

6 Ill Met by Moonlight: The First Fraternity Hazing Death.

By Hank Nuwer

Mortimer Marcellus Leggett was born on June 5, 1855, to Marilla Leggett and Mortimer D. Leggett. He entered Cornell University on September 11, 1873. Young Leggett's dream after graduation was to join his father, Mortimer Dormer Leggett, in the practice of patent law.

Following its founding not long after the end of the Civil War, Cornell had attained the reputation of being an exhilarating place to learn. The school catalog, the *Cornell University Register of 1873-74*, dedicated a page to an illustrated medallion of Ezra Cornell in profile. His motto circled his profile: "I would found a university where any person can find instruction in any study." The school recruited scholars who delivered the spirited lectures favored by co-founder Ezra Cornell over the stand-by-your-desk rote learning of lesser educational institutions.

Leggett minded his studies but was no grind, the term for academic overachievers in the nineteenth century. The university invited men and women of all races to apply, but enrollment in 1873 overwhelmingly was white and male. Earlier that September, Mortimer M. Leggett had traveled by train from Washington to Ithaca with his muscular, bushy-bearded father. They engaged a well-appointed house owned by a Mrs. Girard at 16 South Aurora Street. Students whose parents had means chose comfortable, furnished studios with board in Ithaca's abundant Greek Revival houses as an alternative to rigid dormitory life.

Mort's father was familiar with Ithaca, having grown up in the village before moving in his teens to a family farm in Ohio. A Quaker, the elder Leggett was no pacifist, but true to his sect he refrained from alcohol and tobacco. The elder Leggett was a celebrated Civil War warrior. As the vaunted leader of the 75th Regiment of the Ohio Volunteer Infantry at war's beginning, he became famed for locating fresh horses to mount after his own steeds were killed. Leggett distinguished himself at the battles of Shiloh, Corinth and Atlanta.

Upon disembarking with his son in Ithaca at the train station, the father entertained Mortimer with family reminiscences and visits to kin. They strolled the city and fished Cayuga Lake for trout.

Young Leggett selected Charles F. Clark, also an abstainer from alcohol and tobacco, to be his roommate. Reassured that his son was safe at a school that prided itself on religious education, Mortimer D. Leggett returned to Washington, D.C., to his post as commissioner of the U.S. Patent Office. As September moved into October, young Mortimer kept his ties to home through daily letter writing. Hazing by upperclassmen was on the minds of all freshmen in those days. Many a new college student had his head shaved, buttocks paddled, and head ducked under a water pump. He mailed his father a letter that said Cornell was hazing-free, and that all upperclassmen had shown him great kindness. That, however, wasn't entirely true. The faculty had banned the class rush in the fall of 1873 because of injuries, and when a sophomore tried to instigate a rush, he

was expelled. His boisterous classmates escorted him with a band to the train station in carriages and toasted him as he boarded.¹

The 1873 Cornell yearbook published a long, humorous ditty that upperclassmen sang to serenade the first-year students.

“’Tis September’s golden myth when the opening is at hand.
There is stumpy Fresh, and seedy Fresh, and Freshies short and tall;
The Freshman with the goggles, and the Fresh who wears a shawl.”

These were some trying times already for the former general. Post-war economic speculation in America and Europe sank the country on September 18, 1873, into a depression to linger six years. The Panic of 1873, caused in part by loan-greedy banks and railroad speculation, led to widespread unemployment. Particularly hurt was Ezra Cornell who had transferred much of his fortune in telegraph holdings to Cornell University. This great depression took most of what fortune Old Ezra had left.

Kappa Alpha Society’s Influence

Cornell President Andrew Dickson White encouraged the formation of fraternities at his institution. As a Yale undergraduate White had been a member of Alpha Sigma Phi and Skull and Bones. At the beginning of October, Kappa Alpha Society began to recruit Mort.

KAS was the first social fraternity, founded at Union College in New York in 1825. Members of the Cornell chapter assured Mort Leggett that the Society was known for oratory brilliance, academic excellence and stunning success later in life. The roll of loyal alumni included statesmen, authors, military geniuses and judges.

Mort wrote his parents to tell them about this development. “He spoke in the highest terms of the character of the young men at Cornell who belonged to [KAS], and said that its rules prohibited its members from using strong drink in any form, and from the use of profane and obscene language, and had in view only social and literary culture. We gave him our full consent to become a member,” the elder Leggett later would state.²

As was often the case, whether a fraternity hazed or not depended upon a definition of that elusive term hazing. The Cornell chapter of Kappa Alpha Society, although in its infancy, already had instituted a series of preliminary challenges for prospective members. The first was scheduled for October 10, 1873, and its members justified Leggett’s first challenge to be nothing more than a long walk in the country that was anything but hazing in their estimation. True, they bound a blindfold over the eyes of young Leggett. True, they marched him in the dark on a narrow trail through the vacant, shrub-dotted countryside along ravines and Ice Age drop-offs to a hidden hill where they were safe from prying eyes and meddling school administrators. *But that couldn’t be*

¹ Charles V. P. Young, *Cornell in Pictures: 1868-1954* (Ithaca: Cornell University Press), 25.

² Letter from M. Leggett to the editor of the *New York Times*, October 21, 1873

dubbed hazing now, could it? Especially if Leggett, eager for acceptance by these sophisticated sophomores who had taken that forced march themselves, came along of his own free will.

Undergraduate Charles Wason was the initial member of Cornell's Kappa Alpha Society to befriend "Mort" after the second-year transfer student's enrollment. (The Cornell chapter listed him as a first-year student in the 1873 yearbook entry). He made several visits to Mrs. Girard's boarding house to get to know him. Wason was a sturdy man of twenty-three whose side whiskers made others take him for older than he was.

On the evening young Leggett began pledging, Kappa Alpha Society member Henry Northrup called on Mort at Mrs. Girard's. Mort was alone; his roommate Charles Clark had departed for a Presbyterian service. Getting an invitation to join a prestigious fraternal organization was a heady, butterflies-in-the-belly opportunity then for Mort and now for many young men.³

Northrup and Leggett walked to the large white boarding house on 113 East Green Street that housed several KAS members. Leggett changed out of the better clothing he was wearing into rougher attire, because he was informed that he had to endure some challenging "preliminaries" to initiation. KAS brothers expected him to "earn" his membership by accomplishing certain physical feats that all Cornell Kappas had undergone.

After Leggett dressed in knockabout wear, he and Northrup went on a tiring walkabout on Ithaca's hilly streets. They went along Green Street to Cayuga, to Clinton Street, to Aurora, Hudson and Giles—the latter at the edge of town where Cornell's famous gorges drew tourists. On Giles Street they passed the impressive Greek revival house built by stock dealer Rufus Bates, a former president of Ithaca village. They marched onto a trail above an old icehouse and the waters of Six Mile Creek. Leggett passed impressive gorges and spectacular waterfalls that had been formed by glaciers during the Ice Age.

Around 9 p.m. or shortly after, while Leggett was marching with Northrup, about nine Kappas and one pledge headed from Ithaca toward the rough country near Giles Street with plans to meet the duo. Lee was the first to catch up with Northrup and Leggett. Three weeks earlier, Lee himself had passed all preliminaries and been initiated into the Society. The three paused at a fence, and the next preliminary ritual commenced. Northrup, with Lee's approval, blindfolded Leggett and then helped him get over the fence into a field appointed for additional rituals.

Not long after the blindfold went on, KAS members Wason and William Sturges, both Cleveland residents, vaulted the same fence and approached Leggett, Lee and Northrup at the rendezvous point. Wason and Sturges had been here in this appointed field several times previously with pledges that now were initiated members.

Thus, this was a planned chapter event, albeit one without gravity or merit if witnessed in the eyes of outsiders. However, Cornell KAS men who cherished fraternity

³ The details and facts in this essay were taken from testimony delivered by members of Cornell's Kappa Alpha Society at a two-day coroner's inquest in Ithaca, New York, October 12 and October 16, 1873.

membership all their lives regarded it as nothing less than a dignified ceremony they would reminisce about as old men.

Usually, at this point, two Kappas were supposed to link arms with the pledge so that he didn't trip or fall over potholes and rocky dodges. Wason, one of the strongest members, alone linked Leggett's arm in his, although Lee was close at hand.

There was time for the trio to relax as they waited for others to show. Northrup and Sturges walked about the field and shared light conversation. Wason saw a hemlock tree and decided he'd take Leggett over to rest up against it for the grueling preliminaries that remained. Lee followed.

The Hemlock above a Gorge

The lone hemlock's roots dug like claws into uncultivated earth at the edge of a gorge in the countryside a healthy walk from Cornell University. Its roots were misshapen, bulging and ready to trip all interlopers. The tree's leafy lower limbs resembled small bushes that blanketed the roots.

Blindfolded pledge Mortimer Leggett leaned against the tree with the two society members at his side. The two would continue the preliminaries as soon as the second blindfolded pledge arrived in the escort of additional KAS members. Had these other men come a few minutes earlier, the trio would have never approached the tree.

As with most hazing incidents, when a death occurs both reckless disregard and the absence of common sense are to blame. Neither of the two brothers with Leggett carried a lantern to a dangerous gorge area lit only by moonlight. Had Wason and Lee brought an oil lamp, they would have spotted the yawning gorge hidden behind the hemlock and backed away.

Leggett knew not where he was, nor precisely what brothers expected of him. He assumed that he was in good hands. The blindfold was part of a trust-building exercise.

Lee, later described by a New York reporter as a beardless and handsome lad of 20, observed that the pledge appeared tired after the traditional long pledging walk.

Wason also saw Leggett slump from fatigue. He sprang to give the pledge a helping shoulder. Leggett, unable to see through the blindfold, took a step toward the sound of tree limbs cracking under Wason's footgear.

Lee watched his companions begin to sink through the leaves. He threw out his arms to save them, concluding that a ledge must lie beneath the canopy of leaves and roots. Lee dropped through the tree leaves and over the hidden cliff wall, the bodies of his friends flailing in the air beneath him.

The trio plunged more than forty feet to the hard ground. Wason later described the sensation in testimony as feeling as if he were swinging on a swing.

Wason's body was the first to slam into the earth. He heard "two distinct thuds" as Lee and Leggett landed almost atop him. Wason tried to scream but the air in his lungs had been knocked out. Leggett landed headfirst on the stony clay. The impact created an indentation the size and shape of his head that someone unknown later marked with stakes to preserve the impression.

The pledge managed a few words. "Oh, don't," he murmured.

The Rescuers

Seconds before the three men fell into the chasm, Kappa brothers George Halsey and J. Harvey Pierce, a Chicago native and mainstay of Cornell's golf squad, helped the second blindfolded pledge Joseph G. Ebersole over the fence. At that moment, Flint, Northrup and Sturges looked up and saw Leggett, Nason and Lee in front of the hemlock. Then they looked away at Ebersole. Another moment passed. When they looked once more, the trio standing on the shaky tree roots had vanished. Thus, none of the other KAS brothers witnessed the actual catastrophe.

Flint ran to the hemlock with Northrup, Sturges and the others. In hindsight, given the relative darkness and how well hidden by foliage was the brink of the cliff, it was fortunate even more students did not plunge to the rocky gorge bottom.

Despite the anxiety of the moment, Northrup, Pierce and Sturges formed an action plan to assist the three fallen chaps. Northrup agreed to race back to Ithaca to seek rescue help; Pierce insisted that Northrup engage a carriage to transport the injured three men from the creek bottomland. The others searched for trails that ended on the floor of the gorge and descended in safety. They dreaded what they might find.

Getting Help in Town

Born and reared in Ithaca, Henry Northrup knew the city well. By the light of a streetlamp on the corner of State and Tioga streets, he located Theodore F. Crane, 29, a popular Cornell professor of folklore and languages. Crane was not only a professor, but also a fully initiated member of Kappa Alpha Society from his own not-too-distant undergraduate days at Cornell. Tongues wagged in Ithaca all the next week, saying it was too much a coincidence to believe that the first person Northrup met on his errand was another Kappa brother. Crane tried to calm the distraught Northrup. "He was breathless and excited," Crane recalled when asked to testify.

Northrup spat out the grim details. Crane and Northrup hailed a carriage-for-hire being driven by Ithaca hostler William Hoose. The professor knocked hastily on the door of Charles W. Carrier, M.D., and the physician grabbed a bag and climbed aboard the carriage.

The Aftermath of the Accident

Back at the site of tragedy, Kappa brothers Flint, Sturges and Pierce bolted along the steep embankment trails with bushes tearing at their trousers. Some light from the rising moon illuminated the path.

Flint reached the three victims first. The three victims murmured incoherent words. He found Leggett who had rolled into a position on his left side with his blindfolded face upward.

Leggett could move his arms and legs, but his neck and head seemed fixed unnaturally in place.

Flint unstrapped Leggett's blindfold and took it off. However, contrary to many published reports, the assertions that Leggett had the blindfold removed *before* he fell are wrong. The official history of Cornell University by Morris Bishop (for many years a holder of the endowed Kappa Alpha chair at Cornell), published his claim that the

blindfold had been removed before the fall. Also without evidence was Bishop's claim that Leggett perished because he was lost, "unfamiliar with the topography," and trying to find his way home with the aid of two Kappas, presumably Wason and Lee. Bishop may have failed to read the coroner's inquest transcript or may have forgotten important witness testimony while writing the university history.⁴

Flint poured water from the nearby creek over the moaning victims in hopes of reviving them.

Pierce and the other Kappa rescuers joined Flint. Leggett seemed past hope. He had landed on his head, fracturing his skull. His nose was broken. His neck was dislocated. Seeing Leggett shiver in shock, one youth covered him with his own coat.

Leggett said with a moan, "Take it off; take it off!" Many newspapers of the day published his plea. KAS member William Sturges thought the dying Leggett imagined he had a heavy weight on his body. However, one paper speculated that young Leggett must have been referring to the blindfold.⁵ Perhaps the pledge referred to the coat meant to warm him. The exact meaning of the cry for help would soon die with Leggett.

Kappas to the Rescue

The hostler cracked the reins over his carriage horse and drove Professor Crane, Dr. Carrier and Northrup to the accident site. Dr. Carrier examined the three accident victims on the bank leading to the creek.

He found that Wason had struck land with his feet first and bounced, smashing a collarbone. Lee had landed on his side, severely bruising a hip and possibly incurring internal injuries; had he dropped any farther and faster he would have shattered his hipbone. Leggett's traumatic brain injury was apparent, and he likely had ruptured blood vessels beneath the scalp. All three young men had traveled at similar velocity, but Leggett's body had assumed the cruelest, most punishing angle of trajectory. The inches-deep indentation where his head had struck the packed earth displayed the deadly effect of sudden deceleration and trauma.

Dr. Carrier reassured Crane that Wason and Lee eventually would recover. Poor Leggett was another story. The physician ordered Pierce to put Wason on the carriage first and then Lee (assisted by Pierce) second in order to transport them to the Kappa chapter quarters on the third floor of the Finch Block (a building named for businessman and Cornell University executive committee member Francis M. Finch who built it). The carriage hostler asked to retain his vehicle because he had a waiting fare, but Kappa J. Harvey Pierce convinced the stableman that the injured men had a greater need for transport. The hostler left on foot for Ithaca, and Pierce drove the commandeered carriage.

The carriage traveled over bumpy ground into Ithaca with Lee and Wason. Pierce helped the other two into their rooming house, and then he returned for Leggett. Using a torn-off fence gate from private property as a stretcher, the Kappa Alpha Society men set Leggett down on the cart. Moving him in such a condition may have been an unsatisfactory choice, but Dr. Carrier saw no other option.

⁴ Bishop

⁵ *Nashville Tennessean*, October 19, 1873.

The rescuers transferred Leggett to the fraternity's formal chapter headquarters. Dr. Carrier, aided at the Kappa headquarters by his medical partner, John Winslow, M.D., could do little more than ease Leggett's agonies.

Professor Crane tried to comfort the youth. The now unconscious Leggett tried to answer, but failed to utter an intelligible word. "His moans were indistinguishable," Crane would later recall.

Within thirty minutes of arrival at the Kappa headquarters, Leggett's moans ceased. The doctors closed Leggett's eyes around 11 p.m. and pulled a sheet over him. The *Cornell Era* student newspaper of October 17, 1873, would term the incident "the saddest accident that the Era has ever been called upon to chronicle." The *Era* also reported that Leggett died while fulfilling "society purposes."

A writer for the *Era* added that Leggett died without pain, but that may have been either a consoling fabrication or wishful thinking. Prior to passing out, Leggett had incurred injuries to his skull, nose and neck that were quite serious. He also had injured his hand, possibly upon smashing against a hemlock root when he first fell, according to Carrier's recollection at the inquest.

Ithaca undertaker Harrison Howard was summoned to embalm Leggett and to prepare the corpse for viewing by the family in Washington. Howard, the co-owner of a mercantile and furniture store that peddled caskets, chose one, and the body was shuttled to the north-wing parlor of the Clinton House for a Christian ceremony the next morning. The irony of the choice of Clinton House could not have been missed by the Kappas; they had placed reservations to dine at the Clinton when the preliminaries were over.

Early Deaths By Hazing

Leggett's was the first documented fraternity hazing death.

The first documented death linked to hazing resulted from a perverse joke in 1737 played upon a Philadelphia apothecary apprentice named Daniel Reese who was eager to gain acceptance into the Society of Freemasons. The joke-turned-tragic was first reported in the June 9-June 16, 1737 issue of the *Pennsylvania Gazette* published by Benjamin Franklin and later discussed in great detail by *The Franklin Bi-centenary*, 1706-1906, published independently by Franklin's Grand Lodge. What happened was that cruel jokesters not associated with the Masons arranged a hoax initiation to which the "credulous and unsophisticated apprentice" was invited to partake with no knowledge that the initiation ceremony was bogus. The perpetrators were lawyer John Remington, the apothecary Evan Jones, and others who hazed Reese unmercifully, including having him kiss the buttocks of a hazer. Not content with humiliating the gullible Reese once, the hazers invited him to a second ceremony to which he supposedly would receive admission to a higher Freemason order. After getting Reese to utter blasphemies and to pledge allegiance to the devil, one of the hazers, dressed as a devil, tossed boiling liquid on Reese who died the next day from the scalding. Franklin was later publicly condemned in the *American Mercury* by rival publisher Andrew Bradford; the latter opined that Franklin had known in advance about the joke to be played but had not put a

stop to the nonsense, and thus was as much responsible for Reese's hazing death as the outright hazers were.⁶

Leggett's was the fourth death overall attributed to hazing at a U.S. educational institution. The first, claimed in a family history, was John Butler Groves (1819-1838) at Franklin Seminary in Simpson County, Kentucky, although details were erased in a disastrous fire.

The second was first-year Amherst College (Massachusetts) student Jonathan D. Torrance whose 1847 death after an illness was attributed to older hazers soaking his bed sheets, according to allegations made by the institution's President Edward Hitchcock in his 1863 book *Reminiscences of Amherst College*.⁷

The third occurred at Delaware College, a precursor of the University of Delaware, when horseplay and hazing associated with class rivalries (between seniors and sophomores and juniors) in 1858 erupted in a wild brawl in which a student, John Edward Roach, 17, had his throat slit in a residence hall. A jury acquitted Roach's Delta Chi fraternity brother Isaac H. Weaver, because witnesses failed to see who made the fatal thrust. Weaver denied doing the killing but admitted the blade used to pierce Roach's neck was his. Roach and Weaver had had a previous falling out.⁸ The fact that they were fraternity members seems not to be connected to the class hazing that led to the tragedy.

Bad News Travels Even Faster Than Good News

The horrific news of a pledge's death spread across Ithaca at first light on October 11, 1873. Gawkers trampled the hill and perpendicular drop along the stream where Leggett had perished. At least one photographer snapped the imprints of where three human bodies had struck the ground.

A telegram informing General Leggett of his son's death reached the U.S. Patent Office where he held command. The staff members were stunned, having sent the popular Mort off to Cornell with cheers and well wishes one month previously. A reporter approached the grieving father to get any sparse details he cared to share. The elder Leggett acknowledged that his namesake voluntarily had chosen this society and did all things asked by his own choice.⁹

It would always be this way with a fraternity hazing death. A family that lost a son in a hazing became fodder for front-page news coverage from Maine to California.

Editorials on the evils of secret societies always followed a death nationwide within the week. So it was with the death of Mortimer Leggett. No war exploits of his vaunted father ever drew as many headlines. Following young Leggett's death, newspapers cobbled together a fanciful and lurid false account of what must have happened. One story, reprinted by other papers, imagined that members dressed as devils made a blindfolded pledge teeter on the edge of a yawning gorge that had been made to

⁶ Franklin

⁷ Edward

⁸ All this was recorded by Lyman Pierson Powell in the 1893 *History of Education in Delaware*.

⁹ According to the *Washington National Republican* of October 15, 1873.

resemble hell with lanterns and lights. As the story of the cliff fall spread, many gossipy individuals embellished it. One stretched tale had it that chapter members had dangled the victim above the gorge and accidentally dropped him. Over the years, some version of the bogus claim became the stuff of Cornell urban legend with no basis in fact.¹⁰

Aftermath of the Tragedy

Roommate Charles Clark awoke the next morning and saw he was alone. The flame in the oil lamp he had lit still burned. But Leggett was not in his bed. Before long, a visitor informed Clark that Leggett had perished and that the roommate was needed immediately as a pallbearer.

The additional pallbearers were Kappa members Flint, later a respected physician known for his many works of charity in his adopted California; Northrup, later a civil engineer; and Kappa member Frank H. Hiscock, a future judge and Cornell chairman of the board.

A large number of students and faculty attended Mortimer Leggett's service. Alford Stebbins, M.A., Cornell assistant professor of South European languages, said prayers over the casket.

Afterwards, in a solemn procession, the attendees accompanied the casket to the train station.

Leggett's roommate Clark, William Sturges and William Kasson Pierce departed on the train to Washington. They had volunteered to deliver the body to the Leggett family.

Young Leggett was interred in Oak Hill Cemetery in Washington, D.C., on October 14, 1873.

Many were surprised that Leggett's family had failed to claim the body in Ithaca. In an exchange of telegrams between the senior Leggett and President White, the Cornell authorities learned that General Leggett had no intention of visiting the campus. He had some relatives still residing in Tompkins County, and they promised to uncover whatever facts they could. Rightly or wrongly, a couple city newspaper editors reported that President Andrew White's initial telegram to the parents failed to disclose that Mort's death was a result of a fraternity stunt. The papers claimed that Cornell's president had portrayed the event as a sort of game of hide and seek in the country. The telegram was never presented at the official coroner's inquest, and so there is no primary source available to verify or discredit the claim unless it is preserved in archives somewhere unseen by the author of this essay.

Parents of Cornell's student body read the newspaper articles and wrote their sons and the Cornell administration for answers as to how this tragedy could have transpired. One with parental concerns was suffragist Elizabeth Cady Stanton who wrote a comforting reflection on death to her son, Cornell senior Theodore Stanton.

¹⁰ Cornell historian Morris Bishop chauvinistically rebutted one such fabrication of Leggett's demise in a 1968 letter he wrote to a *New York Times* book review editor. "In her review of Elspeth Huxley's memoir, *Love Among the Daughters* (September 22, 1968), Anne Fremantle quotes the author as asserting that a Cornell student, during a hazing ritual, 'plunged to his death in the ravine naked, save for a jockstrap, carrying a bowl of goldfish.' Nonsense my dear lady! Some Cornellian was pulling your pretty leg."

The Coroner's Inquest

A coroner's inquest convened immediately after the funeral to determine manner of death and to rule on whether any group or individuals possibly bore criminal responsibility.

Leggett's death could not have come at a worst time for Cornell in terms of bad publicity. Over the next year, Ezra Cornell and President Andrew D. White found themselves facing allegations of fraud over the sale of lands to Cornell University, according to numerous news articles in Rochester, New York, newspapers in 1874. A committee appointed by then New York Governor John Adams Dix never sustained the charges, but neither Ezra Cornell nor President White needed more tinder placed on the flames of public opinion at the time the Leggett inquiry took place.

Over time, a number of individuals have recused themselves from hazing cases due to a possible or perceived conflict of interest.

However, no member of the Leggett inquiry stepped down to avoid public condemnation for a possible conflict of interest. Three members of the Leggett inquest could not have been more connected to Cornell University if Ezra Cornell and President White had appointed them.

Jury foreman Samuel D. Halliday entered Cornell University in 1868, the year it opened, as a transfer student. A former student at Hamilton College, he graduated from Cornell in 1870 and was elected, as a Democrat, the local district attorney in 1873. A few months after the Leggett inquest, alumni of Cornell voted to honor him as a trustee of the college. He later passed the New York bar as an attorney and was named a Cornell University trustee by vote of other trustees. Halliday's son Morris later played football for Cornell.

Jury member George W. Schuyler was even more invested in Cornell. He served as unpaid treasurer of the university since its founding, and he too was a trustee of Cornell at the time of the inquest. In addition, he served with President Andrew D. White and Ezra Cornell on the Cornell executive council. A third juror was local justice of the peace James Tichenor. His mentor Ezra Cornell had recommended his early training.

Others on the inquest committee included attorney and future Republican candidate William Nelson Noble, Allen Gray, co-owner of Gray & Willets mercantile and grocery store; prosperous bakery and mercantile operator David B. Stewart, the former mayor of Ithaca; Charles S. Seaman, a local livery stable proprietor and a member of several secret societies, and firefighter Henry M. Durphy who had celebrated his fortieth birthday on October 11, 1873.

Dr. Erastus C. Moe headed the inquiry. A graduate of Buffalo Medical College, Dr. Moe had moved to Ithaca in 1872 and established a practice in town while in his late sixties. He was also a Baptist deacon.

For all or part of the inquiry, also present were members of the press, the Kappa Alpha Society members, Cornell Vice President and Professor William Channing Russel; Professor Burt G. Wilder, an expert on brain injuries who exhibited human brains in glass jars at Cornell; the undertaker Harrison Howard, and citizen S. H. Wilcox.

The three individuals with the most to contribute to the inquiry were Professor Crane and eyewitnesses Wason and Lee. Although Crane, as a member, had direct knowledge of Cornell's KAS rituals, his testimony was short of any important revelations.

Was Crane fully aware or in ignorance of the KAS blindfolded walk by moonlight? Could testimony conclude that Brother Crane, pledged to watch over Cornell students in the absence of their parents, had turned a blind eye to the repeated risky hikes in treacherous gorge country?

No one asked those questions.

Instead, Professor Crane fielded puffball questions from the committee. He denied that there had occurred the sort of orgies many newspapers had described.

“I have never known of any cruel, violent or outrageous treatment of students in the university,” Crane testified. “I am well acquainted with all the party and believe them to be true gentlemen. They were personal friends of the deceased and for some time had treated him with great kindness.”

The Kappa Alpha Society members were careful to stick to the facts of the tragedy. They exercised care not to expose any rituals and secrets of their secret society. Northrup did note that the Kappa members present at Leggett’s preliminaries planned to renew their collective pledge to the society at the Clinton House when his exertions were over.

Sturges testified that there was nothing malevolent about the night’s journey. “Deceased was taken there by invitation, not forcibly,” Sturges declared. “There was nothing of an illegal or marauding nature intended.”

Northrup also defended the chapter’s actions. “We were not on the bank for any unlawful purpose,” he declared. “There was nothing in the way of hazing or quarreling or violent usage. No one of the party had been drinking to my knowledge. We were all on the most friendly terms with each other and the deceased [and] did not go there to abuse or frighten him in any way.” That Northrup failed to see how blindfolding a pledge and putting him through paces could be an act of hazing was not surprising. Surveys of undergraduates over the years clearly established that men and women who endured all kinds of illicit and even illegal stunts failed to label their experience as fitting their personal definition of hazing.

Testimony left no doubt that Leggett had been blindfolded before being helped over the fence and blindfolded as he leaned against the hemlock. However, his hands and feet were never tied with rope as rumor mongers in the press shrilled. Henry Northrup admitted to placing and adjusting the blindfold on Leggett. Lee was present; Lee had worn a blindfold for his own initiation.

“Leggett was not bound or pinioned in any way. His eyes were bandaged. They were blindfolded before we climbed over the fence. I bound them principally, assisted by Lee. [I] believe I did it wholly myself,” testified Northrup. “I did it because it is customary to blindfold all new candidates for admission to the society.”

Northrup said Leggett made no protest before or after the black cloth was secured with a buckle clipped to the back. Had the tragic episode not occurred, Leggett would have retained the blindfold all evening, Lee acknowledged.

The coroner’s jury pushed Northrup on the question of whether anyone had been drinking. He acknowledged that whiskey was present at first, although apparently the bottle never had been opened because it had fallen out of his pocket when he responded to the falls of his chums. Thus, technically no chapter member had consumed a drink, although the injured Wason had cried out for one to ease his agony.

“Yes, it is customary to take a bottle along on the initiations to have it on hand in case of accident,” Northrup told the committee. “It is our habit to lead candidates all the time, so they may not be in danger of being hurt. I never knew of any accident before.”

Northrup’s testimony took the form of denial, perhaps in deference to reporters from the *Ithaca Daily Journal* and the *New York Sun* (present in the rooms at the inquest) that had speculated about what might have occurred to Leggett and assumed the worst. “There is no precipice where the blindfold has to be removed; it is no part of the ceremony to take the subject to a cliff to intimidate or frighten him, or to suspend him or put him in bodily fear anywhere,” Northrup declared. “A rocky precipice has no part in the initiation.”

Question after question was directed at learning every fact associated with Leggett’s last hours. Lee revealed what had been the society’s overall plan for that fatal Friday night. “The initiation with Leggett had not yet commenced,” he swore under oath. He said that some or all the KAS group had reservations in town for a late repast at the Clinton House, a posh establishment that had been renovated and expanded in 1871 after a ruinous fire. Given the formality of fraternity affairs in the nineteenth century, it is possible, perhaps even probable, that Leggett would have been brought to the hotel for initiation and congratulations. The coroner’s inquest should have uncovered all of this, grumbled the editors of numerous newspapers across the country. But the coroner focused on the facts of what happened that night, and not on what was supposed to happen.

The committee interviewed Lee and Wason in their boarding houses in separate rooms on the second day of the inquest. Lee had been insensible much of the day after the accident, and Wason had been in agony as well. They were in no condition to face a grilling on the opening day of the inquest.

Dr. Carrier pronounced the two fit enough to testify on October 16, 1873 at 5 p.m. No doubt stung by newspaper criticism leveled against an absence of tough questions at the coroner’s inquest on October 11, questioners this second day grilled the Kappas.

Lee’s testimony and his crude illustrations of the accident site shed some light for the jury on the last seconds of the deceased that previous interviewees had not shared. “I was entirely ignorant that there was a precipice there. [I] was greatly surprised to see them disappear, and imagined they must have slid down a bank. The idea of a precipice never struck me. My natural impulse was to help them, and acting upon it I ran or moved diagonally off the cliff.”

Lee acknowledged to the committee that he himself had been initiated just three weeks before his testimony. “When I was initiated I was held all the time under the arms of two strong fellows, and I felt perfectly safe. They took me over rough places, but did not stumble.”

Wason testified next. He had recruited Leggett and knew him as a friend. He was put in charge of Leggett’s safety for that reason. He guided Leggett by touch occasionally but not for every second they walked to the tree.

“I stood him against the tree, or rather he leaned against it. He was leaning against the tree and I stood about a foot from him, or within reaching distance. In about three or four minutes I saw his body inclining to one side, as though his feet were slipping and he was going to fall. He was on the right side of the tree, or rather on the south side. I thought he was merely falling to the ground, not down the precipice. I moved forward to steady him,

and in so doing stepped on what I thought was the root of the tree. It caused me to slip, and I fell over the brink. In attempting to save him I fell myself.”

The closest the committee came to any sort of revelation about the content of Kappa preliminaries was from Wason’s testimony.

“I was blindfolded when I was initiated,” testified Wason. “[I] have assisted at three initiations. A man on each side locks arms with the candidate and holds him from falling. They probably thought I was strong enough to hold Leggett, and did not put two or three more to guard him. The ceremonies of initiating into our society are very impressive; at least they were in my case. I was very tired and quite hungry after going through.”

Wason, the son of a banker from Cleveland whose family had traveled to Cornell to oversee his recuperation, would graduate from Cornell and enjoy a career as president of a railroad line. His generous gift to Cornell University upon his death at age sixty-three was his valuable personal collection of holdings on Asia known today as the Charles W. Nason Collection.

The coroner’s inquest concluded with the conclusion that this had been an accident and in no way a homicide.

General Leggett As Media Figure

In the two weeks following his son’s death, General Leggett found himself thrust into one major newspaper story after another.

Reporters parsed the details of the general’s life to readers. He had been born in 1821 to Isaac and Mary Leggett. In his late thirties, as the nation teetered on the brink of war, Leggett, a graduate of teaching and law colleges, had made a comfortable living as a school superintendent and lawyer. Even before the American Civil War began in 1861, Leggett and his wife, though members of the Society of Friends, had become passionate supporters of the Union and critics of the secession movement. Their household evolved into a salon for political discussions.

After a distinguished war record in his forties, he became the entrepreneurial co-founder of a pioneer electric company eventually acquired by the General Electric Company.

However, as successful as the father was in life, he endured considerable pain. Mortimer Dormer Leggett and his wife Marilla Wells Leggett bore four sons. He was to outlive all four and his wife. Marilla died November 14, 1876. She was a prolific journal writer and somewhat of an adventurer, traveling as far South as Tennessee and Mississippi during the Civil War for visitations to her husband’s military headquarters.

The grieving father spoke and wrote about his son’s demise to newspapers in New York and Washington, D.C. “There was no “hazing,” and the young men who were with and near my son at the time of the fatal fall were his friends, and actuated only by feelings of kindness and friendship,” Leggett wrote the editor of the *New York Times*.¹¹

“It was while joining this society that he lost his life. It seems that the ceremonies of initiation include the foolish mummery of being blindfolded and led around between two

¹¹ Letter from M. Leggett to the editor of the *New York Times*, October 21, 1873

members of the society through some grove or forest in the night season. While making this ramble, and in ignorance of the immediate proximity of danger, the three were precipitated from an abrupt cliff, -- my son was killed—and the other two, who were sophomores, and members of the Society, very seriously injured.”

Leggett made an assumption that many others, including school administrators and prosecutors continue to make. Namely, that a group’s action cannot be hazing if the neophyte shows himself willing to be hazed. “Mortimer was there of his own free will, and with his own chosen friends, and by very careful inquiry, I am satisfied those friends were young men of unexceptionally good character, among the best in Cornell University, and no institution in the country embraces a more promising class of young men. In the ceremonies of that awful night, those students had in view Mortimer’s pleasure and profit, and had no more expectation of danger or accident than he had. He was there from his own choice, and when he submitted to be blindfolded, he did only what he was informed every member had before done - and probably what every person does who joins a secret society. Such mummeries are foolish and heathenish and belong to a darker age, but they are common in nearly all the colleges of the world, and are part, probably, of every secret society. I cannot, therefore, find it in my heart to specially blame these young men, nor Cornell University.”¹²

Knowing that his son had so valued membership in Kappa Alpha Society, General Leggett accepted induction into the society after the Cornell chapter offered it to him in a letter dated January 12, 1874. “I have no doubt the sad catastrophe will serve to some extent as a warning against the continuance of such needless exposure, and may save other hearts from the crushing bereavement that has fallen on ours,” Leggett informed a newspaper. Leggett also resigned his position as Commissioner of Patents in April of 1874 to pursue his private law career and passion for developing electrical lights.

Leggett’s death led to stern Cornell faculty pronouncements on the dangers of hazing, and also some temporary restrictions on pledging, but in no way did the practice cease at Cornell. In 1899, the Cornell Kappa Alpha Society conducted another version of its sojourn in the countryside. Eight pledges were made to get off a train near Geneva, New York, and all or some were given errands. Because senior KAS member Philip Dickinson was unfamiliar with the terrain, he ordered pledge Edward Fairchild Berkeley of St. Louis, Missouri, to fulfill a task some distance away. Berkeley came to the bank of a canal, considered his charge, and forged ahead into the deep water and drowned.

Young Leggett, forgotten these 26 years, was back in news headlines once again as newspapers compared his death to Berkeley’s and found the two hazing incidents to resemble one another in format and ritual.

Another coroner’s jury convened. Once again the KAS members were judged blameless. Once again, the nation’s newspapers all railed, particularly after Berkeley’s father bitterly denounced the Cornell chapter members.

¹² Ibid.