

their investigations of the burned building he would take the case before the grand jury. He wanted two engineers to help him in his investigation.

Coroner Holtzhauser said that so far as his examination had gone the responsibility seemed to lie with the Bureau of Buildings.

Dora Fritz, one of the operators who jumped from the ninth floor of the burned building, died yesterday in the New York Hospital. This brings the total of dead to 143.

After having made a careful examination of the building Acting Superintendent Ludwig of the Bureau of Buildings was prepared yesterday to discuss in detail the construction and the means provided for fire protection, and the escape of inmates.

"This is the first inspection I have made of the building," said Mr. Ludwig, "and the records of the bureau show that there has been no inspection since it was finished, in 1901. There would be no record, however, unless a violation of the law had been reported. In that case there would be a record on the files of the bureau, showing who made the inspection, the nature of the violation and what was done."

"The journals of the inspectors show what buildings they visit in their daily rounds, and I have had a careful examination of them made. There is no record so far as we have been able to discover, that shows that at any time there has been a complaint about the fire protection of the building."

"We have on our records complaints against another building in the block, but none against the Asch Building. It is through such complaints that we learn of violations of the law in buildings that have stood for some time. In fact it is only by accident that we know when the law is being violated in any building not actually under construction."

"This is because we have not enough inspectors in the bureau. We have only forty-seven inspectors, while there are approximately fifty thousand buildings in Manhattan under our care. And there is more than \$100,000,000 worth of new building done every year, all of which is under the supervision of this bureau. With this tremendous amount of new work to be looked after it is impossible for us, with our limited number of inspectors, to make regular examinations of the buildings that have once been passed as filling the terms of the law. The best we can do is to look into specific complaints that are brought to us from outside sources."

Fire Department's Complaint.
"On February 8 of this year the Fire Department turned over to us a list of thirteen thousand violations of the fire protection provisions in Manhattan. We put a force of six inspectors to work at once looking into these violations. There have been up to date 2,051 examinations, and 1,450 violations are being looked into now. We found that fire escape orders had already been put on fifty-two of the violations reported, and violations have been filed on 152 more."

"On March 22 we received from Henry Markowitz, secretary of the Joint Board of Sanitary Control of the Cloak, Suit and Shirt Industry, a report of thirty violations. We found that we had already put fire escape orders on three of these places."

"The Asch Building was not included either in the list of the Fire Department or of Markowitz."

"From my own examination of the Asch Building, made after the fire," Mr. Ludwig continued, "I found many points in which changes would have been required if they had been called to the attention of the bureau, either by our own inspectors or by some one outside of the department."

"There has been a great deal of question as to whether the doors to the stairs on the Washington Place side of the building were locked. This is a question that no amount of examination after the fire can determine. The doors were burned from their hinges and the lintels destroyed. There is no evidence left to show whether they were locked or not at the time of the fire. But I am informed that the inspectors of this bureau had a great deal of trouble with this particular firm to make it keep its doors unlocked."

"The inspectors would visit the factory and, finding the doors locked, would order them to be left open. But in a case like that there is no assurance that the orders will be obeyed. The doors will probably be locked again the next day. And I am informed that this was the case with the Triangle factory."

"If the doors were locked that was distinctly a violation of the law."

"The question of whether the doors shall open outward or inward is left to the discretion of the bureau. That is covered by Section 50 of the Consolidated Laws, which says that in the case of factories all stairway doors shall open outward, where practicable. But if the bureau passes doors that open inward the builder cannot be accused of a violation of the law. In this case I must presume that the administration of the law at the time the building was put up approved of the inward opening doors."

"Only one of the stairways reached to the roof. That is all that the law requires. Section 103 of the Building Code says:

"All buildings requiring fire escapes shall have stationary iron ladders leading to the gentle opening in the roof thereof, and all gullies and ladders shall be kept so as to be ready for use at all times."

"This provision demands only one opening to the roof, and the stairway in this case was accepted as being better than an iron ladder."

"The fact that there were only two stairways was not a violation of the law. Section 75 of the Building Code says:

"In any building covering a lot area exceeding 2,500 feet and not exceeding 5,000 feet there shall be provided at least two continuous lines of stairs remote from each other, and every building shall have at least one continuous line of stairs for each 2,500 feet of lot area covered, or part thereof, in excess of that required for 5,000 feet of area."

"It is the policy of the bureau under its present administration to require the maximum number of stairways. And if they are fireproof and protected by self-closing fireproof doors we waive the right to require fire escapes. We consider an interior stairway in a fireproof tower as a far better means of escape than an outside fire escape."

Stairway Doors Not Fireproof.
"In the case of the Asch Building the stairways were fireproof and were in fireproof towers. For that reason we would have waived the requirement for an outside fire escape. But we would have required self-closing fireproof doors, such as there were not on these stairways. The doors on the upper floors were not fireproof. We require now metal doors with wireglass panels. We do not require the doors to be kept open, because they may be provided with burglar-proof devices that operate when the doors are opened. The windows are the same. They may have burglar-proof devices, and for that reason we do not require them to be kept open as a means of escape."

"The dimensions of the stairways have been open to a great deal of question. There is no law or rule of the bureau governing the size of the stairways. We require them to be built of a size that we consider to be sufficient for the uses of the building. I suppose that the stairways in the Asch Building were deemed of sufficient size by the bureau at the time the building was constructed."

"The great defect in that section of the law is that the number of stairways is in no way affected by the height of the building. Two stairways are required in a building covering five thousand square feet. It makes no difference whether the building is two stories high or twenty, and it is manifestly absurd that the stairs that would be sufficient for a building half a dozen stories high would accommodate the crowds that would rush down them from a skyscraper of twenty or more stories."

"It is quite true that this building conformed to the law at the time that it was built and that there are many changes that would be demanded at the present time. It is also true that the bureau has the power to order any changes that it sees fit to make a building conform to the law as it is at present or to the requirements of the bureau, but it is also true that we do not hear of violations of the law in old buildings unless they are particularly called to our attention. And, again, it would often work a great hardship on the owners of the building to require extensive changes."

"This is especially true in the case of fire escapes. There are many old buildings on the East Side that do not conform to the present law in the matter of fire escapes. They have the old-fashioned escapes that were long ago condemned by the bureau. At the present time we require that all fire escapes on new buildings shall incline at an angle of less than sixty degrees. Most of the escapes on East Side tenement houses are of the old perpendicular style. But if we ordered the owners to change them to conform to the present law it might be necessary to return again next year and order another change because the whim of some legislator had decided on a new angle."

"In the case of the Asch Building the fire escapes were undoubtedly of the size and style ordered by the bureau at the time the building was put up, although they would not be passed to-day. We require now fire escapes to be at least twenty inches wide and to have a tread of six inches. On the Asch Building the fire escapes were not more than eighteen inches and had only a four-inch tread."

"Another requirement we make to-day is for a balcony from three and one-half feet to four feet wide, while on the Asch Building the balconies were only three feet wide. The escapes on the Asch Building were nearly perpendicular, and this would not be allowed to-day, but if we had considered the stairways to be fireproof towers we would have waived the question of the fire escapes."

"The drop ladder at the bottom of the escape was in compliance with the law. The law says that there must be a drop ladder reaching to the ground, which was the case in the Asch Building. The worst feature was that the escape ended in an inclosed court. There is nothing in the law to prevent this, but if it had been called to the attention of the bureau we would have ordered a change."

Fireproof Passage Required.
"It is the practice of the bureau in all cases where a fire escape ends in an open court to require a fireproof passage from the court to the street. This passage may be through another building, or it may be through the cellar of the building on which the escape is placed, but we always require a fireproof passage to the street, and this would have been done in the case of the Asch Building, if the situation had been called to our attention."

"It may be that at the time the building was put up there was an opening from the court to the street through some other building or by way of an alley. I have heard that there was some provision at that time, and that there was an agreement that if the old buildings then standing in that block were replaced by new ones an opening from the court would be provided. I have not discovered any such agreement on the records of the bureau, however."

"Another bad feature of the fire escapes was the iron shutters that blocked the balconies. The shutters were constructed to fold back against the wall in two leaves, and lie flat, leaving room for passage from the ladder from the upper floor to the one to the floor below. The practical effect, though, was to have the shutters only partly opened and the passage blocked."

"I do not see how this condition could have been remedied, except by having an inspection every morning to be sure that the shutters were properly opened. The law required the fire escapes and it required the shutters to be windows. The only thing to do was to have folding shutters, and that was the natural thing, through the carelessness of the man who opened the windows, that the shutters should be left so as to block the fire escape."

"The remedy, in my opinion, would be to have metal window frames and wireglass panels. This would be a fire protection and at the same time there would be no danger of the fire escape being blocked by shutters."

"In buildings like the Asch Building it is very difficult to do anything. The building is technically within the limits of the law, and yet it is very dangerous to those employed in it. I have been working for months on a report to the Borough President embodying my views

of the changes needed in the law. I think for one thing that the Bureau of Buildings should have police power to enforce remedies of violations. As it is at present we can only call for a violation, and if the remedy we call for is not taken we can only go to the Corporation Counsel for a civil suit for damages. No criminal action lies against any one guilty of a violation of the law or of the rules of the bureau."

"I would recommend, also, that instead of outside fire escapes there should be inclosed stairways in fireproof towers and that all doors opening on these stairways should be of the self-closing, fireproof kind."

Julius Franke, of No. 25 East 28th street, who was the consulting architect of the Asch Building, said yesterday that so far as he knew no violation had ever been placed on the building.

"I was not the original architect," he said, "but was called in by Mr. Asch as consulting architect to see that he got a proper job from the contractors. That the building is fireproof is shown by the fact that the walls and floors were practically unimpaired by the fire on Saturday."

Three Fires Swept a Floor.
"There have been three other fires in the factory of the Triangle company, each of which swept one floor clean, but did not reach to any other floor. The trouble on Saturday was that the flames broke out of the windows and jumped to the floors above. That is an argument for wireglass windows, and I think that the law should provide for wireglass in all loft and office buildings, and for metal window frames."

"The building was put up in strict compliance with the law. There was no provision for any particular width of stairs and the stairs were made to accommodate what was supposed would be the traffic of the building. When it was put up it was not known whether it would be used for manufacturing or for what purpose. It was only intended for a general loft and business building and Mr. Asch has always said that he was ready to do anything that the Bureau of Buildings and the law required."

"When the building was put up there was an opening from the court in which the fire escape ended through an alley about fifteen feet wide. Since then the old buildings in that block have been torn down and new ones put up that have inclosed the court on all sides. But at that, the Asch Building is the only one in the block with a fire escape, and there would have been no loss of life there on Saturday if it had not been for the panic among the workers, and that is something that no foresight can provide against except by fire drills."

"I am an advocate of regular fire drills in all buildings that are used for manufacturing purposes. Where the number of workers exceeds two hundred there should always be fire drills to provide against just such panics as took place in the factory of the Triangle Company."

Joseph J. Asch, the owner of the building, visited the scene of the fire yesterday and made an inspection of the burned floors, after which he went home to South Norwalk, saying that he would return whenever the District Attorney wanted him. Mr. Asch went over the building with Isaac Stern, the superintendent.

"Of course I am distressed at being connected with a building in which such a disaster occurred," he said, "but I must say, in fairness to myself, that every regulation of the law was complied with. If any suggestion had been made to me that more fire escapes were needed, I should have been only too willing to put them up. But I do not see how any number of fire escapes could have prevented what happened Saturday. As Chief Croker said: 'I can fight a fire, but I cannot fight a panic.' It was the panic which did the damage Saturday. It seems to me that there was sufficient means of egress if the girls had only kept cool."

Mr. Asch went to the roof and the condition of the fire escape was pointed out to him.

"It must have been the heat which did that," he said, looking at the bent and twisted iron.

"And look," he added, glancing into the light well, "none of these other buildings have any fire escapes at all."

In that point he was correct. Not another one was to be seen.

One of the other visitors described himself as Thomas F. Freel, a former fire marshal of the city. He pointed out the fact that if the door to the Greene street stairway on the eighth floor, near which the fire started, had been closed, the people on the floors above would have been able to make their escape down the stairway without any trouble whatever. The people on the eighth floor could have been saved by the Washington Place stairway, as most of them actually were.

He was asked if his experience led him to advocate fire drills in factories such as that.

"I advocate nothing but good hose," he said.

Condition of the Hose.
An examination of the hose showed that it was unlined and that at many of the landings it was unattached to the standpipes. On the eighth floor, apparently an attempt had been made to use the hose, but it had been just as apparently unsuccessful.

J. F. Skerrett, chief inspector of the Electrical Bureau, held that it was impossible that the fire should have been started in any way by the electrical apparatus. There were only two motors on the eighth floor, of 10 horsepower each, both on the opposite side of the building from the cutting table where eye-witnesses say the fire originated.

Two representatives of an insurance company who went over the building placed the loss to the building itself as about 40 per cent of its value, which they estimate at between \$250,000 and \$300,000. The contents of the upper floors, of course, were a total loss, and the lower floors were damaged to a considerable extent, they said, by water.

After the hearing at the Fire Hall Marshal Beers went to the building again with Coroner Holtzhauser and Assistant District Attorney Bostwick. Manly and Rubin, who were continuing their investigation for District Attorney Whitman. James P. Whiskeman, who was formerly in the bureau of Buildings, and John D. Moore, a member of the Building Code Revision Commission, accompanied the party as consulting engineers for the District Attorney, and took numerous measurements of the fire escapes, stairways and other parts of the building.

Fire Marshal Beers was particularly interested in the fire escapes in the rear and examined with great care the drop ladder from the last balcony to the bottom of the court. After his examination he placed a policeman on guard over the ladder with instructions to see that it was not moved or

disturbed by any one. After his trip over the building he said:

"The elevators were entirely inadequate. I found that the elevators would hold only ten persons each. They should have been made larger. The fire escapes were also inadequate."

"The loss of life was due largely to legislation. Factory buildings and loft buildings should be built like public schools, which have wide halls and large fire escapes and a red light over each exit. Loft and factory buildings where a mixed race of people are employed should have placards in their languages placed about the lofts telling them how to get out in case of fire. There should also be a fire drill twice a week, at least."

Coroner Holtzhauser said he had discovered that the standpipes on the various floors had not been used, and called attention to the hose lying on the floor outside of the stairway doors. He said that he climbed up to the tank on the roof supposed to supply water to the pipes and found it was empty. Commenting on the responsibility, he said: "Although I have not as yet completed my official investigation, it seems to me the consensus of opinion that the matter rests entirely with the Buildings Department."

The Civil Service is rotten. Any druggist clerk or any one else can pass the examination and they are appointed inspectors. Hardly one of them has any knowledge of buildings. What should be done is to appoint men who know something about the construction of buildings and how they should be equipped."

McAnany Defends Miller.
Late in the afternoon Borough President McAnany gave out a statement in which he warmly defended Superintendent Miller of the Bureau of Buildings and the administration of the bureau. His statement follows:

"The attempt to place the blame for the disaster on any part of it upon the Superintendent of Buildings is a gross and unfair. In my opinion, no fair-minded person who reads the facts will hesitate a moment in coming to the same conclusion. I have no disposition myself to blame any one until a thorough inquiry has been made. I have established in view, however, of publications that have been made I want to state—and I am in a process of examination—the present officers of the Buildings Bureau have no responsibility in the matter whatsoever."

"The determination of the Superintendent of Buildings as to whether a building containing a fireproof stairway or other means of egress is made at the time the plans are filed. The plans for the Asch Building were filed on March 2, 1909, and were accepted then as complying fully with the law. The code also requires that all buildings containing fire escapes and other means of egress upon any building of the type in question where they are found, shall be kept in the same condition as when they were first established. In view, however, of publications that have been made I want to state—and I am in a process of examination—the present officers of the Buildings Bureau have no responsibility in the matter whatsoever."

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