

1 Dead to Rites: the Chlorine Poisoning of Henrietta Jackson

By Hank Nuwer

Cornell University sponsored a gala inauguration for President Jacob G. Schurman on November 11, 1892. The faculty and students applauded and stomped the floor. “It is my desire and prayer that Cornell University may go on to evolve a more perfect type of manhood--a manhood which, shuffling off the animal core and fulfilling the divine idea of man, shall attain to a sense of honor that feels a stain like a wound, to an integrity that will not palter with the truth.”¹

Fifteen months later, a Cornell student, in collusion with other confidantes, killed an innocent woman in a hazing incident. Here is the story of that death.

The evening of February 20, 1894, brought fair weather for Cornell’s Class of 1897 freshman banquet. Hazing in the form of kidnappings and battle royals between first- and second-year class members had plagued Cornell on banquet night for years, including an 1882 incident that saw five expelled and forty disciplined. First-year class officers endured hair shaving, body painting, and abandonment in the countryside. Fraternities and sororities hazed back then also, but never with the brutality and mean spiritedness of sophomores on the prowl.

As darkness fell, sophomores from the Class of 1896 stormed the entrance to the Masonic Block building in Ithaca, New York. The Class of ’97 repelled their charge with the aid of junior class bodyguards.² However, one member of the sophomore class had scuttled into the Masonic Block much earlier and plotted to ambush freshman attendees.

The event began on the fourth floor in the banquet hall with toasts by the freshmen officers. A kitchen adjacent to the hall was used for food preparation. The Lyceum orchestra played “Yankee Doodle Dandy and “The Freshman Battle Hymn” to the tune of “John Brown’s Body.” So many students packed the banquet hall that waiters had trouble scooting by with trays. A photographer’s popping flashbulbs captured the event. Cornell’s carnelian red and white dominated the decorations, but the ‘Ninety-Seven committee also had plenty of lavender and purple crepe, the class colors.

Henrietta Jackson, a sturdy African-American cook, stood shoulder-to-shoulder with a white cook in the massive kitchen adjacent to the banquet hall. They labored to prepare the menu: blue point oysters, a bouillon soup, filet of beef smothered with Champignon mushrooms, potato croquets, escalloped apples, and lobster salad. The sophomore prankster

¹ T. H. Waterman, *Cornell University: a History*, 1 (New York: University Publishing , 1905).

² “Freshman Banquet: A Merry Night Spent Feasting,” *Cornell Daily Sun*, February 21, 1894: 1.

huddled in an empty office on the third floor. Days earlier, the conspirators had staked out the Masonic Block and calculated that this room was situated beneath the banquet hall. The plan was to pump raw chlorine into the celebration to send revelers scattering. During a rehearsal, one of the plotters had drilled two holes in the ceiling with an augur.

That afternoon, the perpetrator barricaded the flat's door with a store-bought brace, a cleat, new screws, and a wooden board.

A little after 11 p.m., the perpetrator connected rubber and glass tubes to two empty, dark-colored jars that once had stored soda-fountain syrup. The jars contained chlorine made with commercial potash and other ingredients found in any mercantile store. He pumped the chlorine into the room above. Confused shouts erupted when the vapors spread. The raider, assuming the chaos signified choking freshmen, escaped through a window, knocking puffs of snow off the sill. So little snow was knocked off, according to an investigating Ithaca police officer, that it was likely one person had committed the act. Light snow coated the alley ground. He obliterated his footprints, with or without the help of conspirators, and bolted like a thief in the night. However, the amateur criminal left behind paraphernalia to serve later as evidence. The potash package, purchased from a local merchant, bore the store's name handwritten in ink. The perpetrator also had abandoned a shipping box from a New York merchant labeled with the address of "6 Cook Street," likely his own boarding house.

If the prankster had removed the labels, he would have left no clues.

The Pranksters' Misjudgment

The conspirators miscalculated. The tubes went into the kitchen as the waiters loaded trays with lobster salad.³ The tubing poked out the floorboards beneath a wood-burning stove. Had the gas entered the packed hall as intended, it would have sickened many freshmen. The toxic gas would have caused instant coughing, suffocating and, likely, a mass panic. A reporter wrote that students would have gotten trampled at the exits.⁴

What happened was bad enough.

The menacing gas overtook the workers. Several were students from Cornell hired by the caterer for the night. Others were regular employees of the caterer. A few were moonlighting Ithaca blue-collar helpers.

A server named John from Utica, New York, gasped for air. "I have got to get out of the room," John complained, wheezing. The white cook started gasping and said, "I can't stand

³ The details of the mayhem in the kitchen all come from testimony in the coroner's inquiry.

⁴ So wrote an *Ithaca Daily Journal* reporter on February 22, 1894, 1.

this.” Waiter Samuel Hutchings was overcome by the gas and could not breathe. “It was a sensation that continued the next day after he had passed out at home. “It felt as if I were being choked.”

Quick action kept a bad situation from getting worse. Someone shut the doors leading into the banquet hall. Consequently, no freshman was gassed, although the *New York Times* reported incorrectly that some had been. Upperclassmen E. A. Ladd and Thomas McNeil, III, who were serving as sentries raced into the kitchen to render assistance, but were overcome. (McNeil, once an outstanding athlete, suffered respiratory issues after the chlorine incident and died eleven years later).. Someone misdiagnosed the problem as a malfunctioning stove and doused the fire with water. Two men grabbed cloth rags to avoid scalding their hands and tossed the stove reservoir out the window.

Many workers fled. One stumbled into a hallway and was helped downstairs. A drug store adjacent to the Masonic Block was open, and some of the stricken were helped inside. Others stayed in the room to assist gasping, falling-down workers who felt disoriented and were vomiting. Workers opened the windows to inhale chilled winter air. One student worker passed out as he draped his body over the sill, but fortunately he fell onto the floor instead of pitching to the ground. A worker who recognized the scent of chlorine purchased a vial of ammonia in the open store and raced back into the kitchen prepared to revive any passed-out workers.

Pandemonium in the Kitchen

Henrietta Jackson wheezed. The cook had been working alongside the stove longer than anyone, including her daughter Mary Matilda Jackson on the opposite side of the kitchen. Mary had been minimally affected, but her mother was prone to chlorine sensitivity. The savior with the ammonia pressed some to the cook’s lips with a handkerchief to revive her.

Warren Kenyon, by day a clerk at Platt & Colt’s Drug Store, was on cleanup duties in the kitchen when the gas poisoned the air. He thought that a skunk had gotten into the building. Mary Matilda Jackson called that her mother needed assistance. Although he himself could barely breathe, he staggered to assist Mrs. Jackson down the stairs. They fell and other rescuers took her by the arms and led her to the street. “She seemed to be very still and quiet,” said Kenyon. “[Mrs. Jackson] walked right along quiet, and apparently had her eyes shut, I thought.”

Once outside, the victims took heaving gasps of air, but Mrs. Jackson found it impossible to breathe. While the Cornell Class of ‘Ninety-Seven remained in the hall and toasted one another with Roman punch, Mrs. Jackson’s bleached lungs failed her. The cook’s daughter went back inside the Masonic building to retrieve her belongings. A rescuer took the stumbling Mrs.

Jackson to Dr. Walter Lockerby's home office at 26 East Seneca Street. The physician and surgeon was an ear, nose, and throat specialist.

The time was close to midnight. Dr. Lockerby answered the doorbell and let the two inside. She collapsed in the chair nearest to the door and asked for water. He fetched a glass as the rescuer explained how the cook had come to be in this condition. Her suffering was immense, and the reddish color to her cheeks signified that her brain and heart were oxygen deprived. Her breath emitted the distinctive odor of chlorine that the physician used to sanitize his office. Mrs. Jackson managed to take swallows of water. Dr. Lockerby snatched her arm. Her pulse was imperceptible. She clearly was asphyxiating. Her shallow breaths made it apparent that she was at the point of death, and the man who had brought her here for help now hurried to get Mrs. Jackson's daughter.

The physician assembled a teaspoon of digitalis squills, glycerin, and water in hopes of helping her heart work. When that treatment failed, he tried to force ammonia spirits into her. The doctor's wife Edith scrambled out of bed to offer assistance, but Mrs. Jackson's body relaxed, and the victim sank back into the chair. A puddle of urine leaked onto the floor. Mrs. Jackson's death occurred a mere five minutes after she had entered the house. Dr. Lockerby and his wife dragged the cook out of the chair and placed her body flat on the floor trying to revive her. Mary Matilda Jackson arrived and saw her mother's corpse on the floor. She ran to summon her father William.

After the gas subsided, kitchen workers returned while the banquet still reigned, there to be interviewed by Ithaca night sergeant John Edgar Clapp. Clapp was a retired professional baseball catcher. He had informed police in 1881 that a gambler had offered him a bribe to throw a game, earning his moniker "Honest John."

The next morning, Clapp and a second officer traced the tubes from the kitchen to the source. With the door's room barricaded, they had to gain entry by smashing a hole in a door panel. They found the boxes with identifying labels and some tin wires hidden in a long stove used to heat flat irons. The jugs, brace and a bit were stashed behind a sign and covered with abandoned clothing.

Newspapers Blame the Victim

The cook was survived by Mary, William, and an elderly mother. Mrs. Jackson had been the family breadwinner. Media coverage the day after the attack embarrassed Cornell's administrators. President Schurman promised that the instigators would be punished. Editors disparaged the institution as nothing more than a trove of ruffians, murderers, and cowards. The initial newspaper coverage, edited in the wee hours, was dismal journalism. The *Ithaca Journal*

mistakenly reported that daughter Mary Matilda Jackson, not Henrietta Jackson, had been killed. Newspapers as far away as Missouri, incorrectly announced that student worker Thomas McNeil had died.

In a day the Ithaca papers correctly identified Mrs. Henrietta Jackson as the deceased victim. An Ithaca newspaper printed a brief correction acknowledging that McNeil and the other student were alive and recovering. However, much coverage was unfavorable and disenfranchised her. Papers described Mrs. Jackson as an overweight, elderly “colored woman” with a bad heart. They printed rumors she had been in ill health. One of the most disturbing aspects about Jackson affair is that out of thousands of news stories, few, if any reporters interviewed the cook’s surviving husband and daughter. Instead of afflicting the comfortable, journalists afflicted the afflicted family, rarely comforting it.

Because Mrs. Jackson’s death was a homicide, a coroner’s jury was empowered to find the individuals responsible. In charge was J. Watson Brown, M.D., a local physician who had been elected Tompkins County coroner in 1892. The grand jury was charged with determining if murder charges could be brought against the person or persons whose “act evinced [a] depraved mind, regardless of human life.”⁵

An autopsy destroyed the *Ithaca Journal*’s speculations about the victim’s age and health. Dr. Martin Besemer, 46, who performed the post-mortem examination, swore to the inquisition that Mrs. Jackson was extraordinarily healthy and had the internal organs of a much younger woman. She was only fifty-three years old, not elderly. He found no sign of disease, he testified in the inquiry conducted by coroner’s jury foreman D. F. van Vleet, Esq., a Cornell alumnus, Chi Psi fraternity alumnus, and Democratic Party leader.

The only sign of aging at all was in the left lung where the doctor found "a slight degree [an inch in diameter] of some calcareous matter."

"Was that deposit sufficient to have caused death? asked van Vleet.

"No, not sufficient probably," said the doctor. The lungs did show evidence of congestion that "could have been" due to the chlorine, however. He went on to say that either smoke from the stove or an irritant gas caused her death. Jackson's lungs had filled with clotted blood.

"The heart was an extraordinary specimen . . . for a woman of that age?" inquired van Vleet.

"That is the conclusion we came to," Dr. Bessemer said.⁶

⁵ *Ithaca Journal*, February 24, 1894.

⁶ *Ibid.*

A handful of Cornell class officers took up a collection and purchased an Ithaca City Cemetery grave marker. A funeral was held February 24, 1894, at the M. E. Zion Church. Pastor J. H. Callis denounced the killing by individuals making sport at the expense of others.⁷ Many Cornell students attended the funeral. Seating was standing room only.

Testimony at the Inquest

Witness Edwin Gillett, a clerk at C. J. Rumsey & Company hardware dealers, revealed an important piece of testimony at the inquisition. “A young man, clean face I should say, about seventeen to eighteen,” had walked into the store to purchase an auger for boring holes. He came back and talked to another clerk, saying it was too short at about six inches, and he wanted to trade for a longer one. Gillett told the inquiry that he wasn’t sure if he would be able to identify the purchaser.

The inquiry called Hiram Haskins, a druggist at 6 East State Street in Ithaca, and showed him some wrapping paper in a package bearing that address. He did not know who had purchased the package but was certain it contained a half-pound of permanganate of potassium, which was an antiseptic and disinfectant used to make chlorine. He described the buyer as short, maybe five foot tall or a little taller, and around thirty in age, a dozen years or more older than the average sophomore. Nonetheless, he had reckoned this man of mystery to be a student. The two had a conversation about making chlorine. Haskins also recalled selling customers rubber tubing in recent weeks, but added that as it is a supply that is purchased every day, he could not identify who had poisoned Mrs. Jackson.

The jury interviewed tailor Charles F. van Houten who worked in a suite opposite the office where the gas had been released. He said several young men had been running in and out of that room for one week. Although they had made a slight commotion, he hadn’t confronted them. He convinced the jury this had been no operation of a single rogue, but rather a confederation of rogues. He testified that he heard no sound in that room the day of the banquet. The perpetrator had operated with stealth. This was a planned ambush with malice aforethought, not a spontaneous act of hazing.

The jury also conducted interviews with sophomore class members, but all testimony went nowhere. Most testified that they were nowhere near the Masonic Block that fateful night and were questioned no longer.

The coroner summoned six students who lived at the 6 Cook Street boarding house. Local newspapers named the sophomore roommates Carl L. Dingens of Buffalo and Frederick

⁷ Cornell Daily Sun, February 24, 1894, 1.

Taylor of Plainfield, New Jersey. Suspicion arose when the coroner was unable to locate them. A Cornell special student who lived at the Cook Street boarding house testified that Dingens was absent from the house for two days. Taylor turned out to be spending time avoiding reporters at his fraternity house instead of studying in his studio.

Based on testimony and investigations by Ithaca police, a list of suspects was put together by prosecutor J. H. Jennings. All evidence was circumstantial. Not one witness admitted seeing anyone suspicious in the Masonic Hall on the day in question. Prime suspect Carl Louis Dingens was the son of Joseph Dingens, a Buffalo, New York merchant known for his marketing skills. The father sold his own published *Cosmopolitan Cook and Recipe Book* and hawked mixed drinks sold in fancy bottles such as Persimmon's Rye, Magnolia Rye, and a drink named after Napoleon. His company sold the finest coffees in the world, or so his brochure boasted. Together with his brother, Joseph ran the Dingens Brothers store at 333 Main Street in Buffalo, peddling wine, liquors, cigars, mineral waters and food products.

When Joseph was a boy, he stood outside his boyhood home in Buffalo across from the Phoenix Hotel and recalled watching his Catholic father, John Dingens, founder of the family's business, drive by him in a carriage pulled by six white horses. Seated with his father was the Irish clergyman John Timon, who had been appointed the first bishop of Buffalo in 1847 after Pope Pius IX named Western New York State a diocese.⁸ The wealthy Joseph Dingens owned a 2,700-square foot, five-bedroom house with three bathrooms on Buffalo's fashionable Park Street. Dingens also owned a weekend and vacation home on nearby Grand Island. The vacation house was nicknamed Red Top. It was two-and-a-half stories tall and topped by dormers to give more space on the upper loft. A photo taken in 1888 shows the family and guests enjoying an outing. In evidence are an old fashioned, tall-wheeled bicycle, tennis rackets, boat oars and a banjo. The family, including Carl and his four sisters, enjoyed weekend excursions on the steamer *Periwinkle*⁹. The elder Dingens loved to journal and kept extensive notes about events such as walks with his son Carl. In one 1885 entry, Dingens avowed how his

⁸ Mark Goldman, *Bishop Timon and Immigrant Catholics in Buffalo* (Albany: State University of New York Press, 1984), 78-81.

⁹ Ruth Stahl, "Treasures": a Blog. Available at <http://www.isledegrande.com/treasures2003.htm>

son and he had passed a farm and witnessed a two-headed calf, which Joseph illustrated with a doodle.¹⁰

Most Sunday mornings found the family seated in their pew in Buffalo's majestic St. Louis Church, founded in 1829, the oldest Catholic house of worship in Western New York. "Buffalo has always known a Dingens among its foremost citizens, a Catholic newspaper declared."¹¹

Carl Louis Dingens at Cornell

Young Dingens was a member of the fledgling Cornell society Scalp and Blade, made up entirely of Western New Yorkers with Buffalo ties. He participated in Cornell athletic contests, although not in intercollegiate competition.

By February 24th, reporters for *the Buffalo Evening News* camped outside the Dingens home on Park Street. A daughter who answered the door said her brother had been in Buffalo a few hours earlier, but an uncle denied that he had been home.¹² He *had* been home, Carl Dingens confirmed in testimony at an inquest. The uncle had been misinformed or lied to a reporter.

Two days later, a reporter talked to Taylor and reported that Carl Dingens was off to Syracuse, New York, by train to meet one of his four sisters. Another morning newspaper corralled Eugenia Dingens, Carl's sister, for an interview, and Miss Dingens, known locally in Buffalo for her skills in public in community theater, repeated the story that her brother was visiting an invalid sister. However, the Ithaca paper declared that young Carl "by his continued absence from the city is being reported as being implicated in the affair." It carried a report that Dingens' father had been in Ithaca, and that the police had searched the young man's quarters but found him absent. Eugenia Dingens vowed to a reporter that her brother "would return directly to Ithaca, explain his absence, and prove that he had no hand in the affair."

The story about visiting his sister was a tale Dingens later denied under oath was true, saying he had gone to Syracuse for his own medical care.¹³ A reporter named Murray E. Poole

¹⁰ Joseph Dingens, "Red Top Diary" (unpublished), Buffalo and Erie County Historical Society Archives, Mss. A00-119. Portions of the diary available online from local historian Ruth Stahl, "Treasures": a Blog. Available at <http://www.isledegrande.com/treasures2003.htm>.

¹¹ *The Catholic Union and Times* (September 26, 1907).

¹² *Buffalo Evening News*, February 24, 1894.

said Dingens claimed his malady was “weak eyes” and that his doctor had forbidden him to read newspapers, which is why the sophomore claimed he had known nothing of Jackson’s death.¹⁴

Around that time, three students were placed in custody for failing to cooperate. They were Carl Dingens, C. H. Mitchell of New York City, and Charles B. Gorby of Pittsburgh.¹⁵ Two other students--Frederick Taylor of Plainfield, New Jersey, a Phi Kappa Psi fraternity member and glee club singer, and Earl Stimson, an aspiring railroad engineer—cooperated with authorities to a point. These are the five persons of interest named in the press. An additional two conspirators were described by physical appearance but not identified by name. This was a blueblood wall of silence made of brick and mortar.

Mitchell was not a Cornell student. He was enrolled at a preparatory and remedial school in Cornell founded by 1891 Cornell graduate named Charles A. Stiles. Mitchell had arrived from New York City on January 24, three weeks prior to the banquet. He refused to answer the jury’s inquiry whether he had been in the Masonic Hall at the time of the poisoning, but he admitted acquaintanceship with Dingens, Taylor and Gorby. He conceded to knowing the dry goods company of New York’s James McCreary & Co., whose wrapping paper was found on the abandoned clothing box (with Mitchell’s name and initials and address) in the Masonic Block. “I know that firm very well, but to my knowledge I never saw that paper before,” testified Mitchell. Foreman (*pressing*) Have you recently had a package from New York [that] contained a paper of that description?”

Mitchell: I refuse to answer.

Foreman: On what ground(s)?

Mitchell: On the advice of counsel.

Foreman: Do you know who took that [McCreary] paper from your room?

Mitchell: No, sir.

The foreman D. F. van Vleet reminded Mitchell that he had given *Ithaca Journal* reporter William Armstrong (who also was a coroner’s grand jury voting member) a preliminary statement that he had received the package from McCreary & Co. Mitchell was on shaky grounds if he perjured himself.

Mitchell: I supposed what I said in there was practically true.

¹³ *Buffalo Evening News*, February 26, 1894.

¹⁴ Murray E. Poole, *The Green Bag*, edited by Horace W. Fuller, 1894.

¹⁵ Associated Press, March 2, 1894.

The foreman attacked Mitchell with a barrage of questions, but the witness answered with the same refusal to out the perpetrators and to reveal their involvement.

The Testimony of Charles B. Gorby

Charles B. Gorby appeared before the coroner's jury. He stated that he was a sophomore in the Class of 1896, had studied chemistry as a mechanical engineering major, and lived at 27 William Street, less than a half-mile from Dingens and Taylor. He too refused to answer questions about how the chlorine entered the Masonic Hall kitchen. He refused to say why he refused, not wanting to claim the Fifth Amendment fully and say anything about criminalizing himself. To claim self-incrimination was to tell the public you were guilty.

Foreman: Are you acquainted with Mr. Dingens?

Gorby: I am.

Foreman: Have you been frequently to his room?

Gorby: I should say so.

Pressed whether he had conferred with Dingens and/or Taylor the week before the banquet, Gorby refused to answer.

The *New York Times* reported on February 23 that Dingens was on the lam, and the paper convicted him in the press. "His action in remaining away from the scene of the investigation makes the finger of suspicion point toward him as one of the guilty parties."¹⁶

On several occasions, reporters claimed that at least one unnamed "guilty student" was ready to confess, but that pressure from the other suspects had thus far kept him from coming forward.¹⁷

Another person of strong interest, Earl Stimson, gave his testimony to foreman Van Vleet on March 1, 1894, at 2:00 p.m. He acknowledged that he was a sophomore and a neighbor of Dingens, boarding with a Mrs. Crozier at 7 Cook Street, the house where it was established that two unidentified young men (one with a sandy moustache) bearing extract jugs had shown up weeks before the chlorine incident.

Stimson refused, "on advice of counsel," to share any facts that might "throw any light" on the criminal act at the freshman banquet. He refused to say whether it was on grounds that

¹⁶ *New York Times*, February 23, 1894.

¹⁷ *New York Times*, February 23, 1894.

any statement might criminate him. He said he was obeying instructions from counsel (likely paid for by Joseph Dingens or possibly his son Carl).

Stimson said that Carl Dingens and he had known each other since each had started studies at Cornell. He had been downtown while the banquet transpired, but he swore under oath that he had not been in the Masonic Hall that fatal day. He refused to answer whether he had discussed ways and means of breaking up the freshman banquet. He refused to answer the follow-up questions posed by the district attorney.

On April 24, Earl Stimson boarded a train in Ithaca that shut down for an emergency stop. Ithaca sheriff Charles S. Seaman was on the train and asked if Stimson could assist a Cornell junior named James Harry Root. After realizing he was on the wrong train, Root leaped off at 30 m.p.h. His coat caught on a car step, and he was swept under the wheels, ripping off one leg and most of another. Stimson rushed to the hospital with Root, sitting at his bedside until the victim died. After Root's mother and sister came to the hospital, Stimson comforted them as well.

False coverage

Early newspaper coverage of the "Jackson Affair," as journalists termed the death of "the colored woman," misled readers into thinking fresh news about a confession soon would break. William A. Armstrong, a *Journal* reporter, noted that Coroner J. Watson Brown had "informed a reporter that he had discovered what he deemed important clues, which would undoubtedly sooner or later reveal the identities of the parties mixed up in the affair."

An Ithaca newspaper paraded this snapper of a headline on February 28. "Confession Coming," the headline read. "One of the Cornell students will make a clean breast." In a poorly sourced article, the reporter concluded that the "public awaits with the deepest anxiety the promised disclosure of the manly student who stated it was his intention to make such a disclosure."

Seeking additional sources, Armstrong quoted Professor Charles A. Collin of the Cornell Law School who had opined to his classroom of third-year students that the individual or individuals who had caused Henrietta Jackson's death showed a "depraved mind" as evidenced by the deadly ensuing actions. However, given that the chlorine death of Mrs. Jackson was an unintended consequence, Collins told his law class he thought the offense might prove eventually to be ruled an involuntary homicide of lesser consequence for the perpetrators. Even so, it likely would be a felony conviction and a mandatory prison stretch.

In a related story that day coming out of the capital, a newspaper quoted New York Senator Henry J. Coggeshall of Utica as saying Cornell's administrations and students appeared

to want the "criminal outrage" to simply go away. "I shall watch the matter closely and if such a disposition continues and no convictions are made, I will introduce a resolution in the legislature for an investigation of a wide scope with power to engage expert detectives and counsel. It is time these outrages termed `fun' cease, and in any event I shall try to amend the penal code by providing a heavy penalty for any kind of hazing." (In reality, despite such bluster, New York's hazing code remained weak until challenged by Eileen Stevens, the mother of an Alfred University hazing victim, in 1978).

Predictably, the faculty of Cornell condemned the death of Henrietta Jackson but maintained the matter was to be investigated by officers of the law, not by professors and deans. As is true of collegiate hazing cases to the present day, the faculty declared that any known offenders additionally could face the institution's justice if convicted in a court of law. Cornell President Schurman attended most hearings of the coroner's jury but had no comment for reporters.

The *Ithaca Journal* noted that the disgrace had offended the sensibilities of alumni who worried their Cornell degree might be cheapened by scandal. "...It is my earnest hope that the perpetrators of this stain on the good name of the University may be brought to speedy and stern justice and that the full extent of the law be meted out to them," wrote an alum. "To name a punishment severe enough seems almost beyond me at the moment, but had the injured ones been relatives the horror felt at the affair by alumni in this city...is greater than words can express. We hope that no stone will be left unturned to discover and punish the guilty parties. The reputation of all those who are and have been connected with the institution is at stake in the matter."

The Coroner's Inquiry Stalls

On March 1 the Coroner's jury played hardball. With Carl Dingens goodness knows where except in Ithaca, the jury tried squeezing the truth out of Frederick Taylor, his roommate. Taylor had perplexed and perhaps angered the coroner's jury when he had refused to acknowledge that Dingens was his roomie. "I refuse to answer, by advice of my counsel," Taylor had said.¹⁸

In the midst of questioning, counsel interrupted van Vleet's interrogation. "At this point, gentlemen, we represent this young man, together with several others. This is the only tribunal known to the law, where a person even suspected of a crime can be forced to go upon the stand."

¹⁸ *New York Times*, March 2, 1894.

challenged Myron M. Tompkins. “You can put him upon the stand in your investigation, but you cannot compel him to answer; and we take the responsibility of advising this gentleman to put himself upon his privilege, which is laid (sic) down in the Court of Appeals, that he has the right to . . . refuse to answer any further questions.”

The coroner confronted Tompkins, together with Frank M. Leary, the local legal representation for Taylor and several other students. Tompkins refused to bend, telling the Coroner that his client could not be compelled to testify because of his Constitutional rights.

Coroner Brown demanded clarification from Taylor. "Do you refuse to answer because it will criminate you?"

When Tompkins ordered his client to stay silent, van Vleet, the foreman of the jury, insisted the lawyer and the press had no right being in the room for Taylor’s questioning. Brown agreed, tossing Tompkins and all reporters.¹⁹ Armstrong, doing double duty as reporter and coroner’s jury member, stayed put. The impatient van Vleet, by tossing Taylor’s counsel out of the hearing, may have set up the outcome for a future appeal that took all the suspects off the hook.

Dingens on the Stand

Carl L. Dingens returned to his boarding house and at last responded to his subpoena from the coroner. Foreman D. F. van Vleet began his interrogation with simple questions to which the witness gave short responses. His course was electrical engineering, a popular major at the time work on hydroelectric plants flourished in Buffalo, soon to be nicknamed “the City of Light.” He admitted to having taken chemistry. He admitted that he had been in Buffalo on February 22, 1894, at the request of his mother. Instead of traveling to Syracuse to meet an ill sister as Taylor had told a reporter, Carl Dingens testified that he had been in that city to seek medical treatment from his family doctor. He said his counsel was Tompkins & Leary.

The questions from the foreman became more pointed and Dingens parried them. He refused to say whether he had made certain purchases from stores such as Platt & Colt.

Pressed, Dingens acknowledged that his father had been in Ithaca as recently as the previous day. He himself first heard “that this colored woman was dead” about 7 a.m. on Wednesday morning, February 21.

¹⁹ Ibid.

Van Vleet: Were you one of the parties that helped to manufacture the gas, which was forced into the banquet hall of the Freshman class?

Dingens: I refuse to answer your question.

Van Vleet: Upon the ground that it would tend to criminate you?

Dingens: It might tend to criminate me.

The foreman dismissed Dingens..

Official Cause of Death

The coroner's jury took testimony from Dr. Lockerby and a second physician that had treated two junior sentries at their boarding house. Dr. Lockerby gave a long and detail-filled narrative about the night he treated Mrs. Jackson. He described how he had "wet her handkerchief and put it across her chest, with the idea of getting up some counter-irritation there [that] might relieve the spasm of the bronchial tubes. The breath didn't seem to enter her lungs at all, and it didn't seem to do any good whatever. She just simply sank away, and in fact died."

His official medical opinion was that she perished from "spasmodic contraction of the bronchial tubes" likely caused from inhaling irritant gas.

The jury also questioned Dr. John Winslow, an Ithaca physician who treated the two juniors that had passed out from fumes while trying to assist the staggering kitchen staff.

Coroner: Do you think chlorine gas would produce death under any circumstances?

Winslow: I think it might under some circumstances.

Coroner: Under what circumstances, Doctor?

Winslow: Under circumstances which would produce permanent spasm of the glottis until suffocation was complete.

Coroner: And that would be the process of death from the chlorine gas?

Winslow: Yes, sir.

Coroner: If [chlorine gas is] taken in a concentrated form, death would be liable to be produced by suffocation?

Winslow: Yes, sir. A cramping up of the glottis and the vocal cords would close together and shut off the air at the glottis; and also probably produce a spasm of the smaller bronchial tubes.

The jury empowered to look into the tragedy of the cook's death rendered its collective opinion on March 14, 1894. The jurors decided this: "The said Henrietta Jackson . . . came to her death on the night of February 20th, 1894, by reason of the inhalation of chlorine or other irritant

gas manufactured and introduced into a room in Masonic Block in the City of Ithaca, New York where deceased was at work by a person or persons to this jury unknown."

In the same article, the headline proclaimed that "[Carl] Dingens of Buffalo" had an explanation for his absence, or at least his family so claimed. The reporter quoted the family's protestations that claimed Carl was innocent of all involvement. Dingens himself offered the excuse that he was "much shocked" at numerous requests he make a "speedy return to Ithaca," and unaware he had been sent a summons. He was not under oath when he spoke to a reporter. He was without question the prime suspect in the Jackson affair.

The case now went before a grand jury with Judge Gerritt A. Forbes determined to reject all refusals from those that refused to testify. Worried that at the least his son would languish in jail for contempt of court, Joseph Dingens retained renowned criminal attorney John B. Stanchfield, from Elmira, a partner in the law firm of Reynolds, Stanchfield and Collin to help local counsel represent his son and the other defendants.. Stanchfield, always impeccably dressed, was a former mayor of Elmira, New York and a close friend of Mark Twain. Stanchfield's wife, the former Clara L. Spaulding, was Twain's wife's best friend and twice visited Europe with the Clemens family.

Stanchfield conferred with the Ithaca attorneys to keep Taylor from being compelled to offer testimony that almost certainly would have led to jail time for Dingens, Stimson, Gorby and other defendants yet to be named. An Ithaca reporter claimed testimony by Frederick Taylor, if compelled, could implicate at least six persons in the cook's death.

Frederick Taylor, well coached, invoked his constitutional guarantees to "throw himself upon the privilege which the law allows me on the ground that it may tend to criminate me" on the Murder One charge. This was his standard response to questions about the origin of the jugs, about the purchaser of materials used to make chlorine, and any other question where an answer might open the prosecutor's way to expanding his questions. He almost lost that privilege by opening up on rare occasions to admit he and Dingens had taken a chemistry class and knew the rudimentary steps in creating chlorine.

On March 28, 1894, Judge Forbes banished Frederick Taylor to jail for contempt for refusing to testify to what facts he knew to be true in the Mrs. Jackson case. In essence, Taylor could only stay silent if he pleaded the Fifth Amendment and admit that what he was holding back would incriminate him in a case of manslaughter in the first degree, plus a misdemeanor disruption of a lawful meeting. Subsequently, Taylor on advice of counsel planned to say he refused because some statements might criminate him. Newspapers in Ithaca reported that Taylor seemed to be innocent of at least some of the charges of collusion.

Taylor's lawyers ran an end around the current court and approached a judge in a neighboring county to set Taylor free and allow him to claim his constitutional rights. The judge agreed with their argument.

On April 5, Sheriff Charles S. Seaman greeted Frederick Taylor in his jail, presumably in the company of a reporter since the conversation appeared verbatim in the local newspaper. Fordyce A. Cobb, the managing clerk for the Ithaca law firm of Tompkins & Leary, had visited the jail and served the sheriff his client's release papers.

"Mr. Taylor, you are released from my custody and are free to leave this place at any time," said Sheriff Seaman.

With his left hand Seaman handed a subpoena as he shook hands with his right hand. Taylor learned that he had been remanded to speak to a grand jury on April 24, 1894.

Taylor expressed gratitude nonetheless for his treatment in jail. "I am very much pleased at the news you bring me and wish to express to you, Mr. Sheriff, my sincere thanks for the kind treatment you have shown me, and shall always remember you with feelings of gratefulness."

The sheriff dashed off to catch a scheduled train to Rochester and told Taylor to use his official office for a celebration. Taylor's fraternity brothers and Cornell friends came over to mob him. These fraternity fellows, glee club friends and sophomore class members celebrated the chance to visit a pal in the pokey. They accompanied him to his cell where he held forth with them for nearly two hours until exiting the building around 6 p.m. "He was in no hurry to leave jail" a local paper headlined its story.

Taylor had one complaint. The faculty had suspended him while he was in jail and unable to take required exams. "I think the faculty was rather hasty and unjust," he said to the reporter "But I think they will do right by me and reinstate me."

Conspicuously missing from the articles were any words of contrition from Taylor about Mrs. Jackson's survivors and how he felt about her painful end. Not one of the accused ever showed remorse.

Taylor predicted rightly that the Cornell faculty had no choice but to reinstate him, and it did so. He was readmitted in good standing to Cornell.

In April, a second death occurred in the Masonic Block building. Dentist William L. Brenizer shot and killed himself in an office below the room where the chlorine jugs had been placed. He left behind a rambling note that complained he had been blamed (by teasing friends of his) for creating the deadly banquet gas mixture. His note admitted having been in the room where the gas had emanated some six months prior, but protested his innocence, stating he had never committed a crime in his life. The coroner acknowledged Brenizer's depression, declining to ask for an inquest after Brenizer's friends informed newspapers that the dentist's obsession

with the chlorine case had exacerbated a previous mental condition that had forced him to abandon his dental practice. Brenizer's will donated his brain to Cornell for scientific study.

Gerrit A. Forbes on the bench

Now the legal ball rolled into the court of had Gerritt A. Forbes, a long-bearded justice of Oyer & Terminer in Ithaca. Frederick Taylor, in his testimony before Forbes, alternated between giving many "I don't remember" statements and otherwise refusing to testify. Taylor remained silent even when Forbes browbeat him and said he wanted Taylor to make a clean breast of matters. "The court takes the responsibility under the laws of this state of squeezing, so to speak, this evidence out," said Forbes. "Young man, you are directed to return to the grand jury room and to answer any question which is put to you in reference to anything you know about that transaction."²⁰

Taylor, on advice of attorney, defied Judge Forbes and remained mum. A showdown was in the making.

No Jailhouse Confession

Ably advised by Stanchfield, Taylor triumphed in the case of *People ex rel. Frederick Luther Taylor* against Gerritt A Forbes, the justice of the New York Supreme Court.

Together with local attorneys for Dingens and Taylor, Stanchfield appeared before Chief Judge Charles Andrews of the court of appeals in Syracuse who blocked the rulings of Judge Forbes. Essentially, in his quest for a guilty verdict, Andrews agreed with counsel that Justice Forbes had stripped Taylor of his civil rights.

In May of 1894, attorney Leary also argued his case with justices from the state's Court of Appeals on behalf of Taylor's right to invoke the Fifth Amendment privilege. On May 16, the court ruled that a stay of proceedings was proper. In other words, unless some witness came forth with evidence against Taylor, the case was over.²¹ There would be no grand jury indictments. The case lingered on for a little over two months more, but all that remained was posturing, as topnotch legal counsel led by Stanchfield had represented Dingens and Taylor perfectly to keep them out of court. A grand jury and a coroner's jury had flexed their muscles and ordered Taylor to testify, but in the end, his attorney Stanchfield persuaded the New York Court of Appeals to

²⁰ *Ithaca Journal*, May 3, 1894.

²¹ *Cornell Daily Sun*, May 17, 1894, 1.

issue an extremely rare “stay of proceedings,” stopping all legal action in the Jackson murder investigation.

In mid-May, the humiliated Justice Forbes acknowledged that the sealed lips of Taylor meant that Mrs. Jackson’s murderer or murderers would never face criminal trial. He thanked the grand jury for its service and dismissed the foreman and members. Not a single newspaper ever put in a statement from Mrs. Jackson’s daughter and husband for their reaction to the disposal of their mother’s case without attributing guilt to any party.

Stanchfield’s Legal Move

Taylor’s unremitting refusal to offer testimony effectively removed Carl L. Dingens and the other suspects from trial.

In addition to the known suspects, there had been unnamed conspirators. A clerk named Samuel McKinney testified that he sold tubing to a short, sandy-haired young man who had a moustache. A female neighbor at 7 Cook Street testified that two men (one with a light moustache) carrying jugs (apparently resembling the murder paraphernalia) came to her house seeking two people, one of whom she told them lived across the street at 6 Cook Street. That same young man, or a different culprit, approached a merchant tailor with an office in the Masonic Block to ask how to turn off the water in the building. That, apparently was an alternate plan to disrupt the freshman banquet. Dishes could not be washed, and the banquet’s servings would stall mid-meal.

Based on the circumstantial evidence at hand, and no willing eyewitness to testify, the local prosecutor had no chance for a conviction. The wall of silence lasted all the way to the death of the last ‘Ninety-Sixer. No deathbed confession came from Dingens, Taylor, Stimson or any other.

Likewise, no one came voluntarily forward to make amends with Mrs. Jackson’s descendants. William Jackson announced plans after the funeral of his wife to launch a civil suit against Carl Dingens and Frederick Taylor, but the case never was tried, perhaps because the \$5,000 Jackson sought in damages could quietly be paid him as an out-of-court settlement by the wealthy Joseph Dingens. Not one newspaper published follow-up stories reporting precisely why the civil suit failed to materialize.

Mrs. Jackson’s daughter, Mary Matilda Hedgepath, wife of the late William A. Hedgepath, died in 1929 after a serious illness. She had no grave marker.

The Taylor decision by the New York Court of Appeals was a nineteenth century landmark case for the protection of an individual's civil liberties. Here, in part, was the ruling by the Court of Appeals.

“[Taylor], though in fact he may be innocent, was so situated, with reference to it, and so related to the circumstances and results, that it is apparent that at some point and in some way it became, under all the circumstances, not only prudent, but necessary and proper, to claim the privilege of refusing to disclose the information sought to be elicited by the questions. He was a student at the college. He belonged to the sophomore class and the class in chemistry. He boarded at the house from which the jugs were taken by someone. His roommate [Dingens], at least, seems to have been one of the persons suspected as being in some way connected with the transaction.

“He was so surrounded by elements of circumstantial proof that the answer to any one of the questions might form a link in the chain sufficient to subject him to the hazard of a criminal charge. Whether innocent or not, there was a combination of facts and circumstances that brought him perilously close to the charges which was the subject of investigation, and the answer which he was required to give might have completed the chain of proof. He was then placed in a position where he might lawfully claim the protection of the law and remain silent.”²²

The Jackson chlorine case over time has become one of the least remembered of many sensationally covered hazing stories, but as late as 1955, well known divorce attorney Richard H. Wels, a 1933 alumnus, lavished praise on Taylor for his refusal to let Justice Gerrit A. Forbes bully him into naming names and cooperating with the prosecutor to turn in collaborators. The letter from Wels came out in the days of the Red Scare and hunt for celebrity Communist past members by Senator Joseph McCarthy of Wisconsin. “In these days, when the Constitutional guaranties afforded by the Fifth Amendment are being whittled away, deviscerated, and attacked by many elements in our community, there is much to be learned and remembered from the decision of the Court of Appeals sixty-one years ago,” wrote Wels . He lauded “one member of the Cornell community in 1894 [who] did not hesitate to uphold and invoke our constitutional liberties.”²³

Epilogue

²² New York Court of Appeals: 143 N.Y. 219.

²³ Richard H. Wels, “Fifth Amendment Precedent,” Cornell Alumni Newsletter, Vol. 57, (No. 6, May 15, 1935): 521.

The Henrietta Jackson case ended in a cold case, all evidence from the Mason Block office destroyed over time that might have revealed, in our own time, fingerprints and DNA samples to identify the guilty parties.

Carl L. Dingens and Frederick Taylor made up lost work at school and graduated from Cornell University and found professional employment, respectively, in the fields of business and law. Dingens became manager of the New York branch of G. Hussey and Company, leaf tobacco dealers in New York. Taylor pursued a law career in New York City.

Carl Louis Dingens died April 30, 1927. He was the father of Carl H. Dingens and husband of Mabel Hobbs Dingens, daughter of a New York City meat wholesaler. Dingens' last residence was on Park Street in Buffalo where he grew up, and at his last job he worked as an executive for a stationery company. He had one patent for a stationery binder in 1915 under his name but assigned that patent to the Bigelow Binder Company of New York. After his death, a survivor wrote the alumni association a curt note demanding that all materials relating to Cornell University cease being mailed to the Dingens house. The family had had quite enough news from Cornell, the short letter said.

Joseph A. Dingens died at 71 in 1907. He kept a pleasant journal of events almost all his life. The story of Mrs. Jackson and his own involvement and lawyering up to save his son from prison escaped the pages of his journal. He kept his own counsel.

John B. Stanchfield continued to serve Mark Twain as his personal attorney for many years but also fielded high-profile criminal cases and was written up in newspapers for his extraordinary lucrative client billings. He tried to enter public service in New York but was defeated for New York governor in 1900 and senator from that state in 1903. He died at 66 in 1921.

Frederick L. Taylor practiced law in New York and joined fellow attorney Raymond D. Thurber in a law partnership. As a pastime, the defendant who had refused to sing in court sang with other Cornell alumni all his life in a New York City glee club.

For the final Cornell University graduation celebration in 1896, the outgoing Taylor had been chosen by his classmates to be the toastmaster. The class cheer resounded at commencement for the last time. "Ninety-Six, Boom-rah-rix, Boom-rah-rix. We are Cornell, 'Ninety-Six."

Henrietta Jackson's body lies in her Ithaca grave, and the tombstone the Cornell community bought for her is yet readable.. Her daughter's grave is close by, but Mary Matilda's lacks a headstone.

The last word on the trial went to news correspondent Murray E. Poole of Ithaca, New York. "It is generally believed that the students would have made a clean breast of the whole affair and taken a punishment fitted to the crime as they regarded it—a fine or short

imprisonment—but the news saw so much about murder, electrocution, and death chair, that they closed their mouths tighter than an oyster.”²⁴

²⁴ Poole