

BLAME SHIFTED ON ALL SIDES FOR FIRE HORROR

Fire-Escape Law Admittedly Inadequate and Legislature Plans Reforms.

THE 142D VICTIM DIES

29 Bodies Remain Unclaimed at the Morgue, Where 26 Were Identified Yesterday.

CIGARETTE CAUSED FIRE

Fire Marshal So Convinced After Examining Survivors—Oil Cans Near Spot of Origin.

DOORS WERE JAMMED TIGHT

Chief Croker Says They Had to be Chopped Down—Firemen Will Testify To-day.

RELIEF FUNDS POUR IN

Andrew Carnegie Gives \$5,000—Many Pitiful Stories Told by Mourners at the Morgue.

City, county, and State officials were involved yesterday in the discussion of responsibility for the conditions existing in the ten-story loft building at University Place and Greene Street, where Saturday evening's fire cost 142 lives, the latest victim dying in a hospital yesterday.

Responsibility for the inadequate fire escape facilities was charged directly to the Building Department. In its defense Borough President McAneny issued a statement last night. He held that the Department was in no way to blame for the disaster and there was not the slightest grounds for accusing Supt. Miller. The efforts to hold him responsible he characterized as "outrageously unfair."

Mr. McAneny said the plans for the Washington Place building were filed eleven years ago and were accepted as complying with the law. This fact, he urged, completely exonerates Supt. Miller.

Coroner Holtzhauser, insisting that the Building Department was seriously at fault, contended that its inspectors never had time to look at buildings except those in process of construction, and that several of its small force of inspectors were grossly incompetent.

District Attorney Whitman engaged two engineers yesterday to examine the building with a special view of determining official culpability, and their report will be ready when the April Grand Jury begins the investigation.

Certain paragraphs in the State labor law were quoted by District Attorney Whitman to show that responsibility for proper fire protection in factories, especially in the matter of fire escapes, devolved upon the State Labor Commission.

But State Labor Commissioner Williams refused to accept this interpretation, pointing to the fact that a decision of the Appellate Division in 1903 settled the fact that the Building Department has complete control over fire escapes in New York City.

At Albany plans are being made for legislation that will settle this issue. One proposed bill provides that the State Labor Commissioner have control of fire escapes in New York City as in other parts of the State, and the other would vest full control in the Fire Department, as recommended by Chief Croker.

The last report of the State Labor Department on the Asch Building was to the effect that stairway conditions made it impracticable to change the doors so that they would open outward—that such a change would really increase instead of lessen the fire danger. The same report held that the Triangle Waist Company's plant was not overcrowded. The total of employees then at work, however, was only 405, while on Saturday it had grown to over 600.

Investigations continued yesterday under the auspices of four different city departments. Fire Marshal Beers had the waist company's owners, the building's owner, and thirteen others before him in an investigation to determine the exact cause of the fire's origin.

His conclusion was that there was no explosion; that a lighted match thrown into waste near oil cans, or into clippings under cutting table No. 2, on the Greene Street side of the eighth floor, started the conflagration. In answer to evidence that no smoking was permitted, he declared he had many cigarette cases, picked up near the spot of the fire's origin, and could prove that smoking was constantly indulged in.

Fire Chief Croker, dissenting from evidence furnished the Fire Marshal that the doors within the factory were not locked, declared his men had to chop their way through them to gain entrance, and if not locked they were at least closed so firmly that only an axe could effect a passage through them.

At the loft building itself the fire lines were withdrawn, except for a guard on the sidewalk immediately surrounding it. Crowds of morbidly curious people flocked in from all directions, blocking traffic in Washington Square East, and in Washington Place, Waverley Place, and Greene Streets.

Investigators from Fire Headquarters

the Building Department, the Department of Water Supply, Gas and Electricity, the Borough President's office, and the Police Department thronged the building all day, tramping to the three upper stories and probing about in the ruins.

Their most important find was three oil cans on the eighth floor and two on the ninth, operated by suction pumps, and each having a capacity of over five gallons. Whether these cans contained lubricating oil or gasoline was left for a continuation to-day of the Fire Marshal's investigation.

The fire escape, Commissioner Waldo concluded, would have handled the crowd of employes in three hours, the elevators in twenty minutes, and the staircases in thirty minutes.

At the Morgue a procession of hearses came and went throughout the day, taking away the bodies of those who had been claimed by friends. The total of those dead was increased by the death of one survivor in the New York Hospital to 142. Of the fifty-five unidentified bodies reported on Sunday twenty-six were identified yesterday. Detailed descriptions of the twenty-nine bodies remaining unidentified, together with a description of all jewelry and trinkets found on their persons, will be found on another page. It is published in the hope that friends and relatives will be aided by it in finding their missing ones.

The funeral of the unidentified victims planned for to-morrow by their union was postponed until Thursday when the Coroner refused to release them until that date in compliance with the law requiring that bodies be held five days for identification.

Plans to make the funeral service an occasion for a labor demonstration on a large scale were perfected during the day.

Relief funds, paid in through the Red Cross, the Charity Organization, the Shirtwaist Makers' Union, the Women's Trade Union League, and THE NEW YORK TIMES, reached a total during the day of \$20,000. Andrew Carnegie gave \$5,000, the State Legislature appropriated \$3,000, and several citizens gave \$1,000 or more.

In front of many of the leading theatres last night large kettles, such as the Salvation Army uses at Christmas time, were placed to receive donations. The money received will be disbursed through the Red Cross.

STARTED NEAR OIL CANS.

Fire Marshal Gets Evidence as to the Origin of the Fatal Blaze.

The first official inquiry into the Asch building disaster was started by Fire Marshal Beers at Fire Headquarters at 9 o'clock yesterday morning. Members and employes of the Triangle Waist Company were examined and told again the story of the fire and the fight for life as they recalled it.

The result of the investigation, so far as it proceeded yesterday, was to confirm the cigarette theory of the origin. Piles of waste, tops of cigarette boxes, and samples of oil from three cans were part of the Fire Marshal's exhibits. The oil can stood in the corner where the fire originated. The cigarette boxes were picked up on the floor within a radius of a few feet of the cans, and the waste stood in a bale between two of the oil cans.

There were plungers in the two larger cans, and one contained about a gallon of oil which seemed to be a cleansing compound to remove spots from shirtwaists before sending them to the shipping and sales departments on the tenth floor. Another can contained lubricating oil for the machines, and a portion of it remained to satisfy the inquiry.

The larger of the three cans was empty except for water from the fire hose. What was in this can will be a matter of special inquiry from the witnesses to appear this morning, and several who have already testified will be recalled to testify on this point specifically.

The conflicting declarations made to the Fire Marshal yesterday caused him to make a hurried trip to the Washington Place structure in the noon recess of his investigation. Deputy Fire Marshals T. E. McGuire and Richard Sheehan accompanied Marshal Beers. They measured the doors and windows, staircases, and fire escape platforms, and then returned to Fire Headquarters. The entrance into the cloak room where many bodies were discovered, was found to be 21 inches wide. The stairways, while fireproof, were found to be so narrow that two persons could not pass up or down them abreast. The condition of the doors they could not determine, although they found several broken locks that may have been smashed as the firemen entered.

Partners Tell Their Story.

The witnesses examined by the Fire Marshal yesterday included Isaac Stern, the Superintendent in charge of the building; John Casey, the engineer; Michael Ciacca, John Gaspar, and Joseph Vito, elevator boys; Samuel Bernstein, manager on the eighth and ninth floors, and Max Blanck and Isaac Harris, the proprietors.

Mr. Blanck testified that the Triangle Waist Company was not a corporation. He said that he fled to the roof to escape, and that forty or fifty girls followed him. At first he had tried to pass from the tenth floor to the ninth, but found flames coming up the stairways and retreated, gathering his two children, who were in his office on the tenth floor, into his arms before starting roofward. Mr. Harris was on the roof when he reached it, he testified.

Replying to questions by the Fire Marshal, Mr. Blanck said he thought that all but one of the persons on the tenth floor escaped, and that most of those who perished were on the ninth floor, the flames on the stairways shutting off their chance to leave by the roof route.

There were 350 persons on the ninth floor, he said, 225 on the eighth floor, and 60 or more on the tenth. Some of the Jewish girl employes had remained at home, as Saturday was a Jewish holiday. In that way, the witness thought, 50 of 60 might have escaped the fire peril.

The company's business amounted to \$1,000,000 in 1908 and nearly as much in 1909. The strike cut it down last year. Mr. Blanck said, but it was rapidly picking up again when the fire occurred.

Isaac Harris, the other partner, had totally forgotten how he learned of the fire, and what he did prior to finding himself on the roof. He said he had a confused impression that he looked down the stairs from the tenth floor on the Greene Street side and saw smoke and flames coming up them. Then he recalled that many girls followed him to the roof.

"I found a step ladder," he said, "and placed it against an adjoining building. In that way we escaped, myself and 75 others."

Mr. Blanck, who was recalled, joined Harris in statements that there had never been a fire drill in the place, and that no effort had been made to instruct the girls, mostly foreigners, by printed notices or otherwise, where the fire exits were located.

Isaac Stern, superintendent of the building, was asked if any violations had been filed against the building.

"None that I know of," he answered, "and if any had been filed I would have heard of them. My employer, Joseph J. Asch, was particular to see that things were kept in good order. I was not in the building when the fire started, but was at Thirty-fifth Street and Broadway on my way from the building to my home at 49 East Eighty-eighth Street. I returned and witnessed the fire from the street."

John Casey, the building's engineer, said that the first he knew of the fire was when an elevator boy shouted that the place was burning. He was in the cellar, but ran immediately to the street, arriving just before the fire engines.

Fire Started in the Clippings.

Samuel Bernstein, manager of the waist company's employes on the eighth and ninth floors, testified at great length as to his experiences during the fire.

"I was standing on the west side of the eighth floor talking to my cousin, Diana Lipschultz, when Eva Harris, a bookkeeper, ran to me and said, 'The boys are putting out a fire by the elevator on the Greene Street side.' It was just after the bell had rung to quit working. I found a cutting table on fire and fire in a box of clippings standing beside it."

Fire Marshal Beers interrupted to ask how often the clippings and debris were cleared away from the floors.

"About once in two weeks," was the reply.

Bernstein then told of his efforts to put out the fire with buckets of water. A shipping clerk, he said, brought a hose from a standpipe into play, but had to quit before he accomplished anything.

"I saw it was no use fighting the fire," Bernstein went on, "and I yelled to the girls to run down the stairways. I tried to telephone to the tenth floor to have a

fire alarm sent in, but it was no use. I saw we had to get out, and I started for the roof. I carried several girls. I think I was the last to leave. I saw Blanck on the roof when I got there."

"Hadden't quite a number of fires broken out in the factory recently?" asked the Fire Marshal.

"Yes, one of the men and myself put out a little fire a short time ago."

"Did not these fires occur in the part of the floor where the men were at work?"

"Well, there was one where the girls were working."

"And the men—don't they all smoke cigarettes?"

"Yes, but we do not allow them to smoke in the building."

Leo Todor, an employe on the eighth floor, said his attention was attracted to the fire by Bernstein, whom he saw throwing water upon it.

"Brown, a mechanic, threw one bucket on and I threw another on," Todor testified. "I saw it wasn't doing any good, so I ran to a window, got on to the fire escape, and climbed into the yard below. I broke a window and got into the basement window."

Edward Markowitz, a shipping clerk on the tenth floor, said he got down to the ninth floor and found the door open but the girls in a panic. After spending a few seconds there he ran back to the tenth floor and went up to the roof. The ninth floor girls, he said, were crowding to the stairways leading to the eighth floor, and toward the fire escape, but none followed him back to the tenth floor.

Hard to Get One Door Open.

Louis Brown, machinist in charge of the eighth floor, said there were 176 machines on his floor and 236 on the floor above. All the machines on both floors worked, he said, on a continuous shaft system, with the girls sitting in narrow aisles to operate them.

"I was washing my hands," he said, "when the cry of fire was heard. I saw the second cutter's table on the Greene Street side ablaze. I saw Bernstein trying to put it out, and went to help him, but he called to me to look out for the girls. I saw they had blocked the Washington Place door and jammed my way through them, shoving them out of the way on both sides of me. I got hold of the door, and with difficulty got it open. I can't say if the girls found dead there died because some one got the door shut later or if the stairs were too narrow for them to leave the place."

"I got out by going down the stairs. Before I left I saw two girls hanging out of the windows on the Washington Place side. I grabbed one and a policeman grabbed another and we pulled them in. They went on down stairs with us. On the ground floor I saw men and women on top of the elevator and firemen getting them off."

"Did you see any one jump into the elevator shaft?"

"No."

Louis A. Silk, employed on the tenth floor, was his employer, Harris, when the fire started. He opened the windows to see what was below, then tried to reach the fire escape and failed, then ran for an elevator, and finally went to the roof. On the roof he met Harris again, and both assisted operators up the ladder to the adjoining building.

Silk at first insisted he had heard an explosion, but when the Fire Marshal pressed him on this point he said he was not sure and it might have been only a confusion of shouts from the floor below.

Max A. Levin, a bookkeeper, was talking in his office on the tenth floor to Miss Alter, his stenographer.

"I ran to a telephone and called Fire Headquarters," he said. "The man at the other end of the wire said the department had already attended to the matter, and I hung up. I saw Blanck's two children in the office, where I had run to get a telephone, and smoke was pouring in. I did not know where Blanck was. I put the books into the safe, and as I turned away I saw an Italian girl about to jump from a window. I ran to her and dragged her back. I then seized my stenographer by the arm and led her and the Italian girl to the roof. One or two men were already on the roof, and a girl followed us up. I got a ladder and stepped to an adjoining roof. I did not go back to see what had become of the others."

Elevator Man Saved Many.

Joseph Zito, who ran the elevator on the Washington Place side, claimed that he had saved over 100 girls in eight trips of his elevator.

"I have been employed in the building for six months," he said, "and knew all about the Triangle Waist Company's place. I knew there would be trouble if there was a fire. My first two trips carried me to the tenth floor, then I went once to the ninth, and after that I could only reach the eighth. The smoke there was blinding. The other elevator ran until it lost its power, after the sixth trip."

Caspar Mortillaro, the other elevator man, declared it was the crowds who forced his elevator to stop, rather than a lack of power.

"They pulled my hair, dived on top of me, climbed on the roof, and packed themselves in on top of each other. The car is built for ten passengers. I carried forty on the last trip down. Some grabbed the cables and slid down. One girl slid all the way from the ninth floor, and my partner, Vito, got her off the roof after I had dropped the car to the basement. A man grabbed the ropes below the car and slid to the cellar, dropping into water that reached his neck before the firemen reached him."

Frank Formanek, a freight elevator operator, said he made four trips to the eighth and ninth floors, taking a lone negro off the tenth floor, which was otherwise deserted when he reached it.

"An Italian fought the girls back on the ninth floor," he said, "and closed the elevator doors when my car was full. At the eighth floor, on my third trip, I could find no one. The smoke was dense, and the crowd was on the other side of the room."

"How long does it take to empty those three floors ordinarily?" the elevator man was asked.

"About fifteen minutes," was his answer.

Building's Owner Testifies.

Joseph Asch, the building's owner, who had hastened to the city from his home at Saugatuck, Conn., upon hearing of the fire, told of his efforts to build a fireproof structure.

"I left the question of construction to my architect, William Frank of Maynicke & Frank of 26 North Madison Square," he said. "I don't know who the builders were. I left the matter of letting contracts to the architects."

"Did you ask any favors of the Building Department when you had it built?"

"No; I never asked favors of them at any time."

"You believed the building fireproof?"

"The Fire Marshal has congratulated me on having it so completely so. We had a fire once in a loft, and it was confined to the floor on which it started. I instructed the architect that I wanted a building that would be fireproof."

The witness could not recall the name of the Fire Marshal at the time he was congratulated.

"You built it as a loft building?"

"Yes."

"And never considered it would be used as a factory?"

"No."

"Would you still consider it fireproof in the light of what happened Saturday? Are you satisfied with the fire exits?"

"I cannot tell as to that. I do not know what a panic will do in a factory."

"Would you put in more fire escapes if Chief Croker told you it was essential?"

"I certainly would and I would have done it long ago if any one had told me more fire escapes were desired by Chief Croker. I never inspected the Triangle Company's plant, except that I walked through it once and saw the sewing machines. I collected the rents, but did so by mail. I spent over \$300,000 on the building, and I have never heard a complaint against it from the Building Department or any other official source."

The architects claimed it was ahead of any other building of its kind which had previously been constructed, and they still insist that it is the equal of any building existing to-day except that in a few of the very latest better methods of fireproofing have been adopted. The elevator doors remained closed, so that the shafts did not carry the fire from floor to floor, and the stairs remained intact.

When the investigation adjourned for the day Fire Marshal Beers said:

"The fire started from a cigarette thrown into waste near the oil cans or in a pile of clippings on the Greene Street side of the building. I can prove that many men in the loft smoked cigarettes. From private and confidential statements made to me I am confident there were regular trick ways of smoking devised to avoid detection by the bosses. For instance, a man would hold a cigarette in the palm of his hand, with his fingers closed over it, and would blow the smoke under his coat lapel when he puffled it. If a foreman approached he would slip it in his pocket or snuff the light out with a bit of cloth. A favorite brand was the 'Afternoon Brand,' and many boxes bearing this label came from the eighth

and ninth floors. There were charred marks on ledges showing where lighted cigarettes had been laid. And this practice extends to almost every loft shop in the city."

Crocker's Men Had to Chop Doors Down.

Fire Chief Croker, after learning that the evidence had failed to develop the fact that doors leading to stairways and roof exits were locked when the fire started, declared that the testimony apparently had failed to bring out the truth.

"I have no direct and conclusive evidence that the doors were actually locked or barred," Chief Croker said, "but I have evidence that is conclusive that they were closed fast and that my men could not force their way past them except with axes."

"It was that way on the eighth floor and that way on the ninth. Behind these doors, after we had forced them, the bodies lay huddled together. Bodies were not found in the centres of the rooms, although there were some discovered in a cloak room on the ninth floor."

"When it was all over and we had time to search for evidence, the positive evidence had been destroyed. The doors my men battered in had burned up completely, so that we may never know positively if they were locked, or were forced shut by suction springs, or if the crowd behind them jammed them shut and kept them from opening again."

What Chief Croker said caused Fire Marshal Beers to summon eight firemen for another session of his hearing to be held this morning at 9:30 o'clock.

WHITMAN EMPLOYS ENGINEERS.

Their Report on Asch Building Conditions Will Go to April Grand Jury.

District Attorney Whitman yesterday appointed James P. Whiskeman and John D. More, two consulting engineers, to go thoroughly over the scene of the Triangle Shirt Waist Company fire, and make an exhaustive report as to whether or not the owners complied with the building code.

Mr. Whiskeman was formerly a consulting engineer in the employ of the Building Department, and Mr. More is a member of the Building Code Revision Commission. Both these men were at the scene of the fire yesterday in the company of Assistant District Attorneys Rubin, Holtzwick, and Manley, and Coroner Holzhauser.

"I have no doubt that it is very likely this disaster will lead to a general investigation as to the conditions existing in factories in this city," said the District Attorney last night. "The matter will be put before the April Grand Jury. I cannot place it before the present Grand Jury, as that will undoubtedly be continued over next term to investigate the vice conditions in the city, and the additional Grand Jury is already pressed by the vast amount of work that has fallen upon it."

"I have learned that State Factory Inspector Herrman inspected the building last February and reported favorably, recommending no alterations. It is the duty of this department as well as the Building Department to see that the law is enforced."

"It is also very likely that it will be found that instead of two stairways the building was really in need of four, as Section 75 of the Building Code provides that there shall be two stairways to each 5,000 feet. This stairway must be continuous. The code also provides that there shall be two more stairways to every additional 5,000 feet, and that when the number of feet exceeds 15,000, it is left to the Building Department to decide the number of stairways necessary."

According to the plans of the building at Washington and Greene Streets the area is 100 by 100, making 10,000 square feet.

In commenting further on the investigation, District Attorney Whitman read Sections 80 and 82 of the State Labor Laws, which apply to fire escapes and exits. He said that several witnesses, including Commissioner of Labor Williams, would be subpoenaed to appear before the Grand Jury which will investigate the case.

Section 80 of the State Labor Law reads as follows:

Proper and substantial handrails shall be provided for all stairways in factories. The steps of such stairways shall be covered with rubber, securely fastened thereon, if in the opinion of the Commissioner of Labor the safety of the employes would be promoted thereby. The stairs shall be properly screened at all sides and at the bottom. All doors leading in or to any such factory shall be so constructed as to open outwardly when practicable, and shall not be locked, bolted, or fastened during working hours.

Section 82 reads:

Such fire escapes as may be deemed necessary by the Commissioner of Labor shall be provided on the inside of every factory in this State, consisting of three or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, embracing at least two windows at each story and connected with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs, not less than six inches wide, with steps of not less than six inches tread, placed at a proper slant and protected by a well-secured handrail, and shall have a drop ladder not less than twelve inches wide, reaching from the lower platform to the ground.

The windows or doors leading to each landing or balcony of each fire escape shall be of sufficient size and located, so far as possible, consistent with accessibility from the stairways and elevator hatchways or openings, and a ladder shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory building from the upper story to the roof as a means of escape in case of fire.

When the additional March Grand Jury reported to Judge O'Sullivan in General Sessions yesterday, its foreman, William H. Hurst, reported that they had cast a unanimous vote and tendered their services to the District Attorney and to Judge O'Sullivan, and were ready to make an immediate investigation into the fire disaster. They expressed their willingness to continue throughout the April term, and other terms if necessary. They said that they fully realized that persons responsible for such calamities in the past have escaped without being properly prosecuted. The report was not acted upon.

The plans of the Asch Building were sent to District Attorney Whitman yesterday at the request of his assistant, Mr. Bostwick.

Coroner Holzhauser was in consultation with Mr. Whitman for nearly an hour yesterday. He said afterward that one of the criticisms he desired to make was that practical building men were not employed as inspectors, but that inexperienced men got the positions by examinations that did not prove their fitness. He also said that the law is his opinion was defective in regard to the doors, as it simply recommended that they open outward, and did not say they should be fireproofed.

CITY'S WATER SUPPLY LOW.

Warning Sent to the Mayor and Public Asked to Economize.

Water Commissioner Thompson sent a letter to Mayor Gaynor yesterday informing him that the city's reserve supply of water is very low and requesting that all possible measures be taken to prevent the waste of water for the present. The letter read:

Department of Water Supply, Gas, and Electricity.

March 25, 1911.

Hon. William J. Gaynor, Mayor, City of New York.

"Dear Sir:—I believe that the time has arrived when we should take the public into our confidence and let them know the small amount of water there is in reserve at the present time upon which the Boroughs of Manhattan and the Bronx depend."

We have now on storage 40,000 million gallons, as against 90,000 million gallons at the end of March last year. Our present storage is equivalent to about 120 days' supply. The rainfall for the months of December, January, February, and March of a year ago was 18.1 inches. For the corresponding months of this year the rainfall has been only 10.6 inches. In addition to this, there was practically no rain last Summer and Fall, so that the dry ground absorbed a larger proportion of the Winter rainfall than normally. Of course we may get a rainfall which will change conditions at any time, but if the drought which we have experienced for the last nine months keeps up, we can find ourselves in a very precarious condition."

I have had published a book entitled, "Facts and Regulations for Consumers of Water," which has been largely distributed, and which I believe is having good effect, and the department is also making house-to-house inspections throughout the Boroughs, as well as carrying on a systematic campaign to stop waste by the use of pito-meters, the shutting off of permits for the use of water except where absolutely necessary, and so on, but I think that the time has come when some letter should be made public, either by you or myself, informing the people as to the scarcity of the water supply for the Boroughs of Manhattan and the Bronx, and that they should be asked to help us in the conservation of our reserve for the good of all.

Yours truly, HENRY S. THOMPSON, Commissioner.