to sit, they were used as figures to show them how they fit, and were left often where they were used.

Q. They were movable about? A. Yes, sir.

Q. They were figures? A. Yes, sir, just moved them as you wanted to.

Q. Was there any desk of any kind there? A. No, sir.

Q. Or any table of any kind? A. Here was a desk (Indicating).

Q. Any desk of any kind? A. Nothing there (Indicating).

Q. Here (Indicating)? A. No, sir.

THE COURT: Referring to the Washington Place side
over by the Washington Place elevators.

A. (Continuing) Now there was one of those girls used this box, there was a couple of girls that stood there right

in that corner behind the elevators.

Q. There was examining tables near the fire escape side? A. Yes, sir.

Q. How near to the fire escape was the nearest side of the examining table? A. What do you mean, how near, by the end of the table?

Q. No. Assuming this to be the wall of the building (Indicating). A. Here is the wall.

Q. And assuming the windows to be in here (Indicating). A. Yes, sir.

Q. And assuming this to be an examining table. A. Yes.

Q. How near was the side of the examining table nearest to the fire escape from that fire escape? A. Well aside from the table she had had there --

MR. STEUER: I object to it.

THE COURT: I will allow it.

A. (Continuing) About the end of the table here (Indicating).

MR. STEUER: As he said there was a table in front of the fire escape, that is what I object to, has he said that?

THE COURT: Yes. there is testimony to that effect.

A. (Continuing) The end from the table reached about here (Indicating); and the other end from that table reached about here (Indicating).

BY THE COURT:

Q. You put your initials there. A. (Using pencil) This was a table running this way (Indicating); and there was finished. And then the other table commenced and here was passageway (Indicating). The table run on an angle.

Q. You have indicated this by your pencil marks, that the westerly end of the examiner's table which is nearer to Greene Street – A. Yes, sir.

Q. ~~ Extended to the -- A. To the window of the fire escape.

Q. To the window? A. Stopped before the window.

Q. Stopped at the casing of the window nearest Greene Street? A. Nearest Greene Street, yes, sir.

Q. And that is the other examining table began – A. From the University — we will say this way (Indicating).

Q. How far, if at all, did it extend over that window? A. Not at all.

Q. Not at all? A. Not at all.

Q. So that you say the two windows leading out on the fire escape balcony had no examining table in front of them? A. No, sir; it was about five to six feet in between.

MR. STEUER: May we show this to the Jury so they may see (Referring to diagram). These are the marks on there (Indicating),

Q. As you said to Judge Crain just now it stopped at the casing of the windows? A. Yes, sir.

MR. STEUER: This examining table came to this casing

(Showing Jury.); this examining table started at this casing and went there (Indicating).

THE WITNESS: Was about six feet in between the two.

MR. STEUER: Two windows leading to the fire escape here (Indicating).

Q. At the end of one of those examining tables was another table was there not? You have indicated that there were two examining tables and the position that they were in. A. We call them practically one, they were divided.

Q. There were two separate tables? A. Yes, sir.

Q. Two separate examining tables? A. Yes, sir.

Q. They ran along in the general direction of the wall in which the fire escape was?

A. Yes, sir.

Q. Now where, with respect to those tables, was the desk of Mary?

MR. STEUER: Mary Lowenthal.

Q. (Continuing) Of Mary Lowenthal? A. Outside the table. Here is the table running to Greene Street (Indicating); the desk was right near to the table, right near to the examining table.

Q. Was it at the side of the table or was it at the end of the table? A. At the side of the table near to the end of the table.

Q. Near that desk of Mary's there was another table, was there not? There was not an examiner's table but a table on which certain things were put. A. Inside towards Washington

side, a short table about half as long as this table (Indicating).

Q. That ran in the same direction as the Greene Street wall? A. Yes, sir.

THE COURT: I think we will suspend here. You are admonished not to converse among yourselves on any subject connected with this trial or form or express any opinion thereon until the same is submitted to you. And the Court will stand adjourned when it does adjourn until Tuesday morning, at half past ten.

(The Court thereupon took an adjournment until Tuesday, December 26th, 1911 at ten-thirty o'clock a. m.)

LAST EXHIBITS

People's Exhibit 49

Defendants' Exhibit K.