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# The Totoket Historical Society

## The Murder of Emily Cooper

by

Henry Leander Foote

September 14, 1849



FOOTE.

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North Branford, CT

2009

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## Acknowledgements

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Eugene C. MacMullan  
North Branford, 2009

## Introduction

As far as I know, North Branford can count only one convicted murderer among its native sons.. On September 14, 1849, Henry Leander Foote sexually assaulted and then murdered his 12 year old cousin, Emily Cooper, as she walked to school. Later that day, after drinking heavily he attacked his widowed mother with a hammer, causing injuries which resulted in her death two weeks later. He was arrested, tried and hanged for his crimes and lies buried in the Northford Cemetery.

Violent crime has always exercised a powerful fascination. Think of the frenzied media coverage of the O.J. Simpson trial. Apart from the prurient pleasure of what has been called “the pornography of violence” is there any valid reason to renew memories of such a horrible and long forgotten crime as the rape and murder of Emily Cooper? The only possible justification would seem to be an attempt to understand how a man could do such a thing. In studying murders the focus of attention is almost always on the murderer and not on the victim. Any one of us could become a victim but we reject the thought that we could become a murderer. And so we want to know what sort of person could be driven to such a horrible crime.

Karen Haltunnen in her book “Murder Most Foul” describes the changing perceptions of the causes of murder in 19<sup>th</sup> century America, using the Foote case as an example. Prior to that time, especially in New England, murder was considered to be the consequence of mans fallen state. We were all stained by Adam’s sin and without God’s grace would inevitably revert to wickedness and crime. Murder literature then was generally limited to the execution sermon, which concentrated on the repentance of the sinner. Little was said about the victim or the details of the crime. These sermons were printed as a warning to the young not to stray from the path of righteousness. By the early 19<sup>th</sup> century this view began to be replaced with the perception that man was inherently good and that murderers were deviant monsters. A new form of literature developed which showed the monstrosity of the murderer by describing in graphic detail the bloody horror of his act and the innocence of the victim. Murders and sexual abuse of young women by men were especially fascinating. Again think of the bloody details of the O.J. Simpson case.

We still face the same question today. Is the murderer a weak person who was gradually led into a situation where murder seemed the only solution as in Dreiser’s “American Tragedy” or is he a deviant monster with some fundamental flaw in his moral structure as the movie monster Hannibal Lector? We can look at Henry Leander Foote to try to answer this question in his case.. As you will see, we have access to information that may help us. While in prison, Foote was a prolific writer, publishing an autobiography, a detailed confession and a romance novel. Due to the notoriety of the case, one local writer was moved to write a 14 page poem describing the murder. Another published an account of Foote’s last 16 days. All of these contribute to an understanding of Foote’s behavior and character.

## A Narrative Summary:

I will start by summarizing the facts in the case, based on the Coroner's verdict and the local press reports at the time

In 1849, Henry Leander Foote, aged 37, was living at home with his widowed mother Olive and his 12 year old cousin Emily Cooper. Emily had lived with Mrs. Foote, her aunt, since her own mother died when she was three. On Friday, September 14, Foote followed Emily as she walked to school and in a wooded spot sexually assaulted her and then stabbed her in the throat. Leaving her body he returned home and began drinking heavily and while drunk decided he had to murder his mother. He struck her on the head several times with a hammer. The noise attracted neighbors who rushed in to stop the attack. While they attended to his mother, Henry fled downstairs and cut his wrist with a pocket knife. The neighbors detained him and when Emily's body was found later that day, the North Branford Coroner's jury accused him of murder. He was then transferred to the New Haven jail to await trial.

The Coroner's jury had no doubt of the verdict but they had some trouble with the words needed to describe what happened. That is not surprising. This was a particularly vicious crime committed by one of their neighbors to whom some of them were probably related. (The Foreman of the jury was Charles Foote.) As neighbors, they were certainly acquainted with the three persons involved in the crime. The original of the verdict (in the archives of the New Haven Museum and Historical Society) relates two versions of the crime. The first version, later crossed out but still legible says ". . .having viewed the body of said deceased and considering the evidence given to us do on our oaths believe that said Emily Cooper came to her death by the hand of Henry Leander Foote while under the influence of lust, excited by strong drink. The final version says". . .having viewed the body of said deceased and considering the evidence given to us, do on our oaths say that said Emily Cooper came to her death at the hand of Henry Leander Foote, he having cut her throat after committing violence on her person while under the influence of strong drink"

On September 27 his mother, Olive Foote, died of her injuries. Three weeks later a Grand Jury indicted him on two counts of murder as well as rape and felonious assault. His trial started on October 23<sup>rd</sup> He pled Not Guilty to the murder of Emily but was found guilty on October 26<sup>th</sup> and sentenced to be hanged on June 22, 1850. His execution was delayed when Governor Seymour proposed that the legislature consider the elimination of the death penalty. Nothing came of this and he was hanged in the courtyard of the New Haven jail on October 2<sup>nd</sup>, 1850. His body was taken back to Northford and buried in the paupers section of the Northford Cemetery, far from the graves of his father and mother.

Besides the newspaper accounts , there are other sources that shed light on Henry Foote and his murders. While in jail, capitalizing on his notoriety, he wrote and had

published two small books. The first was an autobiography which went through two editions. To the second edition, he attached a detailed confession to both murders, as well as an address he intended to give from the gallows . While waiting to be hanged, he also wrote, and had published, a romance novel set in South America. Copies of both books are available and help us to know Henry Foote.

During the last days before his execution he was visited daily by William Goodwin, a local writer, who published a booklet describing "The Last 16 Days and the Last Night of Henry Leander Foote". It is from these documents that we can form some idea of who Henry Leander Foote was and how he could have carried out such horrible crimes.

## The Life of Henry Leander Foote:

From a Foote Genealogy we learn that Henry Leander Foote was born in Northford on May 5, 1812, the first child of Asa Foote and Olive Linsley Foote. A second child, Eliza Ann, was born on April 15, 1824. Asa died in 1833 and Olive died on September 27, 1849. The date of Henry Foote's death was recorded as October 2, 1850. There is no mention in the genealogy that Olive Foote was murdered by her son or that Henry was executed for the crime. Henry Foote's marriage to Helen Bradley of Charleston, South Carolina is recorded as well as her death ca. 1840.

The only other source we have for Foote's life before the crime is a 57 page autobiography written while he was awaiting execution. The title page begins as follows:

A  
Sketch  
Of the  
Life and Adventures  
Of Henry Leander Foote  
Sentenced to be Hung in New Haven, June 19, 1850  
(Reprieved by the Legislature till October 2, 1850)  
For the Murder of  
Miss Emily H. Cooper

On the verso of the title page is the following declaration:

"I hereby certify that the within "Sketch of the Life and Adventures of Henry Leander Foote" is authentic; also the subjoined "Confession of the Rape and Murder of Miss Emily Cooper" together with the "Address to be Delivered on the Gallows", all of which have been written in the New Haven County Jail, by said Foote, while awaiting execution.

I also certify that the accompanying likeness is correct.

Leander Parmelee, Sheriff of New Haven County.  
New Haven, June 18, 1850

The dates are interesting. Foote completed the revised autobiography and confession on June 1, and the Sheriff's declaration was dated June 18. His hanging was scheduled for June 19, which was probably the publication date. Since the stay of execution was not granted until June 14, in the three weeks before his scheduled hanging, Foote was completing his manuscript, dealing with his publisher and soliciting a validation from the Sheriff, all the while expecting to die on June 19.

Foote writes in a rambling style, jumping back and forth in time which makes it



somewhat difficult to piece together the story of his life up to the time of the murder. The main theme of this work is to show how his sins and poor judgment as a young man led him down the path of evil which ended in the two murders for which he was to be hanged. He seems to be returning to the 18<sup>th</sup> century idea that he was a weak man led astray by drink and evil companions and that he had used his year in jail to repent of his sins and to make peace with his maker. There is the obvious question of how much credence we can give to such a self-serving tale. However, the very words he uses provide an insight into his character and mental state even as he tries to explain what happened and to convince us that he had truly repented.

His autobiography does provide some believable details of his early life. For example, he mentions that on his mother's side he had a Linsley grandmother and a Maltby great-grandmother. The Footes, Linsleys and Maltbys were all prominent, well respected families in North Branford. He was probably related to the New Haven Foote's, whose most illustrious member was the Civil War hero, Admiral Andrew Foote, .

After completing his education at the local Northford school at age 14, Foote attended a nearby Select Academy until age 19. This was unusual for a farmer's only son who would normally be expected to work on the farm as soon as he was able. Either his parents were financially better off than most or they were very indulgent towards this first born son. He claims that he was a good student and received a certificate saying he was qualified to teach school. In any event these extra years of education explain his ability to write two fairly literate works. It was while studying at the Select Academy that he made his first trip to New York City with several companions. They introduced him to drink, gambling and to the brothels in lower Manhattan. He claims that this was the first step towards his downfall.

At loose ends after completing his study, he decided to travel to see more of the newly expanding west. He does not mention how he was able to finance the trip. He traveled by boat and stage as far as Pittsburgh but came home when he heard that his father was gravely ill. After his father died in 1833 he says that he ran the farm very profitably for two years. For a while he taught school but he seemed unable to stick to any one work for long. In 1835 he found himself in Boston working as bartender in a large hotel at "high wages". While there he met some Dragoons of the United States Horse Cavalry. Attracted by the handsome uniforms and the possibility of traveling to the far west, he enlisted for a term of three years. After a short period of training he was sent instead to Florida to fight in the Seminole Wars. He fought in Florida for the entire three years and describes a brutal war with cruelty on both sides. One of the most disturbing elements in this work is his description of the brutal murder of a young settler's wife by the Indians. The manner in which she was killed was so horrifying that I could not possibly repeat it here. And yet Foote describes it with a casualness that is chilling. When he was discharged in 1838 he says that only 23 of the original 96 men of his company were still alive.

After his discharge, flush with his army savings, he decided to visit South America and took ship for Rio de Janeiro, a stormy voyage of 39 days. There he met another American and they pooled their capital to open a grocery store. However, he soon was taken very ill with the "Southern Fever" and was too sick to work. He abandoned the venture and sailed for Pensacola, Florida.

From Pensacola he went Charleston, South Carolina and worked again as a bartender for \$25/month. There he met and married Caroline Bradley on June 7<sup>th</sup>, 1839. She died in childbirth the next year, a few days short of her 18<sup>th</sup> birthday. Their new-born son died 26 days later. After the death of his wife he decided to return home but on the way he stopped in Richmond, Virginia and studied the art of painting and graining on wood, which he was told was a lucrative profession. In Baltimore he met another young artisan of wood graining who was en-route to St. Louis where he said this profession was in great demand. Foote agreed to accompany him and spent two years in Missouri.

Finally, he tells us "I arrived home about Christmas time, 1842 and was received by my friends as one from the dead, having been absent seven years and two months, during which time I had traveled many thousand miles, and spent a great deal of time and money, and my desire for roving was well satisfied. Since that time I have employed my time in farming, painting, drinking, sometimes to excess, and gambling. I have also visited New York and some other cities, rather too frequently for my own good, as in former years.

This biographical sketch provide us with the bare bones of his life history and gives us some understanding of his personality but we learn far more from how he describes the details of his life leading up to the murder. The tone is set in a brief preface.

"By the earnest request of several gentlemen and friends, I have at length been induced to give a brief sketch of my past life, against my own inclination. However, I will do it with pleasure through the fond hope that it may do some good. My desire is to point out the dangers and temptations to which youth are exposed, and give them warning from my experience, that they may escape the breakers and shun the rock on which I have split. I therefore offer it to the public, with a humble prayer to God, that His blessing may attend the perusal, and that it may be the means of turning at least one young man from the error of his ways, and I hope many. If a book does not apologize for itself, it is vain for the author to attempt it by Preface. I shall therefore only declare the nature and intent of this work.

Tendered respectfully to the public.

Henry L. Foote"

While he finally admitted his guilt and proclaims his repentance and salvation, he

presents himself more as a victim than a criminal. He is willing to share the blame for his crime with many others. First of all he blames his parents. They were too indulgent. "I was allowed to do pretty much as I pleased and was almost idolized by my parents and their government of me was not strict enough.. By the way, this is too often a fatal error and mistaken kindness in parents." He also blames them for his early addiction to drink because they kept alcohol in the house. He says " I will now state the first cause of my being led to indulge in strong drink. My ruin in this respect commenced from the cradle, though I wish to cast no reflections on my honored parents, for that would be ungrateful for their kindness and painful to me. . . If any parents chance to read these lines, let me warn them to be careful what examples they set before their young children. Let them not set the example of using strong drink, and by no means give it to the child, not even cider. . .And if you persist in using cider and other strong liquors in presence of your family, and dealing it out to your children, it is more than probable that you will be the means of ruining them, soul and body, as well as yourself, and their blood will be found on your skirts, their souls required at your hands." .

He also blames bad company for leading him astray during his first trip to New York. This occurred in 1829 when he was 17 and still studying at the Select Academy.

"At the end of two or three weeks, I found myself in the city of New York. What a place for a stranger, a young man of seventeen or eighteen years to visit alone, without any guardian to conduct him or advise him and to warn him against evil company! I had no acquaintances except three or four young men, whom I met on board the boat, who were also from Connecticut... They invited me to stay in the same Public House with them. I had been informed that one of them was the son of a minister of the gospel, consequently I considered the company to be good and safe to be with. But I found to my astonishment that this young man was the ring leader, the rudest and wildest of the crowd. The first night I was led to the theatre, from there to the brothel and from there to the gambling-house and drinking-saloon. . .The cards I objected to but one of them said we would be laughed at if we did not follow the fashion of the house. Let them laugh said I, who cares, and I had half a mind to leave them, for the warnings of my parents against such places occurred to my mind; but the champagne(sic) beginning to work, I surrendered to their wishes"

(Since Foote was a student at this time, one wonders where the money came from to support these trips to New York.)

"This I continued for two or three years, spending about a fortnight at a time in New York, once or twice a year, and at the Theatre or some worse place, every night while in the city. In the winter of 1830 and 1831 being at a Select School in W-----, I was awakened to a sense of my sins in the midst of a powerful revival which was then progressing in W-----". " W" is almost certainly the adjoining town of Wallingford.



Foote goes on to relate that his conversion was short lived and he soon returned to his old ways. "By degrees, I began to be more worldly, first neglecting secret prayer and then family prayer. . . During that time I had such experience of my own weakness, and the superior force of temptation that I secretly concluded that reformation in my case to be impractical. "Can the Ethiopian change his skin or the leopard his spots?" I was experimentally convinced that I was equally unable, with the feeble barrier of resolutions and endeavors, to stem the torrent of my impetuous inclinations, when swelled by welcome, suitable and powerful temptations; remembering perhaps that God had reserved this to himself as his own work, and had engaged to do it for the poor sinner who, feeling his own insufficiency, is heartily desirous to have it done by Him."

This is one of the most amazing sentences in this work. Temptation was "welcome, suitable and powerful" . . . If God wants him to repent, He will have to see to it Himself. In other words, if he remains a sinner it is really God's fault.

He also attributes his moral failings to the coarsening effect of his wartime army service, in which he was twice wounded. "The army is a most dangerous and destructive place to the morals of young men. It is a school of intemperance, profanity, licentiousness, obscene language, filthy communications and all kinds of vile and lewd company. Let the most moral, sober and upright young man in the community spend three or five years in the U.S. Army and he will involuntarily adopt principles and habits which will sooner or later bring him to disgrace or ruin. . . Soldiers are encouraged in all these things by the vicious example of most of the officers placed in command over them. . . And yet these officers who set such examples there, when at home, or where they are known, always assume the character of gentlemen and presume to walk in respectable society. . . Another most shameful disgrace and heathen neglect is there is no Sabbath observed in the Army, at least there was none in Florida. . . For my own part, I became almost a confirmed heathen while in the army. I never heard a sermon preached , nor had I the opportunity or privilege of enjoying anything of a religious nature, during my three years enlistment; and the evil habits I learnt in that time have since operated like a great wheel to roll me on to ruin. . . Oh ! The dreadful evils of war no evil can fully express."

He closes his auto-biography with some words of advice to other young men.

"Such have been my wanderings; and here I may be permitted to say a word to young men respecting the temptations they are exposed to.

First and most to be avoided is rum, gambling, evil, unprincipled, licentious company, for if you associate with such, you will unavoidably become one of them, and they will most certainly lead you to ruin, both body and soul, unless you are providentially snatched as a brand from the burning. My advice is never to drink spirits in any form.

Those who sell ardent spirits cannot be condemned too strongly. They are the cause

of much distress in families, and the instigators of many crimes.”

“But I must draw to a close. I have spent much of my life in wandering over the world, by sea and land. I have seen different countries and many different people, but I am not much the better for what I have seen. I have been unfortunate, have met with many disappointments and failures; some were caused by illness but most by liquor. I think there is no better country than ours, all things considered. And I would advise every young man to choose some honest occupation and to follow it with industry, and he will be sure of a good living. I would also advise him to quit the service of Satan, whose wages are eternal death and turn his heart to the service of God, his maker, whose wages are eternal life and peace. Oh, young man seek and obtain religion and attend to the voice of wisdom, for this will render you happy in time and eternity.

I am with respect

Your friend and well wisher

**HENRY LEANDER FOOTE**

New Haven County Gaol, Cell No. 14, June 1, 1850”

## The Novella:

Another source of information concerning Foote’s character is the short novel he wrote and had published while awaiting execution. It was entitled:

:

Love and Murder

Or

Isabella

The Stolen Bride

A Tale of Spain

In the novel, *Isabella*, a beautiful and virtuous girl of seventeen, spurns an offer of marriage from a vicious nobleman to become the fiancé of another Spanish gentleman. The rejected suitor abducts the girl and carries her off to Brazil. Her distraught fiancé, after a series of improbable adventures, ultimately finds and rescues her, with virtue intact. While planning a second kidnapping of *Isabella*, the villain says “...she was a perfect model and nothing else. I swear I will have that virgin if I lose my life for it.” In the end virtue triumphs, the villain is killed and *Isabella* is married to the man of her choice.

## His confession:

While Foote had pled not guilty at his trial, he attached a 17 page confession to the second edition of his auto-biography. It tells us more of the man than he perhaps intended. For this reason, I will let him tell the story using excerpts from his confession with a minimum of editorial comment. It begins:

“For nearly two weeks prior to the fatal day of the murder of dear, innocent Emily, I had been drinking to excess of poor, miserable poisoned liquor, as there was no other convenient to be had. If it had been liquor of a good quality, it would not have made me so wild and crazy, but such as it was, would craze the brain of any man, especially after using it for so long a time. And yet I have a perfect recollection of all the transactions, and of my object, which was an unlawful curiosity, that led to the fatal deed. The object of curiosity will be explained before I give the particulars in this horrible, and truly mournful tragedy. The murder was not premeditated, but suggested on the spot, as the following will show.”

“In the first place, it is proper to state what led to the first and second acts and then, to the destruction of life. I shall be more particular in doing this, for two reasons. First, to show what prompted me, second that it be a lasting warning to all young men, to shun all evil company, drinking, gambling, reading licentious books, &c. And I would especially warn them to beware of those infernal dens of licentiousness, and of those fine looking women who are inmates of these places, of the higher class of prostitutes, who array themselves in the most gay costume, adorn themselves with pearls, rings, paint and jewels, and perfume themselves until they smell as sweet as an oriental garden of cinnamon, aloe, and myrrh trees; then they place themselves for a bewitching bait to inexperienced, unsuspecting young men, who are not up to their tricks and arts; yea, all who will take the enchanting bait or even stop to look or nibble at it, they are very sure to catch. Many young men, like myself, have had their imaginations and lusts so fired by reading licentious novels and other bad books, which were ornamented with neatly executed engravings; also by visiting exhibitions of model artists, that they would go to the habitation of the harlot, and bite at the bare hook, without any bait; and thus commence a career which terminates in ruin.”

*And so, in addition to his parents, liquor, bad companions and the army, we have here another guilty party in the murder of Emily Cooper. In the remaining pages he makes it clear that these evil women were principally responsible for his actions.*

“As I propose in the first place, before coming to the tragedy, to give some particulars that led to it, I shall now proceed, and endeavor to use language that will not offend modesty. Considering the kind object for which the statements are given, which is to warn others to shun the places which have led me to ruin, I think that reasonable modesty will not be offended.”

“A few months before the murder, I spent one week in the city of crime and pollution,

viz. New York. As usual on former occasions, I spent my evenings and nights in a theatre, gambling house or brothel. Also on a former visit, I had attended an exhibition of nudes, or model artists, as they are called. But at this time the company had gone to New Orleans; a few of them however, remained in New York, with one of which I had the misfortune to become acquainted. She was an arrogant prostitute, residing in a house of the higher class. I found her at the Bowery Theatre; she enticed me and I consented to accompany her home. As we entered her room she locked the door, laid aside her upper garments and invited me to take a glass of wine with her. She poured out two glasses, and took a phial from the drawer of her toilet, drew the cork and pretended to drop some of the contents into her glass of wine, but not a drop did she let fall. She said it was Cream of the Valley, it would give the wine a delightful flavor, and then made a motion to drop some into my glass. But I was too wide awake for her. I knew it was some sort of drug that would upset my ideas, so I told her to save her cream. I did not need any cream of that sort. She looked at me and said "you are not so green as you pretend. I guess you understand a game or two." I replied "I understand enough to know the nature of your cream". And said I "what was your object in giving it to me?" "O". she replied "I was only going to give you a drop or two to make you feel keen". She was very proud of her symmetry of form, and proceeded to make a model artist of herself again, that she might give me a clear view of her model, and also the extra maneuvers which she had learned in the model artist plays."

"Thus I was in a manner bewitched. (I have mentioned the circumstances of the cream and the model, because they are immediately concerned with the murder of Emily)

. . .The next morning I managed to transfer the phial of cream from the drawer to my pocket without my ladies knowledge. . . I took the phial for the purpose of giving a dose to a young prostitute, one of the inmates of another house in C\_\_\_\_\_ Street, who, on a former occasion had eased my pocket of all the money it had except about two dollars. Accordingly, the next night I found myself in the company of this promising young lady. I said nothing about the money, but soon engaged her for the night. At 9 o'clock we retired; . . . I asked her if she would like some wine. . . I went downstairs for two glasses of Madeira, and on my way up, dropped into one about half a teaspoonful of The Cream of the Valley, which I gave to my young ductile, who drank it without suspicion. She soon after said her head ached, and was dizzy. But it put her to sleep rather quicker than I wished for. I knew she would not easily awake, and I arose from the bed to see if I could get the amount of money back again, which she had taken from my pocket. . . At length, I discovered a rosewood box, but I could not open it. However, as luck would have it, I touched a secret spring and the box flew open, bottom upwards. Out rolled about fifty dollars in bank notes, and some specie, onto the carpet, besides various papers among which were recipes, directions for several particulars connected with the life of a prostitute, a paper wrapped around a phial of the same kind of cream I had given her, with written instructions how to give it; so many drops to make a person feel lively and high-spirited; so many to create drowsiness; and so many to set one into a deep sleep."



“By this and other means, the hags who keep brothels contrive to get many of their recruits; some who were once of the most virtuous and respectable class. . . It is not easy to resist such temptations when once poisoned. These female Satans use the very arts of old Satan himself, and some that he does not use. Once in their power, you are not your own keeper. So, I say, beware!”

“But to my story. The box also contained directions to recover or wake a person who had taken the cream. . . So I concluded, I could wake my sleeper if she did not wake herself. I took the phial and all the directions and recipes. . . I also took the amount of money, with some interest, which she had taken from my pocket.”

“I was wicked enough to believe that I might give this Cream of the Valley to any woman with safety, as far as regards life. . . But I had then no thought of experimenting upon any one at home, or even in Northford.”

“Now we come to the particulars of this dreadful tragedy, which causes me to recoil, and my hand almost refuses to hold my pen, to perform the duty which is due to the public. May the lord assist me to tell the whole, plain but startling truth. . . About two weeks prior to the murder, Emily left the District School and commenced a term at the Select School. On Thursday, the 13<sup>th</sup> of September, she attended the District School, under the impression that it was the last day; and she wished to bid her respected, accomplished and worthy teacher, Miss Georgiana Smith, an affectionate farewell. At evening Emily told me that it was not the last day, as she had supposed but that Friday would be the last. During Thursday evening and Friday morning many evil and wicked thoughts were suggested to me, doubtless by Satan, who knew that I was in the right situation for his purpose. My thoughts were continually revolving upon the obscene views I had witnessed in New York, particularly upon the model artist female, who made an attempt to give me that infernal cream, and then diverted me by her curious model feats and maneuvers. I seemed to have a bewitching anxiety to see the same again, or to see something of the same kind, and this base desire I could not overcome. A curiosity to see and examine some female in the same state of nudity was constantly haunting my mind. . . . On Friday morning I drank all the liquor I had at three drinks. Thus was my already wild brain still excited more and more, and my base passion fired to a higher pitch. The very old Satan himself was certainly busy with me, driving me to ruin with all his power. And here I would remark, that it is beyond all human comprehension, why an All wise Providence permitted the great enemy of souls to use me as the instrument for the destruction of innocent life. . . I thought of that infernal stuff, the phial of cream which I had obtained in New York, and which I had since kept safely locked up in my trunk. It suddenly occurred to me that Emily was going to school over the hill, past a dense forest of undergrowth, a very secluded spot. My resolution was instantly formed. I resolved to make her the victim of my excited curiosity, and satisfy my wishes by a close examination of her person. . . Emily was very fond of ripe tomatoes. I went into the garden and found a couple of fine ones, (which was rather uncommon, for the hens destroyed them as soon as they

became ripe.) I then went to my trunk, and took out the phial, above mentioned, and put it in my pocket. I then took a basket and told my mother that I was going up the hill to the wood lot, to get some grapes. This was between eight and nine o'clock on Friday morning, the 14<sup>th</sup> of September, 1849. I proceeded to the top of the hill on the eastern side of the woods above mentioned; there I took the tomatoes out of my pocket, and through the skin of one I made two or three small holes, suitable for dropping in the fatal stuff contained in the phial I had brought from New York. I took out the phial and dropped in gradually a considerable quantity, enough to produce sleep and insensibility, especially upon a young and weak head. I then laid the two tomatoes carefully into the basket, and busied myself for a moment or two repairing a spot or two in the fence, to keep the sheep out of my turnips; but I did not stay long, fearing I would be too late for my game. . In about five minutes Emily came along smiling pleasantly. "This is a beautiful morn, isn't it, cousin Henry" said she. But her fresh countenance, rosy cheeks, and perfectly handsome features appeared much more beautiful to me than the morning. I let down a bar and invited her into the woods, to get some grapes.; she hesitated a moment, and said "It is near school time but I will go now you are with me and we can get some good ones." As she stepped through the bars she saw the two tomatoes in the basket, and said "give me one of those; I thought the hens eat them all, but your name is Hen, too, I guess." (laughing.) "Certainly, it is part of my name," said I, as I gave her the one into which I have poured the dose. I ate the other tomato, not because I liked it, but in order to make Emily eat hers the quicker; and by the time we reached the grape vines, she had swallowed the whole of it except the thin rind. I asked her if it was a good one? She said "Yes, Sir, but I thought it tasted rather singular, and it was not a bad taste either." I commenced knocking off grapes with a pole from a tall vine beside the path. Emily gathered them and put them in my basket.."

*At this point, Foote inserts the following footnote:*

"At this instant Emily saw a small, streaked snake run along close by her, and being much afraid of a snake, she gave a scream and sprang to me, and that was the scream Mrs. Baldwin heard, who was coming down the road, as she says, although I did not see her."

"She said it was time to go to school. . I told her she must help me a little about pulling the vine down. . Emily had begun to complain that her head was dizzy, and we had not reached the vine when she said, "Oh, dear! What ails me. I cannot see! Oh, how my head feels!" I asked her what was the matter? She sat down suddenly, or rather fell, and replied, "I do not know. Everything looks dark; I believe I am going to die! Oh, mercy, I shall die! Oh, dear Henry, will you help me home?" "Certainly" I replied, "but first let me rub your temples first, and perhaps you will feel better." "Oh, now, now!" she exclaimed, " I fear I shall die before we get home."

"As the last words fell from her lips she lay down prostrate on the ground. I took her up as if to carry her home, but only walked around a little near the same spot for a few

minutes, till she became insensible. and then laid her down. She now appeared to be senseless; I shook her a little and spoke Emily, Emily. But the dear innocent Emily never spoke again. I looked at her beautiful form and features as she lay on the ground and my heart beat fast. I was almost sorry I had given her that infernal stuff. . . I found her pulse was strong and rather fluttering, and I thought I could recover her, or bring her to consciousness when I got ready, as she was only in the same situation as the girl I had practiced on in New York whom I succeeded in waking. . .But what shame! Shame! Do I write it, I now proceeded to examine her person, which inflamed my baser passion to an unimaginable degree; and after my eyes were satisfied, I violated and robbed her of her virgin purity. She gave no signs of feeling except to draw one deep sigh. My brutal passion was now satisfied. I meditated on what I had done. . .In the first place I had no intention of doing any thing more than to satisfy my eyes, but this created a passion so strong as to overrule all better feelings, honor an decency. I stood over this wreck of beauty, innocence and purity, and sincerely wished I had never seen the city of New York or any of its bewitching female satans. I thought I must let her sleep the strength of the dose off some before I attempted her restoration. I turned from the sorrowful scene, with heavy steps to bring water, camphor, red pepper. And everything according to the directions before mentioned for her recovery. I had taken but a few steps when something seemed to stop me, and suggested murder! I recoiled. No, no, I cannot do that, said I. I did not come prepared for murder. I am no murderer. And I started again. A weakness came over me, and it seemed as if I almost heard an audible voice, she will betray you if you let her recover; and the maxim of a noted robber occurred to me, "Dead men tell no tales." I turned with reluctance and bent over the dear girl again. Her countenance was fresh and beautiful and her pulse good. I kissed her rosy cheek, and said, "O, no! no! my innocent affectionate girl, I cannot, will not take your sweet life. I must restore that musical voice again, if I do suffer for it." She appeared to be sleeping sweetly, and I again kissed her ruby lips, and rose to depart, and return with the means to restore her. With this resolve, I made another start. The next moment I was insensibly stopped, and there seemed to be a tremendous weight pressing me to the spot, when I raised my foot. . .I had no power to set it forward, and was forced to step backward. I believe I was entirely in the power of Satan. I imagined I could hear something say, I tell you, you are a ruined man if you do not take her life. She will send you to prison for life. What you have done cannot be hid; kill her! And all is safe. She will then tell no tales. . .And oh, is it possible I acceded to the horrible proposal, and Satan used me as an insensible tool for his nefarious, bloody and soul destroying purpose. I tried with trembling hands to twist her neck around and break it, (thus came the marks on her neck), as I had nothing fit to cut with but an old dull pocket knife, which was hardly fir to cut tobacco. But I could not break her neck, or I thought so, but I am not certain but I did. I then took my knife, which was pointed, and, as I believe, pierced the jugular vein on the right side of her neck, which would have been sufficient, but fearing that bleeding would restore her to consciousness before she died. I plunged the knife in and cut off, or nearly off all the pipes."

*Here, Foote calmly adds a footnote concerning a detail of the rape that is so horrible*



*and disturbing that it cannot be repeated. He then continues:*

“She gave no sign of feeling and suffered no pain, no more than if she had taken the real chloroform. . . Perspiration rolled from my brow in chilling drops, as I looked upon the awful deed, and that lovely form, which less than one hour before had been so active. . . I thought I would fall prostrate on the dear body, and lose all my remaining reason.”

*Then, after saying that “Language is entirely inadequate to describe my most painful sensations” he presents a poem of five verses, which begins:*

“Art thou cold and dead--thy spirit flown?  
Harp of the sighing winds, breath a low, sad moan  
The noble soul has fled  
The loving one lies dead  
Sound notes of woe  
Ah! Who laid thee low?”

*And ends:*

“Midst noble flowers and trees, beside life’s river  
Thy pure spirit’s gone, gone to live forever,  
With thy two mothers, dear, along  
One name, one love, one song  
Thy sweet voice will sing,  
Jesus my blessed king.”

*The “two mothers” undoubtedly refers to Emily’s mother who died when she was three and Henry’s mother, who became Emily’s surrogate mother. He then continues:*

“I came very near committing suicide, that I might die with her. But I was not permitted to make the attempt just then. Satan had not accomplished all his purposes for that day.”

“I took up my basket, with the few grapes in it, that she had gathered, ( the last work she ever performed,) and hastened home. On the way, I began to think what a dreadful stroke it would be to my already poor afflicted mother. I knew that her hopes, joys and affections were centered in Emily; and as I had fully resolved to destroy my own life, I was aware that the loss of both of us, in such a revolting manner, would render the poor, lonely widow most miserable for life, and probably destroy all her mental facilities. . . I confidently believed that she would be unspeakably better off to leave this unfeeling world of trouble and most painful suffering.”

“When I reached home my mother was upstairs. She did not see me; and I washed my



hands, and the blood off from the knife, and put it in my pocket. My heart was full and not hard enough then to accomplish my intentions in regard to her. . . When I was free from liquor, I certainly loved my mother affectionately, and was willing to do anything that lay in my power, for her comfort and happiness. . . Often in my travels have I relieved the unfortunate, and given to poor suffering humanity, and sometimes when I had not the means to spare. But I am digressing. As I remarked, my heart was not hard enough then to make an attempt on my mother's life, so it had to be case hardened by a most effectual means. I must have more of that, which is the greatest curse to man, . . viz, liquor. So for the purpose of getting more liquor, I went to the barn and got a three pint jug. . . I then went three miles to obtain the poison which had already induced me to destroy one innocent life. I believe I got one quart, for I only wanted enough to last that day, as I did not expect ever to want any more. I did not drink very much, until I got home again. Then I continued drinking until I was as crazy as a wounded bear. . . I did not eat any dinner, but took an ax and sharpened it on the grindstone, and also my knife, with which I intended to open the main vein in each of my arms, that I might easily bleed to death. But I do not recall that I had any intention of using the ax for any purpose; I recollect that my intention was to be busy about something while my mother was in sight. But I have since been informed that she thought I was going to use it upon her; and that after I left, she took it and hid it. I did not know the ax was hid, as I never looked for it after I laid it down. And I do not know why she thought I was going to use it on her, unless it was because I was near her after I left the grindstone, walking one way and another, rubbing the ax with a rub stone, which was to intimate to her that I was going to work to cut some wood, which I thought would please her. I certainly had no intention of using such a savage weapon as an ax to kill her, as I had resolved not to cut or disfigure her person in any way, if I could do the deed without. I had formed a plan to strike her on the head with a hammer, and I thought one blow would lay her senseless, so she would suffer no pain in dying. I drank several times during the forepart of the afternoon, and about three o'clock I went to get another drink, but the jug was missing,-- my mother had hid it, and it was not to be found by me. This enraged me; I said nothing but went immediately and put the hammer in my pocket, took a newspaper, and went upstairs, near where she was spinning wool. Here, I would remark, that if she had left the liquor alone, it is possible, and not improbable, that I would have drunk so much as to make me incapable of any attempt on her life and thereby she might have escaped entirely. But she was often very unwise in provoking me, especially when I had liquor in my head. . .”

“I have not given these statements for the purpose of defending or screening myself from any blame, in regard to the attack upon my mother. Although they are substantially true, they had nothing to do in that case. . . My motive I have already stated, and it actually originated in pity and deep sympathy for the poor, afflicted woman, on account of the dreadful mental anguish that would come upon her when she learned that Emily and myself were both dead by my hand; for I am confident that it would have rendered her entirely insane; she certainly would have been a most miserable woman for life, with no one to help or take care of her. . . I therefore

resolved not to leave her in this most lamentable situation, but to end her life and suffering and my own life together.”

“But I have digressed again . . . I sat a while in sight of my mother, looking at the newspaper, although I did not read much. I then went nearer, and stood in the door in the rear of her for two or three moments, and then drew the hammer from my pocket, and suddenly stepped up, and struck her on the head. The blow knocked her down but it was not heavy enough to kill her, or even to stun her enough to make her senseless. Consequently, I gave her several more blows, I do not know how many, but I thought enough, and left her.”

When I got out, I met Mr. William Evarts, one of our neighbors. I am not certain what he first said, but I believe he asked me if I had been killing my mother. I know not what reply I made, if I made any; only I know that he told me to give him the hammer, which I had in my hand, and I told him he would get it d----d quick, if he did not clear himself. . . This Evarts is a stout man, weighing, I presume, over two hundred pounds. But he was so chicken-hearted that he dare not attempt to secure me, but backed out and yelled for help. . . I would not give a plug of Cavendish for five hundred such soldiers in action, as Evarts; but in time of peace they would be brave fellows, and very useful to keep bread and cheese from moulding. He was brave enough to make incorrect statements at my trial, when the truth was bad enough, in all conscience.”

“But to my story. When I heard him yelling for help to secure me , as though he was overboard in the gulf stream, with a shark after him, I knew that I must accomplish my last design very quick, or I should probably be prevented. So with this intention, I ran downstairs, threw the hammer away, I believe, and then hastened into a back room, where I thought no one would find me until I had had time to bleed to death. Then I immediately took out my knife, opened it, and drew it across my left arm, cutting deep enough to open the main artery. The blood spurted out in a stream at first, half as big as my finger, so I thought it would soon do the work for me, without cutting the other arm. But in a very few minutes, Mr. Levi Brockett came in and found me. . . Since I have become acquainted with Mr. Brockett, I have considered him to be a fine man, and possessed of a noble mind. . . I consider him to be the means of saving my life at this time, and perhaps, my soul for I have had time for repentance since. . . He took me out into the kitchen, and I fell senseless to the floor. I believe he was about cording my arm to stop the blood. I have since been informed that the brave Evarts came in about that time, and Mr. Brockett told him to throw some water in my face. “poh!” said Evarts, “he is only feigning faintness.” So it is evident if Brockett had not saved me, I would have died then , for all Evarts. Some water was thrown in my face, and I caught my breath. I lay on the floor in that situation, with my arm corded, for about six hours, before the doctor came to dress it. In the meantime they had taken care of my mother and dressed her wounds.”

“When it was time for Emily to come home from school, she did not come, and some people who had collected at the house began to mistrust that all was not well with her.

They sent to the school, but she had not been there. They then searched the woods and easily found her body as I left it, except, they say, the blood had been washed from her neck, from the appearance of it. But the blood must have been licked off by my dog, for he came to me before I left the woods, and when he saw Emily, he wanted to stay with her; but I called him away." ... The next day I was brought to prison by Constable Tyler, when not able to sit up."

"Such were the appalling circumstances under which I left the home of my childhood, for the last time, and came here to die. And I trust that the all-wise and infinitely merciful God has enabled me to repent, in sincerity of heart, and has extended free pardon to my guilty soul. I was informed that my poor suffering mother lived about twelve days, when the Lord took her away, in mercy from the evils and troubles to come. . . But blessed be my Saviour, the Lord of Hosts, who has made me a monument of his long suffering mercy, pardoned my sins, and prepared me to look forward with an eye of faith to a blessed immortality beyond the grave. And also, that he has taken my mother to heaven from all her sufferings. Peace to her dust! Her troubles are over."

"The following is a short account of my conviction of my sins, and conversion to religion.

I feel it my duty to leave the public in possession of a few brief statements in regard to my hope of a blessed immortality beyond the grave, which I trust all Christians will rejoice to hear. It certainly shows the infinite mercy of God in extending mercy towards me, who have spent my life in sin and transgressions against his holy laws and commandments, and at last stained with sins of the deepest hue. "Though your sins be as scarlet, they shall be as white as snow; though they be as red like crimson, they shall be as wool." (Isaiah, I, 18). . ."

"I feel as if I could speak a volume respecting the goodness and long suffering mercy of God towards me, who have been the vilest of sinners. But I must necessarily be brief, and close with a few words to the impenitent, which I pray may be attended with the blessing of God, . . . Ah! Impenitent sinner, there is nothing to be compared to this blessed hope of heaven, this sweet peace and joy of pardoned sin. If I had not this I should be most miserable. . . I fear not death; death has lost its sting for me."

"But sinner have you not to meet death also? . . . Now is your time to make peace with God, and secure a home in heaven.. Sinner I have spoken to you as a friend, and I trust you will read it when I am cold in death; and may God add his blessing to its perusal, and enable you to prepare for death and judgment. Farewell!"

Farewell, vain world, I must bid you the last adieu!  
Farewell friends and acquaintance, pardon me if I have injured you.  
Farewell, I forgive all who have wronged me on the earthly ball;  
May we all be encircled in heaven's golden chain;

Then we shall be free from trouble, sorrow and pain,  
And to sin and temptation, bid a long, last Farewell.

H.L.F”



FOOTE'S ADDRESS  
DELIVERED ON THE GALLOWS, Oct. 2, 1850

*Foote prepared the following two page address which he intended to give on the gallows immediately before his execution. It was included as an appendix to his published confession. He did not, in fact, deliver this address.*

“My friends---the time has arrived! The time that I must bid adieu to this vain and trifling world of sorrow and sin. “The way of the transgressor is hard.” All who continue in the way of sin and death, and set at nought the kind admonitions of Christian friends, will find one day, that they have been planting thorns which will pierce the heart and penetrate the soul. . . Oh, young man, renounce your wicked course; cease to do evil, and learn to do well, lest you be cut off in the prime of life and manhood, and consigned to an early tomb, like the flower that groweth up in the morning, bright and blooming, and ere the noon-day sun beam to the center of its petals, it is cut down, withered, and soon forgotten. You may be suddenly called from time to eternity, to give an account of your deeds before your offended judge; and after receiving the summons or warning, if God grants you any, by sickness or otherwise, it is unlikely that you will have as long and propitious a time for repentance as I have had. . . Oh. My friends, I warn you to prepare for death while in health. . . I shall never warn you again; my voice will soon be silent, and my body cold in death. I stand on the border of two worlds--on the threshold of eternity. I am about to pass the vale, to behold those glories which the eye of mortality cannot see. There is something unspeakably glorious, and most joyfully animating to my soul of the future state of existence, a blessed immortality beyond the grave. The exchange of worlds will be a happy one for me. . .”

“I die in peace with all. I have no animosity or ill will against any of my fellow-beings; we are all weak and erring creatures. I forgive all who have ever injured me, and ask forgiveness if any think I have injured them. I am not aware that I have ever had any real enemies, except one family, but I hope we are friends now, and wish for each other's happiness in time and in eternity.”

I acknowledge the justice of my sentence, for I feel that it is just, and feel perfectly resigned to the will of God. I know that he will do right.”

“My earnest prayer is that my death may be the means, in God's providence, of reclaiming some poor, wayward soul, and thoughtless youths, who are following in the same steps, which I have trod, for I know of many such, and fear for their dreadful end should they continue in their present sinful career.”

“Farewell ! May we meet in heaven ! Lord Jesus, receive my spirit !”

HENRY L. FOOTE

Thus ends Foote's account of his life and of the crime for which he was to be executed. Perhaps we can call this the argument for the defense. However, there are two third party accounts for a portion of this story. They are the newspaper reports of his trial and execution and a pamphlet written by Mr. William Goodwin of New Haven describing Foote's last sixteen days of life in the New Haven jail. Perhaps, these may be called the case for the prosecution as they present a different picture of the man.

## The Newspaper Accounts:

The murder of Emily Cooper and the trial and execution of Henry Foote were extensively reported in the local press at the time. Here below are extracts of these reports, especially those that provide additional details of the murder or that challenge the account given by Foote.

The New Haven Journal and Courier, Monday September 17, 1849:

### Horrible Case of Depravity. Murder in North Branford.

On Friday morning last, a little girl by the name of Emily Cooper, aged only 12 years, was murdered in a most brutal manner. --The murderer was a man named Leander Foot, about 35 years of age, who with the little girl resided with his mother. He has for a number of years past led a most vicious and dissolute life, and for a number of days previous to the base act had been most constantly intoxicated. The little girl left the house of Mrs. Foote, who is her aunt, soon after breakfast, and started off for school. Soon after, Foot, who had been much excited all the morning, also started out, and nothing more was thought of them. The little girl not coming to school as usual, some anxiety was felt for her, and some persons were sent to look after her. After a short search her lifeless body was found in a patch of woods, not far from the house of Mrs. Foot, with her throat cut from ear to ear! Foote was at once suspected as the perpetrator of the deed, and when found by those who went after her, he was in the act of beating his mother with a hammer. When discovered, he attempted to escape into the cellar and make away with himself by opening a vein in his arm, and when found was so much exhausted by the loss of blood as to be unable to speak. It was deemed inadvisable to move him at the time, but he will probably be soon brought to this city and committed for trial. The Coroner's Jury was rendered in accordance with the above facts.

We have seen a number of individuals who reside near the scene of the murder, who state that it is the opinion of the physician, who was summoned at the time, that the person of the girl was violated by the fiend previous to his horrid act. Some of the wounds upon the person of Mrs. Foot are very severe, and it is feared she will not recover. She is represented as being an excellent old lady. The murdered girl had been living with Mrs. Foot for a number of years, and was a sister of Mr. Dan Cooper of this city. It is said that the murderer, after committing his deed, traveled *four miles* to obtain a supply of the very poison which had instigated the act, and after renewed draughts attempted the destruction of himself and parent in order to cover up his former atrocities. Foot has long been on the list of offenders in this county, and has several times been imprisoned for drunkenness and other offences.

TNHJ&C, September 18, 1849

Foot, the person no doubt who murdered the young girl in North Branford, on Friday last, has been brought to this city and bound over to appear before the Superior Court, to be holden in this city on the second Tuesday in October, next. The culprit is a slender, well built fellow, and his general appearance does not indicate a disposition of a malicious kind. He has no appearance of insanity about him, and there is no doubt that *rum* was the sole cause of the horrid crime. He denies all participation in the act, and, "wonders how it can be charged upon him." He was a member of Col. May's Company of Dragoons in the Florida War. We understand that his mother, Mrs. Foot, who was severely injured by blows received from her son, is considered out of danger.

TNHJ&C, September 27, 1849

We learn that Mrs. Foot, mother of the man who murdered the little girl in Northford, a week or two since, and who at that time was attacked and much injured by her son, died yesterday morning, at her residence in Northford. . . .

TNHJ&C, October 15, 1849

The Grand Jury have found four true bills against Henry L. Foot—one for the murder of his mother, one for the murder of Miss Cooper, one for assault with intent to murder his mother, and one for rape upon Miss Cooper. His trial will probably commence in about two weeks.

TNHJ&C, October 20, 1849

## SUPERIOR COURT--OCTOBER TERM

Before Church, Ch. Justice, and Ellsworth

*State of Connecticut vs. Henry L. Foote.* . . . From the evidence offered on the part of the State, it appeared that on the 14<sup>th</sup> September, 1849, Emily Cooper, a young girl of 12 years of age, left the house of Mrs. Foote, mother of the prisoner, for the purpose of going to school, a distance of about half a mile. She was seen by some of the witnesses going on her way until she came to the top of a hill near a dense wood, by which she was hid from sight. For a space of 40 rods at this place a person on the road cannot be seen from any house. . . nor was she seen again until about 6 o'clock in the evening. She was discovered lying dead in the wood, about 20 rods from the road. When her body was found, it was cold, her throat was cut, her face and neck exhibited marks of violence, and her underclothes were spotted with blood. . . Some dried leaves had been thrust into the gash in her throat. On a walnut sapling nearby, there were the marks of bloody fingers. Her body was conveyed to the house of Mr. Wm. Evarts where an inquest was held. When it was examined there, it appeared that an attempt had been made to violate her person. At about ten o'clock the prisoner was seen



coming from the direction of the school house, and in the vicinity of the woods. He was seen and spoken to by several witnesses during the day, but there was no sign of blood upon his person; nor did he exhibit any evidence of guilt. In the afternoon when under the influence of liquor, he told one of the witnesses, while speaking about the trial of some thieves, that "they had got two of them but he had got another, and that there had been more capers cut up than people knew of." To another person he said that he was going to the place where the trial was going on, and that he had another one pinned down over there--(pointing in the direction of his house and the woods). In another conversation with one of the scholars, he asked what present Emily had got that day in school and when told that she was not at school that day expressed a good deal of surprise, saying she had started out, and took her dinner with her.

Foote was not arrested until after the assault upon his mother, and when first taken was much enfeebled from the loss of blood from a wound he had inflicted upon his arm with a knife. While he was lying upon the floor of his house in this state, one of the witnesses swore she heard him say that Emily had gone where no damned rascal could reach her. When he was shown the corpse he exclaimed--"Is this our Emily? Who has done this? How came she dead? And upon being questioned, he said he was fixing the bars on the east verge of the road, when Emily passed him on the way to school. He said that she started from school first, and then contradicting himself said that he started first. His clothes were examined, and his pants were found to be covered with blood on the outside; and upon the inside front and upon the front of his shirt there was a good deal of blood, which had not penetrated from the outside. In his pocket was found a common jack knife, stained with blood, and in a basket of clothes the pockets torn from a pair of pants, and stained with blood, but which were not proved to be connected with the prisoner in any way.

The defence (sic) offered no evidence but claimed that the blood upon his person came from wounds inflicted upon his mother and from the cut on his own arm, which being inflicted by himself, accounted for the blood upon his knife. They claimed that if he had committed the murder there would have been blood visible upon his clothes, which would have been noticed by someone during the day. That his conversation only indicated the wandering mind of a drunken man. That he made no attempt to escape, or of concealment, and generally that the facts proved did not shut out the legal presumption of innocence. Verdict, *murder in the first degree*.

C.A. Ingersoll, Smith and Kelly for State  
Foster and Nettleton for prisoner

NHJ&C October 27,1849

### The Sentence of Foote

A scene took place yesterday in our Court Room, full of interest to such as wish to see human nature in very trying circumstances. The man Foote--murderer as he may now be properly called, having been convicted by a competent jury of his countrymen--was called up for sentence. Before it was passed, the usual question was put, when he rose and said, in substance--"that he was innocent of the crime laid to him--that the evidence was all circumstantial--that the witnesses were prejudiced--that the girl had lived in his house since the age of two and a half years, and that he had loved her as a father--that he had had a thousand chances to kill her, if he had so willed--he might say more, but he supposed it would do no good, therefore he would stop." The Judge proceeded to deliver sentence which, as might be expected, moved almost the whole audience. The prisoner shed not a tear.

The prospective fate of this man, the consequence of his own great crime, is a solemn warning to this whole community. . .

TNHJ&C October 31, 1849

### The Case of Foote

The article in the Palladium night before last . . . does the editor credit. He has not been, in the view of some, altogether sound on this subject of capital punishment. The milk and water sophistry of some few leading men of the country has been parceled out a little here and there in the Palladium, and its influence for good, more or less, has thus rather been on the side of those, who, in the judgment of the first and best minds the world ever saw, are directly undermining the structure of society. But this article, though it comes not out square for the necessity of capital punishment, does yet do it indirectly by advocating the infliction of death on Foote, . . . So will it be, till some of these sentimental whiners against capital punishment get there way.

The Register, New Haven, June 14, 1850

Foote, the murderer, is to be hung on Wednesday next. We trust that every advocate of the gallows will be present.

The Register, June 15, 1850

Foote's execution has been postponed until October next. The question on the abolition of the death penalty is postponed until Tuesday next

The Register, June 19, 1850

## CAPITAL PUNISHMENT

The bill for the abrogation of the death penalty was defeated in the House yesterday by a strong vote. The gallows is still triumphant! And by an evasive vote--a sort of compromise between hanging and commuting--the Legislature have avoided the spectacle of seeing Foote executed by putting it off until October next, when they will be distant from the scene of horror. It only remains for the opponents of this barbarous measure "to bride(sic) their time", and by mental exorcism purge themselves of all responsibility for the judicial murder which they cannot prevent, until a healthy sentiment shall prevail on this subject

## The Poem:

In February 1850, Capt. Isaac Minor, of Branford, published a fourteen page, 650 line narrative poem describing what he understood to be the facts in the case. The tone of the poem is highly moral, with the intention of showing the disastrous effects of irreligion and drunkenness. However, it does offer a few new ideas as to what had happened.

On the verso of the title page is the following note "To the Reader"

Perhaps a more atrocious and unnatural murder, was never committed in any age of the country, than that committed by Henry Leander Foote, upon first, young Miss Emily Cooper, and next on his kind and affectionate mother, Mrs. Olive Foote, on the 14<sup>th</sup> day of September, 1849, His motives for the fiendish deed are as yet unknown, as he denies the murder of Miss C., but confesses that he struck his mother, and alleges as an excuse, that "she insulted him, and that he was half drunk." But his nearest neighbors think that his object was to murder them both, burn up their bodies, together with the house, in the night., and obtain the insurance on the building,, by pretending that the fire was accidental..."

Branford, Ct., Feb. 1850

The Author

The poem itself offers a few new facts and conjectures about the murder. The first is that as late as February 1850 Foote was still denying his guilt in the murder of Emily Cooper. The second is that Minor offers a new motive for the double crime and finally, his description of the murder differs from that in Foote's account, as you will see below:

"...and now upon the wood  
She gained, and there Leander stood!!!  
"Come ,cousin fair," Leander said  
Come go with me, Be not afraid  
A little way within the bower,  
The grapevine near the ground doth lower  
With scented fruit, to all quite free  
And I will pluck and give to thee  
Then the young unsuspecting maid,  
No evil thought, nor felt afraid

- - -

And there he seized the orphan maid  
With one loud scream she cried for aid,  
With brawny hand her cries were broke,  
And near to death he did her choke.  
Then drew his knife, in desperate mood

And from her throat he drew her blood  
Then on a saplin hickory tree  
He wiped her blood which run so free  
Then left her dying in the wood  
And soon before his mother stood  
Appeared composed, and unconcern'd  
Although a hell within him burned"

Mr. Minor then expands on what he felt was the motive for the double killing

"...I'll bring the orphans body home  
And put both corpses in their room  
And then I'll set the house on fire  
And thus accomplish my desire  
But should the neighbors look on me,  
And in my looks a murderer see  
I'll lock the secret in my breast  
And die a murderer unconfessed.  
With them I will lament their fate  
In mourning at their grave I'll wait  
I'll feign for them deep sighs and tears  
Until suspicion disappears  
And then the insurance will be mine  
And other property also.  
And then for California's mine  
In search of golden ore I'll go"



## The Last Sixteen Days:

As mentioned earlier, Mr. Wm. Goodwin was given permission to visit with Foote during the last days of his life and to record his impressions of the man. Before presenting Mr. Goodwin's work, it is natural to ask, "Who was he?" And "Why was he chosen?" There is some information about Goodwin in the archives of the New Haven Museum and Historical Society. His life span is listed as 1791--1872. His name appears in the New Haven City Directory from 1840 until 1872. His occupation is listed initially as "Clerk and Collector", then as the years progress he becomes "Agent and Collector" and finally "Agent, Collector and Notary" I don't know what agent and collector means.

He seems to have been a free-lance writer and publisher. His first recorded work is a pamphlet entitled "The Celebration of the 4<sup>th</sup> of July, 1837 in New Haven" in which he describes, in some detail, the activities of the day. In 1841 he published another pamphlet entitled "Advice to Emigrants, while a passenger on board the American packet ship "Wellington," en route from London to New York, September 8, 1838" . There is an advertisement at the back of this pamphlet for another Goodwin work called "Goodwin's Next of Kin and Heir-at-large Enquirer". Apparently, the 1838 trip to London was to research the claim of a New Haven resident to a property inheritance. In the course of this work he discovered many other potential claims which he documented and presented with instructions on how to proceed. However, his major work was "Goodwin's Annual Legislative Statistics" which was published from 1838 until 1882, ten years after his death. This was a directory of all major office holders in the state, which he personally assembled each year in Hartford. One can assume that he was a familiar figure in New Haven politics.

In summary, Goodwin was a free-lance writer with good political connections. By a cruel twist of fate, Goodwin's daughter-in-law, Jane, sister of Emily Cooper, died of the plague on September 17, 1849, three days after Emily's murder. This was probably a factor in his selection.

Goodwin's thirty page pamphlet is entitled:

Death Cell Scenes  
Or  
Notes, Sketches and Momorandums (sic)  
Of the Last Sixteen days and Last Night  
Of  
Henry Leander Foote

*The pamphlet begins with a note :*

“To The Reader”

“The author of these brief sketches would name that he was induced to watch the last night and previous fifteen days of Foote, the murderer of Emily Cooper, in order to acquaint himself and the public with the facts relative to the feelings, preparation and behavior of that culprit to the last moment of his existence. . .”

Tuesday, September 17, 1850

“By permission of Mr. Bryan, the worthy Warden of the New Haven County Jail, I visited in the afternoon the cell of Henry L. Foote. I found him in good health and spirits. He manifested much gratification on seeing me, having known me for many years back. In fact, the lovely innocent child whom he basely abused and murdered, was sister to the late wife of my son, Thomas Goodwin! After the usual salutations were over, we discoursed on various subjects. Amid the many, he, Foote, adverted to the book he had lately written containing his life, confession, etc.. Also to the various ways he had employed his time and mind since his trial and conviction; and it is to be regretted that on the whole it turned out to be anything but religious. In truth, the painting of flowers, drawing of likenesses and other worldly, frivolous matters appeared to be his sole concern. . .”

“On making further inquiry whether any Minister attended to assist him in his prayers and supplications, he answered that ”The Rev. Mr. Strong had paid him particular attention; but that gentleman had been out of the city some five or six weeks. . .”

“On learning this, I enquired whether their was any particular denomination that he would like to visit him? If so, I would procure him such a one.”

“In reply, he said “if he had any he would rather prefer some one of the Episcopal Church, in as much as he fully believed in all its tenets, with the exception of its form of baptism.” To which he added “He had been immersed in the Baptist Church, and was formerly a member, but upon the whole, he liked the Episcopal church better. . .”

Second day, Wednesday, Sept. 18, 1850.

“In compliance with my promise, at 10 o’clock, A.M., I visited Foote, accompanied by the Rev. Mr. Beardsley, of St. Thomas parish. That gentleman having kindly consented (through my solicitation) to become the spiritual friend and adviser of the prisoner.”

Foote received the Rev. divine with much cordiality and cheerfulness. After that gentleman had made known his mission, he touched the feelings of Foote upon religious matters. Then he, Foote, informed him that he trusted he had made his peace

with God; and through the salvation and intercession of his savior, he hoped to be forgiven the many wicked and grievous deeds he had committed on earth. He, at the same time, added that he considered the sentence just, which he was about to suffer. . .”

“On leaving the cell, the worthy Divine seriously admonished Foote to divest himself of all worldly matters, and to look steadfast to his Father in heaven. To which good advice, with the most apparent contrition and earnestness, Foote promised to conform.”

“But no sooner had the ambassador of God departed, than Foote ,to my utter surprise an astonishment, wrote and placed in my hands the following singular documents. . .”

County House, New Haven, Sept. 1850

“Mr. Sanger, If your help is busy at the time I mentioned for refreshment, (he had sent a note prior), please send them any time in the course of the day, between seven in the morning and five o’clock in the evening, at any hour that is convenient for you; it is immaterial to me at what hour I get them.

“For the first day, I would like six eggs, boiled five minutes, and a beefsteak.  
Second day, Roasted clams and pie.  
Third day, Baked beans and pork.  
Fourth day, Oyster stew and pie.  
Fifth day, Fresh fish fried, and pie.  
Sixth day, Green corn, or corn and beans.  
Seventh day, Roasted oysters and boiled eggs.  
Eighth day, Beef steak and pie.

No bread is necessary as I have plenty, but send some salt in a paper. I am not particular to have them as they are marked. Continue some on each day, until the 2<sup>nd</sup> of October, at breakfast, which will be the last.

Yours, &c  
Henry. L. Foote”

*(Mr. Sanger was, apparently, the manager of the Tontine Hotel, which was visible from Foote’s cell)*

Mr. Goodwin, Please oblige me by getting a small bottle of fine, blue ink, one half quire of the best quality writing or letter paper; a half dozen envelopes, and a half dozen best steel pens, fine, for writing ladies hand. Also, three pounds small butter cakes, and two quarts peaches.”

Henry L. Foote”

As the above documents were open, I took a true copy and delivered it to the person



addressed. I also saw that he was furnished with the provisions and other things asked for in his notes.”

“Prior to my leaving, he asked me to call on Mr. Hotchkiss, the portrait painter. and to request him to come immediately to take his portrait, as the one he had was not good enough for the purpose he wanted it. . .”

“On leaving, he begged that I would call again on the morrow, and, in fact, every day till his execution. When after promising to do so, I left him.”

Third day, Thursday, 19<sup>th</sup> September.

“On entering the cell of Foote this day, which was at two o’clock, P.M., I found in deep conversation with the prisoner, the Rev. Mr. Beardsley, discoursing on religious matters. Foote listened with much attention to the remarks and advice of that worthy Divine, and would occasionally ask questions on certain portions of Scripture which he did not fully understand. . .”

“We then joined in fervent prayer, when at the same time tears were seen to fall, in fast succession from his eyes.”

“On arising from his knees , after a short pause, he observed that the Rev. Mr. Strong had returned to the city, and called on him on the evening of yesterday. But he (Foote)had forgotten to mention to that gentleman that Mr. Beardsley had visited him, and had promised to become his spiritual adviser.”

“On hearing that, I told him that I much regretted the omission, in as much as Mr Beardsley had kindly visited him by my solicitation, and, at the same time, I remarked, that I hoped he would acquaint Mr. Strong when he next visited him, because I felt well assured that Mr. Beardsley would not wish to intrude himself there, and supplant Mr. Strong in performing those painful duties he had entered upon. . .Foote replied that he would inform the Rev. Divine at his next visit, “but I hope Mr. Beardsley will not forsake me, but”, continued he, “to come particularly on the morning of my execution and of my burial.” Mr. Beardsley promised to do so. After a pause of some minutes, he informed us that, “he had written the speech he intended to deliver from the scaffold, on the morning of his execution!”

“On being requested by Mr. Beardsley to let him look at it , he replied, “that he could not, for the reason that he had given it to Mr. Stafford on that morning, for publication.”

“After some further conversation relative to his last days, Foote spoke of a tomb-stone, which he wished to be erected, in memory of his death. To which Mr. Beardsley remarked, that “a tomb-stone is of very little importance in comparison to his soul, which must soon appear in the presence of his Maker. He enjoined him to give up all

earthly matters and to look steadfastly to his God.”

Fourth day, Friday, Sept. 20

“At two o’clock, P.M., I entered the prison, and on reaching the cell of the condemned, I found him engaged with Mr. Hotchkiss, the artist, in relation to another potrait of himself, as before spoken of.”

“When the young man had left, I entered his cell, and found him in no pleasant mood. He went on to say, that “ some gentlemen were not so good as they should be; not as he found any fault with the gentleman just left. But he found much fault with another, whom he had lent four dollars and a half on account for likenesses which he was to paint, and all he got was half of what was to be executed.”

“After listening for some time to his remarks on this and other topics, I told him it was a great pity, so near as he was to death, that he should allow his feelings to be carried away upon such frivolous and unimportant matters. . .After he had partially quieted his feelings, I pointed him to the 180<sup>th</sup> hymn, a portion of which was as follows:

“Peace, troubled soul, whose plaintive moan  
Hath taught each scene the note of woe. “ &c

After reading these beautiful and consoling words, he became cheerful and animated. So much so, that he went into a long detail, relative to the Indian wars, and the many hair-breadth escapes he had passed through in that service, adding, with emphasis. and a smile, that “it was evident, although he had received wounds, that he was not to die in battle!” (In allusion, of course, to his pending fate.) He spoke in the highest terms of the humanity, skill and bravery of the late President, General Taylor, when engaged in the memorable Mexican war.”

“In fact, so much was his attention engrossed in past events that he seemed to forget his own troubles, and the situation he was then placed in. And what was more remarkable, he enjoyed a hearty laugh at the following incident:

“At the time he was describing and detailing the many vicissitudes he had passed through, some visitors came, and peeked through the iron grating at him, without speaking a word, at the same time Foote staring them hard in the face. After they had retired, I enquired if many persons called in that way?”

“Oh, yes”, replied he, “some of whom condescend to speak, while others are silent!, and then added “a few days back he had a good joke with a greenhorn, who was looking at him through the bars, as he would look at a lion or any other animal in a Menagerie.”

“Well,” said he to the greenun. “What do you think of me? Do I look the fellow you

took me to be?" He gave me no answer, so I remarked to him, had you not better go home and fetch a telescope so that you can bring me to a focus? At this the greenun sloped said the prisoner, and immediately burst out into a loud strain of laughter!"

"After he had done laughing at the joke, as he termed it, he called my attention to some portraits of his own painting, that were hanging in his cell. They comprised the likeness of himself, his wife, whom he lost in Florida, the murdered child, Emily Cooper, and a young Indian squaw, named Retta, who he said "was a great friend to him and had saved his life as he rode express in the wars of Florida".

He was about to give an animated sketch of the squaw in question, but I stopped it, by bidding him goodbye for that day."

Fifth day, Saturday, Sept. 21,

"At half past two o'clock I visited the cell of Foote, who I found sitting for his portrait, by the artist mentioned yesterday.

At the time Mr. Hotchkiss was there, the Rev. Mr. Beardsley came for the purpose of administering prayer and consolation to the unthinking culprit. But the Rev. gentleman, seeing that he was engaged, with the artist, felt somewhat disappointed, and retired, with a promise to visit on Sunday.

I left the cell for a few minutes, for the purpose of saying something to Mr. B. in relation to what he thought of the prisoner.

On my putting the question, he shook his head and said, with much regret, that Foote was paying too much attention to things below, when his mind should be seriously directed to the world above. And what was to be more deplored, it looked, from present appearances, as though he intended to carry it out to the last. . ."

Sixth day, Sunday, Sept. 22. 1850

"At 6 o'clock, P.M., I visited the cell of Foote, accompanied by the Rev. Mr. Beardsley. The prisoner, we thought, looked more serious than we had hitherto found him. Every thing being perfectly quiet and peaceful, it gave the Rev. gentleman a rare opportunity to interrogate and touch the feelings of the condemned man. . .

"Foote meekly answered that he hoped not only to meet his fate with fortitude, but trusted his many sins (like the thief on the cross) would be forgiven; and added that he was both thankful and grateful for the long time that had been extended to him for repentance."

"Mr. B. now made a beautiful and touching prayer, which was heartily responded to, and then retired, with the promise of paying another visit to-morrow."

“We were now in a solemn and dismal cell, solitary and alone, made more gloomy by the shades of night and the flickering of a dismal lamp, and not a thing heard, except now and anon the whistling of the wind, or a deep groan from some sorrowing prisoner. . .”

“Foote started from the deep reverie that he appeared to be in. and inquired, “what was the matter?”

“I informed him that I was deeply concerned for his future welfare, and hoped that he would seriously bear in mind the excellent advise he had received, from time to time from those Divines, Messrs. Strong, Beardsley and Love, and of other Christian people, who had visited him in the hours of distress.”

“He replied, in a cheerful tone, that he hoped I would not allow my feelings to be carried away on his account, as he had made his peace with God, and should die happy!”

“That may be all true, replied I ,but the question is, has god made his peace with you? . This appeared to solemnize the poor deluded man , and he mildly replied that he daily prayed for salvation and hoped he should obtain it, at the same time quoting from the 6<sup>th</sup> Psalm of David the following, “In mercy, not in wrath, rebuke me, gracious God.”

“Very well”, I replied, “I am happy to hear it.” Read on friend, read on, and let the world know that you die serious and happy.”

“By the way“, said he, interrupting me all on a sudden, “your speaking of dying, reminds me that I want you to grant me a favor, and that is to call on Botsford & Phillips, the stone cutters, and see whether or not they have completed my tombstone, which I have ordered and paid for, according to the contract I now place in your hands. Read it , and then you will be better able to judge the matter.” The contract reads as follows:

“We, this day, agree to cut and put up in Northford one gravestone, of American marble, with inscriptions and verse, for the sum of seventeen dollars and fifty cents, for Henry Leander Foote.

Signed Botsford & Phillips

N.B. The said stone to be finished and put up the 10<sup>th</sup> day of October, 1850, four feet eight inches above the ground.”

“On reading this I was perfectly astounded! And more particularly so, when he informed me that not only was his tombstone ordered, but also his coffin and grave! He then went on to say that his coffin, which was to be walnut, was to be made by a Mr. Barnes of North Haven, but was not yet paid for. He requested that when his body was about to be placed in the coffin it should not be washed, as he was well assured



that his skin would be quite clean enough for the ground. He further requested that his funeral take place on the same day as his execution; and that the Rev. Mr. Beardsley and myself should attend, and that a carriage should be paid for prior to the occasion."

It may naturally be inferred that these requirements were any thing but pleasant to my feelings. . . It will thus be seen that the stone, the coffin and the grave were waiting and yawning for their victim, who was yet alive and in the full enjoyment of good health, and I may add, spirits. Alas! Alas! Poor mortality! Thus ended the meeting of this night, and at nine o'clock we parted."

Seventh day, Monday, Sept. 23, 1850

"In compliance with the request of Foote, I called on the firm of Messrs. Botsford & Phillips for the purpose of seeing whether the contract for his tombstone had been carried out. The stone I found to be a very neat one, and was assured by Mr. B. that the whole of the contract should be filled to the last letter. The inscription on the stone reads thus, HENRY L. FOOTE, Died October 2, 1850, aged 38 years, to which is added the following verse: "This is a faithful saying and worthy of all acceptance, that Jesus came into the world to save sinners, of whom I am chief."

Visiting the prison in the evening, I reported to him that every thing appeared "all right" and he seemed satisfied. On asking him how he felt and who had visited that day? He answered that he felt "considerably comfortable" and that the Rev. Mr. Beardsley had been with him and had performed religious duties, which gave him much comfort and relief.

"I would remark that Foote, at all times of my calling showed a singular disposition to make money, even at the hazard of his soul. For instance, although as he said, Mr. Beardsley had not long left him and instructed him to read, pray and heartily repent during the few days he had yet to live, yet, notwithstanding this, I found him on my entrance, to be painting a picture! In a few minutes after, showing that even "at the eleventh hour", he was a man of business, he left me alone in his cell, (the door being unlocked) and soon returned with a dozen picture frames which had been made to his order. For the purpose of placing pictures in, to sell in prison!

"I remarked, when I had a fair opportunity, that I thought it very singular. So near as he was to death, that he should so foolishly lavish away his time. . .

He answered that his time hung heavy in the day season and at night when all was peace and quietness, he directed his attention to God. "Besides", added he, "I want to get some more money to pay for my coffin and grave."

In a few minutes after this conversation, he addressed a note to myself, which read thus:

"Mr. Goodwin, will you please select six panes of glass, 7 by 9, for picture frames and

six panes 6 by 8, for the same purpose? They must be perfect, clean and straight edges.

Henry L. Foote

"I confess I felt much grieved at so much thoughtlessness of eternity but, after a pause, promised to send them in. I left him for a short time, for the purpose of seeing McCaffrey (*another convicted murderer*) who was in cell 19, on the same range with Foote. On my approaching thither, I found the poor man on his knees, praying fervently to his maker. . ."

"Prior to my leaving him, he kindly inquired after Foote. He begged me to tell him that, "he hoped that he would devote every hour and every moment to prayer and devotion to God. For, he added, "the Lord knows his time like my own is getting very short."

"On returning to Foote, I acquainted him of the good wishes of McCaffery, which he gratefully received. And then he remarked that, "somebody has done him (Foote) great injustice, circulating a story, that he had said that he did not want to die with a Paddy, &c." This he stoutly denied, and said, "The only remark he did make about the unfortunate man was, that he supposed, when he heard that McCaffrey was convicted, that they should both swing, side by side."

After holding a further conversation for a few minutes upon a different subject, we parted."

Eighth day, Tuesday Sept. 24.

"On entering the cell of Foote, which was at 2 o'clock, P.M., I found him lively and in good spirits; and to my surprise, after so much had been said upon the subject, found him hard at work, in his shirt-sleeves, framing pictures. In fact, his cell looked more like a picture gallery, than what it really was. There might be seen suspended on the walls somewhere about twenty of those articles."

"On my remarking that they made quite a show, he answered that "tomorrow was the cattle show day, when it was likely that many persons would be visiting the Prison for the purpose of peeping at him and McCaffrey." And then added, "In the event of that, the pictures will find a ready sale!"

"I will thus be seen that trading and money-making, apparently were far more preferable to him that reading good books."

"Upon the whole, I must here confess, I have never met his fellow. No, I have visited prisoners, numbers of time, in London and elsewhere, when under the sentence of death but never did I see one so careless of his soul. The fact is, as it appears to me, that because he had made a full and horrible confession, he took it for granted that the whole of his foul sins had been blotted out and forgiven. Deluded soul! . . .

“At the very moment I was speaking to him upon that that serious and important subject, the Rev. Mr. Strong made his appearance. And he very faithfully pointed out to the prisoner, the true and only way to Heaven. . .”

“All this he promised to do; and on his bended knees, with that Rev. Divine, did he pray for mercy and forgiveness. But no sooner had that gentleman left the cell, than Foote, to my utter astonishment, went tinkering away at his merchandise as cheerful as ever. After fixing and adjusting these trumpery articles, he sat himself down on the foot of the bed, and after a few minutes reflection coolly inquired, “If I could tell him how high the platform was that Potter was hanged on. I told him I thought it was about eight feet, exclusive of the very high post and beam.”

“He next inquired about the make and look of the costume in which Potter was executed? I told him it was a long white dress, fastened around the body, and if I could recollect right, it reached to the chin. At this he bowed his head, and looked melancholy, but in a few minutes, rallied again. . .”

“He next alluded to the memorable and solemn words of Judge Church, when passing sentence on him, relative to the man who sold him the rum, for a week before he committed the horrid murder! . . .that man may be considered ”as your companion and comrade in guilt. . .”

“The manner in which these truthful words were delivered from the lips of the prisoner were touching indeed. . .And, her let me add, that he wound up by saying that “he hoped all rum sellers, particularly one L. C., of North Branford, would take warning from his fate.”

“The time having now arrived, that the door of the cell and prison would be locked up for the night, I left him with a heavy heart, until the morrow.”

Ninth day, Wednesday, Sept 25

“I called at the prison in the morning. I found Foote, agreeably to his anticipation the day before, in the height of glory and ambition, vending pamphlets and pictures to persons surrounding his cell with as much gusto as though he had to live twenty years or more. On seeing him thus engaged, I merely asked him how he was, and retired, with a promise to visit him in the evening.”

“At six o’clock, P.M., I did so, and found him seated at his table, which was covered with paints, pencils and brushes reading a new novel, that had that day been published by Edward Downes of New Haven, entitled “Love and Murder; or Isabella the Stolen Bride.” Written by Henry L. Foote.”

“He told me, as he scanned the pages, “that it was not only a good and true tale, but

one worth the reading, although he was the author of it. To this I remarked, that it possibly might be "good and true", but notwithstanding all its truthfulness, I considered that it was half so "good and true" as the two books beside him, the Bible and the Prayerbook. True, true," said he smiling, "they are good books, and I intend, after seeing that the printer has made no mistakes in this, and then turn my most serious attention to them."

"He then laid down the pamphlet, and informed me that the Rev. Mr. Beardsley had visited and prayed with him this morning. . . "After the Rev. gentleman had departed", said he, "some beautiful females appeared before my cell door, and while talking about my unhappy doom, they shed tears. On observing this, in a moment, placed my portrait in their hands, and when they had carefully looked at it, one of them observed that I was a handsome man, Ahem! "Of course," said he, "I pretended not to hear them, but must confess I felt the compliment."

"After He had got through laughing at his "love affair", as he termed it, he adverted to the many acts of kindness he had received from the Messrs. Bryan and Sheriff Parmalee, during his long confinement in that gaol. "Yes, and you must learn," said the doomed man, "that my second name, Leander, was given me because Sheriff Parmalee was so called. Now sir," added he, with emphasis, "do you not think Sheriff Parmalee will feel much pain when fixing the noose to hang his namesake?"

"For some time in his eventful life, he said, he had been a teacher, both in East Haven and in Pennsylvania, much to the satisfaction of all concerned. . . ."

He was about to go further, in similar details, when I stopped him, by calling his attention to poor McCaffrey, who at the time was heard loud in prayer. He coolly remarked that, "he much pitied him, because it was a vain repetition of words, and at the same time, an offense to God."

"I admonished him to throw off all such delusions on the head, and to "do likewise . . ."

Tenth day, Thursday, Sept. 26.

"On visiting the prison at 6 o'clock, P.M., I happened in with the Rev. Mr. Lowe of the Howe street church. That gentleman and myself, first visited McCaffrey. Whom we found reading over a pamphlet of his life, which had just been published by Mr. Edward Downes of this city. After we had spoken kindly to him, . . . we left him and visited the cell of Foote, who received us in a becoming and cheerful manner. Mr. Love addressed him in a very affecting strain, reminding him that he had only a few days to live, and earnestly requested him, . . .to waste no time in making preparation for that glorious change! After Mr. love had pointed out several chapters, which might give him much consolation, . . .he shook hands and left him."



“Foote, at the departure of that gentleman, I thought appeared more serious than he had done at any other time of my visits. He appeared as though he had begun to realize his approaching end.”

“He immediately took up his Bible, and searched out the excellent chapters that the Rev. gentleman had alluded to. . .After he had finished reading those beautiful portions of Scripture, I read to him (including McCaffrey) the following appropriate prayer;

“O Father of mercies, and God of all comfort; we fly unto thee for succour for these Thy servants, who are now under sentence of condemnation. The day of their calamity is near at hand, and they are accounted as those who go down into the pit. Blessed Lord, remember thy Mercies; look upon their infirmities, . . .and forasmuch as their continuance appeared to be short among us, quicken them so much the more by thy Grace and Holy Spirit, that they, being converted and reconciled unto Thee, . . .may at the hour of their death, depart in peace, and be received into Thine everlasting kingdom, through Jesus Christ. Our Lord, Amen.”

“At the close of this prayer, Foote thanked me, and said he felt much comfort when kind friends visited him, and prayed for the salvation of his perishing soul. “The only conversation we had during the evening upon business and worldly matters, was, that yesterday he sold three dollars and fifty cents worth of pictures, books, &c. . .”

“After a pause of a few minutes I inquired, by way of diverting his mind, . . .whether, when he went to bed, he slept soundly, and dreamed easy? “Yes.” he instantly answered, “I never slept more soundly in my life, and as to dreams, when I do dream, which is seldom, they are of the most delightful description!”

“Indeed,” said I, with emphasis, “Have you never, during your long confinement within these walls, dreamed of the foul deeds you committed, for which you are about to die?”

“Never, sir, never,” he replied, “No such thing has ever entered my head. When asleep, the only things that have ever roused and disturbed me from my peaceful slumbers were drunken rowdies, fire bells and tom cats!”

At eight o’clock, I left him apparently tranquil and happy.

Eleventh day, Friday, Sept. 28

“This was a gloomy, uncomfortable, wet day, and when I entered the prison, which was at 2 o’clock, P.M., I found Foote engaged painting flowers, with a candle burning, which, as he said, “threw a sunny and cheerful light around his cell.”

“On my remarking that the candle certainly did look pleasant, he replied, with a smile,

“Yes, and I wish you would oblige me by hunting up a pair of snuffers, for this snuffing of candles with one’s fingers is not what it is cracked up to be.” I told him his wishes should be complied with”

“We had not conversed long ere the Rev. Mr. Beardsley entered the cell, who after talking seriously with Foote for some time about his approaching end, prayed fervently and left him. “That gentleman had not long departed when the Rev. Mr. Strong came in, who also prayed and talked with the prisoner. After those gentlemen had left, Foote spoke in the highest praise of them, and the great comfort he had derived from their teachings. “By the way,” added he, “I had intended to have asked Mr. Strong to accompany Mr. Beardsley and yourself to the grave, but I forgot it.”

“This conversation brought up the subject of the funeral, tombstone and other matters, when he said, “Knowing that I can confide in you, Mr. G., I beg you to do me the favor, prior to that occasion, to see what you can procure a car and two good horses for, and then let me know what the charge will be and I will get you the money,” he then added, “if Botsford would put up the tombstone in the same day, it would not only be killing two birds with one stone, it would save much time into the bargain.”

“ After being assured that all these things should be seen to, he sat down and resumed his painting. He had not made many strokes with his brush, when all of a sudden, he asked whether I had seen the prisoner Bowen, who had lately been brought there on a charge of murder? On my answering him in the affirmative, he remarked that, “he was a smart looking fellow, but, added he, “there is something dreadful ugly and dangerous about his appearance.” He followed up his remarks by observing, “I wonder what woman was at the bottom of it? “Woman,” replied I, with surprise, “Do you think a woman has anything to do with it? “Do with it, yes.” replied he, “I seldom ever heard of a crime that any man had been convicted upon, but either woman or rum was at the bottom of it.” Then by way of illustrating and confirming his assertions, he told several stories, and would have told many more had I stopped to hear him.”

Twelfth day, Saturday, Sept. 28

“Prior to my visiting Foote, I agreed with a hackman, for the sum of three dollars, to furnish a carriage and two horses, for the conveyance of persons to his funeral, for which I paid and got a receipt.”

“ On visiting his cell. I found him putting his house in order, as he termed it. The fact is that he was just about packing up his paints, brushes, &c, for the last time, and were to be sold cheap to anyone who would buy them. It struck me on this visit, that Foote was more cheerful than he had been at any other time. For instance, on my presenting him with a pair of snuffers for his candle, he appeared delighted, and observed, “that he had on several occasions, burnt his fingers, and had, in one sad instance, burnt them once to often.”

“While in a cheerful conversation with some visitors relative to the eccentricity of Lorenzo Dow’s sermons, who should enter the cell, which put an end to the discussion, but the Sheriff and an undertaker, who had come for the purpose of measuring him for his coffin! This scene made me shudder, but not so with the prisoner. No, he bore the ceremony with undaunted courage. After giving instructions in relation to his shroud and other matters, the gentlemen departed.”

“I remarked to him, when those gentlemen had left, that it was astonishing with what fortitude he bore that solemn and trying ceremony. To which he replied, “it almost astonished himself, but“, added he, ”I have had so much time given me to prepare for the coming event, that all fears have vanished!”

After this I left him for the night.

Thirteenth day, Sunday, Sept. 29.

“At 6 o’clock, P. M., I entered the cell, accompanied by the Rev. Mr. Beardsley. We found Foote in a very placid state of mind. He informed us he had spent the best portion of the day in prayer and reading the scriptures. . . To questions put by Mr. B., he answered that he was ready to die, and in the full hope of being pardoned by God, whom he knew would do right by him. After Mr. B. had prayed with him, he left him.”

“We two were now left alone together, for the last Sabbath on earth. The chief part of our time was devoted to reading the Bible and prayer book. . . Our conversation on worldly affairs was little. He remarked, that he thought, from appearances of things in general, that some persons were particularly shielded from harm, while others were driven to misery, ruin and despair. For instance, said he, “Washington, Wellington, Bonaparte, and others were protected from balls and death in the hottest of battle. He went on for some time in this strain, and would have continued doing so had I not interrupted him by observing that he had also been in battle and was protected too. “Yes,” said he, “there’s the rub; but you know, sir, that two out of the three are dead, and died too in the natural way, while I am doomed to perish on a scaffold. The fact is, from what I observed at this interview, I thought I discovered that Foote was not only a partial believer in fatalism, but in universalism also. Under these circumstances, then, it is not to be wondered at, that his mind remains thus tranquil, and he treats his approaching fate with so much stoical indifference. He wound up this evening’s discourse by asking whether “I knew of any ladies that would like to attend his funeral; if so, I would like you to procure another carriage for that purpose.”

I told him, I guessed not, as he did not at this time stand very high in the estimation of the fair sex. He expressed surprise that it should be so. The matter then dropped, and we parted for the night.”

Fourteenth Day, Monday, Sept. 30.

"I found in close conversation with Foote the Rev. Mr. Strong, who, I understood, had been seriously advising that unfortunate man to apply every minute of his time in prayer and supplication to his God.

For some time after Mr. S. had left, he appeared sad and gloomy, as though something had been said to him which severely affected his feelings. However, some little time after, he aroused from his reverie, and inquired what I thought of the weather? I replied that it was beautiful and seasonable. "Good !" aid he, "but do you not think we shall have a storm on Wednesday?" I told him I thought not; but why do you ask? "Why," answered he, "I thought if it did it would dampen the scene altogether, and then you and the clergymen would get wet at my funeral." I told him to dismiss all fears on that head and think on other things.

Some short time after this, Sheriff Parmelee came in and gave him some peaches. When that gentleman had departed, I remarked that the Sheriff was a kind friend to him.. "Yes." said he with a grin and a knowing wink of the eye, "in a small way."

"By the by," said he, "do you know lawyer Cowdrey?" On my replying yes, and what of him? "Why, he called today and informed me that the good folks at Washington had given me 160 acres of land for my services in the Florida war." Continued he, "it was a pity that gift had not been made two years back. Had it been so it might have prevented a murder, and saved myself from the gallows: but as it is the land must go to my sister."

After these remarks had been made, the Rev. Mr. Love entered the cell and prayed with him. After which I left him, with a promise to bring him some peaches on the morrow."

Fifteenth day, Tuesday, Oct. 1.

"At one o'clock, I visited the cell of Foote. He told me after some time, that he felt somewhat nervous, "but," added he, "my mother was a nervous woman, and it is no wonder, under my afflictions, that I should feel as I do." He stated that the Rev. Mr. Strong had visited him, also Mr. Cowdrey, the attorney, accompanied by some of his (Foote's) relations, and that he had deeded the 160 acres of land, as spoken of yesterday, to his sister. He remarked that he was sorry I had not been there earlier to be introduced to them.

In the course of the morning, the platform had been erected for the execution, also the canvas placed around the building, "which much reminded him," he said, "of a menagerie or some other place of amusement."

The Rev. Mr. Beardsley, accompanied by the Rev. Mr. Townsend, came in and prayed fervently with the prisoner. . . In the course of the afternoon, Sheriff Parmelee,



accompanied by James F. Babcock, Esq., and others, entered the cell, for the purpose of reading the death warrant, which Foote, in a surly manner, refused to have read, stating, there was no occasion for it, as he knew about it already. . .

When an opportunity offered, Foote asked whether I thought his tombstone would be ready to be put up at the interment of his body tomorrow? On being answered in the affirmative, he appeared contented.

At 5 o'clock, as I was about to leave him until 9 o'clock that evening, he slipped a note into my hand, which requested me to bring on my return, 6 cents worth of musk and two pleasant cigars, &c.

### THE LAST NIGHT

At 9 o'clock, P.M., I returned for the purpose of sitting up with him for the last night. When I entered his cell, I found his table decorated with sundry goodly things for the use of the inner man. He had just finished eating a meal that had been furnished him from the Tontine.

At 10 o'clock, the table being cleared of the fragments left, Foote and myself read portions of the Scripture.

From 11 to 12 o'clock, Foote looked anything but a dying man, and rattled away to Messrs. William Bishop, W.W. Avery and W.W. Curtiss, who were pacing about outside the cell as watchmen, with as great gusto as though nothing was the matter. It was astonishing to see the buoyancy of spirits he exhibited on this occasion. With a fragrant cigar in his mouth, he related anecdote after anecdote upon various matters.

At 1 o'clock, Foote, who had been pacing his cell for some time without speaking for some time, fell on his knees, and in silence, made a lengthy prayer. On arising he deliberately undressed himself, and went to bed, when in a few minutes he was sound asleep.

At 2 o'clock, he sleeps on, as tranquil as one who has never committed a crime in his life! While Foote is slumbering thus heavily, poor McCaffrey is heard together with Father O'Reilly, to be fervently praying; and it is proper to remark, that from the time I entered his cell, to the time of this writing, one or another of them was alternately engaged in that way. We also heard question after question put to the unhappy prisoner by his faithful priest and counselor; but whether he had confessed his guilt, we have yet to learn.

3 o'clock---Foote still sleeps on, while McCaffrey prays and the priest exhorts. It is here worthy of remark, that Foote, prior to his going to sleep, anointed his head and body with musk, which he caused to be purchased for that purpose. While writing this paragraph, Foote turns sharply in bed, but waketh not.

4 o'clock---Foote breathes hard, and is supposed to be dreaming, while on the other hand, McCaffrey is wide awake and praying.

Half past 4---Foote awoke from his sleep, turned out of bed for a few minutes, and then turned in again, and after inquiring the time, went to sleep without a sigh or shudder.---McCaffrey still praying aloud. What a contrast between the two men!

5 o'clock---Foote still in a sound sleep, while McCaffrey prays and tells the priest he is innocent. I visited the cell of McCaffrey and had a long conversation with him and Father O'Reilly. Mr. O'Reilly remarked that he was glad to see McCaffrey so prayerful and resigned. McCaffrey declared, "that he thought he would not live another month even if his life had been spared, from some disease he had about him; in fact" said he, "I am now well prepared to die, and would as soon go now as at any other time.."

6 o'clock---I woke up Foote, who had still continued to sleep. In a few minutes afterwards, he was out of bed, and observed that he had slept his last sleep, and that he was dressing himself for the last time on this earth; and hoped, as he put his trust in Jesus, that he would soon be with him in heaven. After presenting me some books and writings we parted for one hour.

Sixteenth day, and morning of execution, Oct. 2.

On my return from breakfast, I found Foote had been washed, shaved and looked clean. It rained hard at the time, which had somewhat wet my clothes. On his perceiving this he exclaimed! "Does it rain?". On my answering in the affirmative, he actually shuddered, and then remarked, as he had done before, "It is just as I thought, and it will truly put a damper on the scene."

As the clock struck nine, The Revds Mr. Beardsley, Townsend, Strong. And several others, entered the cell, when prayers were offered up in behalf of the dying man.

At the hour of ten, Sheriff Parmelee, Deputy Sheriff Carr, and Mr. C. B. Lines, the undertaker, entered the cell, and prepared him for the gallows. On Mr. Carr placing the cap upon his head, Foote took it off again, and rubbed some musk in his hair. And what was more singular, on the very eve of his going to the scaffold, he asked me, as a favor, that after he was dead, I would comb his hair and, with my nice little pen-knife clean the dirt from under his nails! We then bid each other farewell, and shook hands for the last time on earth!

On parting, he was immediately led to the gallows, the particulars of which, together with his funeral, I have quoted from the New Haven Journal.

*In fact the Journal account was clearly based on Goodwin's notes and he may even have written it. He may have felt that some of the details of the hanging would shock sensitive people, and so he shifted the responsibility for the publication to the newspaper editors.*

#### THE EXECUTION, FUNERAL, &c.

This was a gloomy day in itself, as well as gloomy from its being the time appointed for the last scene in the drama of crime which has sent two men, in the full vigor of life, to their last account. Foote convicted of the murder of a young girl, and McCaffrey, of that of Mr. Charles and Mrs. Ann Smith, on East Rock, were hung at one minute before eleven o'clock. Some three hundred persons were assembled within the precincts of the jail, to witness the penalty of the law.

The Grays, Capt. Arnold, the National Blues, Captain Quinn, and the Governor's Guards, Major Hendrick, were on duty, a part within, and the remainder without the jail, and did much to preserve order and quiet. The persons within the yard, in the midst of which the gallows was erected, behaved with great decorum.

A platform of six or eight feet square, and at a distance of as many feet from the ground, over which a beam was placed, with two ropes attached, each terminating in a noose, had been erected the afternoon previous, by order of the Sheriff. A flight of steps led to the drop.

A quarter before eleven, Foote, arrayed in a white garment, reaching nearly to the feet, with a white cap on his head, and with his elbows pinioned behind him, was conducted by Sheriff Parmelee to the gallows. Several clergymen and assistant Sheriffs accompanied him to the platform. With a moment's interval, McCaffrey, accompanied by Father O'Reilly, ascended the stairs, where they both sat in the chairs provided for them. The clergymen having bid farewell to the prisoners, and McCaffrey having beckoned to his priest to take him by the hand, which he did, the Rev. Mr. Strong offered the following prayer.

"O Lord God, who hast made the heavens and the earth, and art the maker of us all; O Jesus, who didst die for the sins of the world, and whose blood cleanseth from all sin; we come now to thee. Have mercy, we entreat thee, upon these thy servants, in the time of their trouble. Let thy blood cleanse them from sin. Enable them, in the exercise of sincere and humble contrition for their offences, to cast themselves on thy mercy for pardon and salvation. Consciously exposed to just punishment, may they yet receive forgiveness and their souls, now about to leave this world, be admitted to heaven, through Jesus Christ our Lord, Amen."

The ropes were then adjusted about the necks of both, the knot, as usual, being placed beneath their left ears; but Foote, imagining it hurt him had it placed further back. After their feet had been severally strapped together, and all had left the scaffold but

Sheriffs Parmelee and Carr, Foote spoke in a faint and tremulous voice to this effect:

"I had prepared a speech to be delivered upon this occasion, but for certain reasons I thought proper not to do so. Those who may like to see it, will find it in the second edition of my book. I now feel as though I was standing on the borders of two worlds. I believe my sins have been forgiven, and I rely on the blood of Christ for salvation."

Immediately at the close of his remarks, the officers drew the caps over their faces, when the nervous movements of the prisoners' hands indicated the deadly fear within. Foote evidently tried to brace himself against any exhibition of feeling, as was indicated by the firm compressure of his hands---while McCaffrey showed a greater degree of devotional feeling. But in the next instant the bolt was drawn, and the lifeless bodies of Foote and McCaffrey hung suspended by the neck. The fall was about six feet and a half. Drs. Jewett, Hubbard and Taylor, the medical attendants on the occasion, immediately examined the pulse, &c. of the executed men, and ascertained that the last struggle of Foote occurred about seven minutes after the drop fell, that the pulse at the wrist ceased in eight and a half minutes, and at the heart in ten minutes. McCaffrey's pulse beat 110 to the minute for four minutes after he fell; pulse ceased in six minutes at the wrist, and the heart ceased to beat in nine minutes. The bodies were taken down at a quarter before twelve, and laid out in one of the corridors of the jail, preparatory to interment. The neck of McCaffrey proved to be broken, but not that of Foote. This is attributable to two causes---the greater weight of McCaffrey, and a better arrangement of the knot. Indeed, it is rare to see a man of his muscular frame. His weight must be two hundred or more. The body of McCaffrey was placed in a stained white-wood coffin, on the plate of which was inscribed, "James McCaffrey, aged 37 years", and was carried away in a hearse. Foote's body, after being enshrouded, about which he showed much anxiety, was placed in a coffin, in another hearse, and accompanied by the Rev. Mr. Beardsley and Wm. Goodwin, Esq., carried to Northford for burial.

Some minute incidents in the events of yesterday may prove worth mentioning. The face of McCaffrey was somewhat flushed, and his nervous system was apparently much excited. There was also a convulsive motion obvious as he shook hands with those on the platform, while the expression on his face was anything but calm as befits an innocent man. Foote, on the contrary, was ghastly pale, and the way he looked about the crowd was quite in keeping with his conduct while he was in jail. His general demeanor, however, was less appropriate to the occasion than that of McCaffrey. A gentleman who was at the door of his cell yesterday morning, an hour before his execution, informs us that he was kneeling and apparently engaged in fervent devotion. . . .

The last act of Foote in his cell was to make use of a quantity of musk on his hair, six cents of which he had ordered the night previous, besides "two pleasant Spanish cigars." Before the two were cast off, McCaffrey reached out his hand to Foote and said "don't die like a coward," and expressed the wish that they might meet together



in heaven. When Mr. Carr parted from McCaffrey the latter said, "Farewell, I forgive all enemies," and then chocking (sic) up, refrained from saying anything further.

The execution itself left no visible mark on the person of McCaffrey, but from the mouth of Foote, a small quantity of blood and mucus flowed down his bosom and penetrated the cap which covered his face. . .

We are informed by our friend Mr. Goodwin, that while passing from the cell to the gallows, Foote requested him to take his "nice little pen-knife" and clean his nails and comb his hair. after he was dead. We are informed by the Rev. Mr. Strong that Foote appeared to show much more feeling yesterday morning than he had previously done.

After the hearse left the jail with his body ,attended by two coaches---one containing Rev. Mr. Beardsley, Rev. Mr. Townsend, Mr. Goodwin, and Mr. J.H. Benham; and the other, Mr. and Mrs. Cook, (the last a sister of Foote) and other friends, the procession reached the Northford burial ground at half-past three, where a crowd was assembled and witnessed his interment, as we are informed by Mr. Goodwin, in a declivity remote from the grave of his mother. The coffin was opened to the view of the assembled multitude, when the corpse appeared to wear its usual expression. After the grave was filled up, a marble slab was placed at its head, with the following inscription: Henry L. Foote, died Oct. 2, 1850, aged 38 years. This is a faithful saying and worthy of all acceptation, that Christ Jesus came into the world to save sinners, of whom I am the chief."---1 Tim. 1,15. The other criminal rests in the burial ground of the Catholic church. . .

There was a large number of people outside the jail yard, scattered about the Green and the streets adjacent. Many of these were women, who manifested a strong desire to see all that was going on. There was but little noise and confusion outside, and no disturbance exhibited which called for the interference of the military. . . .

#### THE CLOSE

On visiting the cell for the last time, after the execution, for the purpose of getting my prayer-book, I found on opening it, a lock of hair; and the following original scraps of poetry, addressed to myself, written on the blank leaves:

#### TO MR. WM. GOODWIN

##### I.

Walk in the path the saints oft trod  
And live prepared to met thy God!

II

Soon kind friend I must depart,  
Accept from me a grateful heart,  
My wish for thee sincere;  
May you enjoy exempt from strife  
Each comfort of this transient life  
In this and every future year.

III.

Soon I must draw my latest breath,  
And enter a long eternity;  
Give me a thought, when cold in death,  
‘Tis all that you can do for me.

IV.

When in death I do recline,  
May my soul, O Lord, ascend to thee  
Through Christ’s redemption I am thine;  
By faith, his glories now I see.  
‘Twill all be well; I little prize  
When, where or how this body dies.

V.

Farewell! Good friend, I now depart  
With a broken and contrite heart;  
May we in heaven each other see,  
From sin and sorrow ever free!

Henry L. Foote

October 2, 1850.

## Reflections:

After spending so many hours poring over the documents concerning this murder, I feel the need to record my own reactions. This is as much to clarify my own thoughts as it is to give the reader the benefit of my work

My first reaction was to recall how small a town North Branford was in 1850. The population of the whole town in that year was just over 900, of whom only about 450 lived in the Northford section of town. The bulk of this population was made up of a few interrelated families. The most prominent among these were the Foote's, Maltby's and Linsley's all of whom were related to Henry Foote. The 1864 Beers Atlas map of North Branford shows 14 Foote, 9 Maltby and 8 Linsley houses in town. A part of Northford is still known as Foote Hill. The foreman of the Coroner's Jury was Charles Foote, almost certainly related to the man he indicted. William Evarts was a neighbor of the Foote's. Emily's body was carried to his house for the inquest; and it was William Evarts who helped stop the attack on Olive Foote and detained Henry Foote. You can imagine the impact of such a horrible murder on this small, tight-knit society, all of whom undoubtedly knew each the participants in the tragedy.

The main question that arose in my mind was how much credence we could put in Foote's autobiography and what it tells us of his life and character. I believe the external facts of his life as he recounts them are believable as they are mostly confirmed by other sources. He certainly served in the army and fought in the Seminole war since he was granted 160 acres of land for his service. His time in South America seems plausible from his description of the area and its people. His marriage and the loss of his wife and child are recorded.

In his seven years away from Northford he had visited Boston, Pensacola, Tampa, Rio de Janeiro, Charleston, Richmond and St. Louis; Working as a bartender, soldier, wood grainer and teacher. This was certainly not the typical life of a small town boy from 19<sup>th</sup> century rural Connecticut. Henry Leander Foote was a wanderer, unable to stick at any one job for long.

What the autobiography tells us of the inner man is more open to question. His main argument is that he was more of a victim than a criminal; an innocent young man led astray by evil companions. He proposes a long list of people who are jointly responsible for his ultimate downfall. They include his parents who were too indulgent, and who introduced him to strong drink. He blames evil companions who introduced him to the vices of New York--- theatre, gambling and harlots. He blames the army for coarsening his moral values. Above all, he blames the alluring painted women who inflamed his passions and led him to his criminal acts. He blames the man in Northford who sold him the "poisoned run" that drove him to murder. He blames his mother for hiding his bottle on the day of the murder, claiming that if he had been allowed to continue drinking he would have become too drunk to kill her. Finally, he blames God for permitting the devil to take command of his life. He

claims, in effect, that he was only carrying out God's plan for him. For all these reasons, while he accepted that he was legally guilty of Emily's death, he did not feel morally responsible for what happened. Furthermore, since he had repented, he had received God's pardon and was assured of everlasting happiness after death.

This self-serving thesis tells us more of the man than he perhaps realized. He comes across as a man unable to accept the responsibility for what he had done, anxious to shift the blame to others. Besides this there are several items in his work which tell us something more of the man. As I have mentioned before, he makes two statements, both concerning violence towards women which I found particularly disturbing. One concerns the cruel death inflicted on a young settler's wife in Florida by the Indians. The other relates to a detail of the rape of Emily Cooper. Both these statements are too horrible to be repeated yet Foote makes them in a matter of fact way that is chilling.

I am deeply suspicious that some of the details in his confession are fabrications. The whole story of the phial containing "Cream of the Valley" seems too pat to me. I do not doubt that such "knock-out drops" existed and were used to rob unsuspecting men in the brothels of New York. But I question his use of the drops to drug Emily before he attacked and murdered her. I find it difficult to imagine introducing enough of the drug into a tomato in a way the Emily would not notice. Then, he explains the scream heard by Mrs. Baldwin by saying that Emily had seen a snake causing her to scream while jumping towards him. He explains the marks of violence on her face and neck by saying that he attempted to break her neck as she lay unconscious. The scream and marks of violence make it seem more likely that she was conscious when he attacked her, whether he had used his magic potion or not. Capt. Minor's poem also takes this view claiming the Emily screamed and that Foote throttled her. Foote seems to have believed that Emily being unconscious while she was raped and murdered somehow reduced the horror of the crime. He then tells the bizarre tale that his dog, who loved Emily, stayed by her all day and cleaned her wound by licking away the blood. This conflicts with the testimony at his trial, that leaves had been stuffed into her throat wound to staunch the blood. Did he believe that the tender tale of the dog's devotion somehow minimized his guilt?

I am also appalled by his description of his behavior at home after murdering Emily. After getting drunk, he sharpened his axe and knife, an action that frightened his mother so that she hid the axe. This means that she already had reason to be afraid of her son. He claims that he would never use so savage a weapon as an axe to kill her. Instead he chose to use a hammer, which he seemed to feel was more humane. He also, piously explained that he decided to kill her to save her from the anguish she would necessarily suffer by his murder of Emily and suicide. In effect, she would be grateful that he was sending her to a better world.

It is tempting to read Foote's novel as a door into his mind as he awaited execution. In fiction, it would be easier for him to express his true feelings and perhaps to expose



more of his character. The "Emily" of his novel is named Isabella and is seventeen rather than twelve years old. Foote seems to identify with the villainous nobleman who abducts Isabella and attempts, unsuccessfully, to conquer her virtue. In planning a second abduction, the villain (Foote?) says "... she was a perfect model and nothing else. I swear that I will have that virgin if I lose my life for it.", a chilling remark considering Foote's situation at the time. In his confession he uses the word model several times in describing the "model artists" whose nude posing so inflamed his passion. The villain in the novel also dies but in a less sordid fashion than execution by hanging.

In the newspaper accounts we have the beginning of "the case for the prosecution". This is the first source of information on the murder not written by Foote himself. A somewhat different picture emerges. In the first place Foote vigorously denied his guilt during his trial and for most of his time in prison. In his statement before sentence was passed, he continued to declare his innocence, claiming that Emily was like a daughter to him. Some of the witnesses at his trial said that he showed no signs of guilt or distress during the day of the murder. He even went to the school asking for Emily and acted surprised when told she was not there.

The news reports also say that Foote had a long police record and had been imprisoned several times for drunkenness and other offenses.

One rather odd point is that he was tried only for the murder of Emily Cooper and not for that of his mother. This seems strange in that the evidence against him in his mother's death was much stronger than in the case of Emily. He was actually apprehended by the neighbors in the act of attacking his mother, while there was only circumstantial evidence to link him to Emily's death. In fact, he implicitly confessed to his guilt in his mother's murder when he claimed that the blood on his clothes was not from Emily but from his mother and from his own self-inflicted wounds. Foote seemed anxious to deny his murder of Emily even while confessing to the murder of his mother. This is strange since the outcome from either conviction would have been the same.

It also appears that the Foote case may have affected the outcome of the death penalty controversy underway in Connecticut at that time. In the summer of 1849, Governor Seymour proposed to the legislature the abolition of the death penalty. A select committee was established to consider the matter and to make recommendations to the legislature. All through the period of Foote's confinement there was a controversial debate about the death penalty. The New Haven Journal and Courier supported the death penalty while the Palladium and the Register were opposed. In an article dated October 21, 1849, the day after Foote's conviction, The Journal and Courier congratulated The Palladium for an article calling for Foote's execution even though they were previously opposed to the death penalty.

The debate continued all winter into the 1850 legislative session. After some months,

the committee recommended that the death penalty be replaced with life imprisonment. On June 14th, Foote's execution was stayed until October, pending a decision. On June 18<sup>th</sup> the House rejected the recommendation of the special committee and retained the death penalty. This was one day before the originally scheduled date for Foote's execution. It is tempting to conclude that the notorious nature of Foote's crime was a factor in this decision.

The main contribution of Minor's poem is to suggest an entirely new motive for the double homicide; that Foote killed the two with the intention of burning their bodies in the house and then using the insurance money to finance a trip to the California gold mines. There is some logic to this in view of Foote's character and penchant for travel and the gold fever that was sweeping the country at that time. However, there is no evidence to support this assumption other than the gossip of neighbors.

Goodwin's account of Foote's last sixteen days is the only third party source for Foote's behavior and character as he awaited execution. It is a fascinating story, as Foote's actions at this time can only be described as bizarre. As mentioned before Goodwin had reason enough to despise Foote, since Emily Cooper was the sister of his daughter-in-law who died of the plague three days after Emily's murder. He says that he had known Foote for some time and almost certainly knew Emily. Therefore, I expected a hostile attitude from Goodwin. However, I find no such tone in his account. He comes across as genuinely sympathetic and kindly in his efforts to help Foote in his last days.

The image that Foote was trying to project to Goodwin was that of the repentant sinner, who had confessed his sins, received God's pardon and would, therefore be wafted to paradise after his death. He seemed to feel that he had enjoyed the best of all possible lives. After thoroughly enjoying a depraved life, he was to be forgiven for his horrible crimes and granted a free pass into paradise by the simple act of repentance. But Foote's behavior in jail casts serious doubt on the genuineness of his repentance or perhaps of his mental stability.

There are so many instances of bizarre behavior during those last sixteen days. He certainly was not bowed down with remorse over the horrible crimes he had committed, as one would expect from a truly repentant person. After kneeling in prayer with the Rev. Beardsley, he passes a note to Goodwin with a detailed list of fine food to be delivered to his cell from the Tontine Hotel. He ordered that breakfast on October 2<sup>nd</sup> would be the last meal to be delivered.

During these last 16 days, he was working with his publisher to bring out a revised edition of his autobiography, with confession and gallows speech attached, as well as his novella of Spanish love and adventure. Publication was scheduled for the day of his execution, probably to boost sales.

Foote sat for at least two portraits during his final days, which exasperated the clergymen who were trying to prepare him for eternity. He ordered his tombstone and made arrangements to have it installed on the day of his execution. He also ordered a special walnut coffin.

Foote also became a businessman in jail, in order to make money for his imported food as well as for his tombstone and coffin. He drew sketches of his late wife, of an Indian girl from Florida, and finally of Emily Cooper. These he framed and sold to gawking tourists who came to see the notorious murderer. He joked about these "greenums" to Goodwin. Can you imagine a truly repentant person selling sketches of the girl he had murdered to the thrill seeking public?

Foote made a telling remark to Goodwin concerning the prisoner Bowen, just arrested for murder. He said "I wonder what woman was at the bottom of it? The next day he asked Goodwin if "I knew of any ladies that would like to attend his funeral; if so, I would like you to procure another carriage for that purpose. Goodwin reminded him that his stock with women was not particularly high at the moment.

All through these last sixteen days Foote displayed a complete unconcern for his approaching execution. He showed no anxiety when the Sheriff and the undertaker came to measure him for his shroud. His behavior on his last day of life was unusual, to say the least. As Goodwin left to go to dinner before returning to spend the last night with him, Foote asked him to bring back six cents worth of musk and two fine Spanish cigars. These he enjoyed with his last meal, ordered as usual from the Tontine, chatting comfortably with his jailors. By contrast, In the neighboring cell, McCaffrey was loudly lamenting his fate and praying fervently for forgiveness. This amused Foote who felt that the Irishman's prayers would be of little use. The final uncanny detail is that Foote went calmly to bed about 1 AM and slept soundly through the night, leaving Goodwin to wonder at his nonchalance. He actually had to be awakened in order to be prepared for execution. During these preparations Foote asked Goodwin to comb his hair and clean under his fingernails, after his body was cut down.

The only explanation I can see for this strange behavior is that Foote really believed that he would shortly be enjoying a life of perpetual happiness in paradise. The pain and horror of hanging seemed to bother him not at all. Such behavior makes me wonder if he was fully competent to understand what was happening to him.

So, we come back to the question asked at the start of this work. Was Foote one of us? A weak and sinful man led astray by a wicked life, until he committed the ultimate crime of rape and murder. Or was he a deviant monster who killed without remorse? My own reaction is that he was a mentally disturbed sociopath. His actions while in jail showed absolutely no signs of remorse for what he had done, despite his pious claims of repentance. He basically said that it wasn't his fault and that, anyway, God had forgiven him. His astonishing lack of concern over his imminent hanging

seems to me to be a sign of delusion. So perhaps it doesn't matter what path he took to arrive at his final state. He wound up a delusional, sociopathic monster.



# Appendix

New Haven County

North Stratford Sept. 14 1849

The undersigned Jurors, being  
duly impanelled and sworn to inquire of  
the cause and manner of the death of  
Emily Cooper whose death was sudden  
and untimely and the cause and manner  
of which was unknown, having viewed  
the body of said deceased and considered the  
evidence given to us, do on our oaths ~~believe~~  
say that <sup>in our opinion the</sup> said Emily Cooper came to her death by  
the hand of Henry L. Foot, ~~while under the~~  
~~influence of~~ ~~alcohol~~, ~~excited by strong drink~~

He having <sup>cut her throat after</sup> committed ~~committed~~ ~~committing~~  
violence upon her person while under the  
influence of strong drink.

Charles F. Fenneman

W. H. Williams

Gideon Watson

Wm. Everts

Chas. D. Cunniff

Lewis J. Sturges

Wm. Mansfield

Julius Everts

Isaac H. Bartholomew

Daniel H. Daniel

Stephen Smith

Ernestus B. Page

A  
P O E M  
ON THE  
M U R D E R  
O F  
MISS EMILY COOPER,  
AND  
MRS. OLIVE FOOTE,  
IN  
NORTH BRANFORD, SEPT. 14, 1849.  
BY  
CAPT. ISAAC MINOR.

“Forget me not! what varied feeling  
These little magic words impart—  
Absence and love at once revealing,  
They sadden while they soothe the heart.”

“I forget me not! whatever woes  
In life's precarious paths beset me;  
They'll soften if affection knows,  
That those I love will not forget me.  
Your affectionate friend and pupil.  
EMILY H. COOPER.”

NEW HAVEN:  
PUBLISHED BY THE AUTHOR.

1850.



A  
S K E T C H  
OF THE  
L I F E A N D A D V E N T U R E S  
OF  
H E N R Y L E A N D E R F O O T E,  
SENTENCED TO BE HUNG IN NEW HAVEN, JUNE 19, 1850,  
(RELIEVED BY THE LEGISLATURE TILL OCTOBER 2, 1850)  
FOR THE MURDER OF  
M I S S E M I L Y H. C O O P E R.

CONTAINING  
AN ACCOUNT OF HIS EARLY HISTORY AND HABITS, WITH AN APPEAL TO YOUNG  
MEN ON THE DANGER OF EXPOSURE TO EVIL COMPANY.

TOGETHER WITH HIS  
ADVENTURES AS A U. S. DRAGOON DURING THE FLORIDA WAR,  
AND A DESCRIPTION OF THE HORRID MASSACRE OF TWO FAMILIES,  
AND SOME BATTLES, NEVER BEFORE PUBLISHED.

ALSO, A DESCRIPTION OF  
PARTS OF SOUTH AMERICA, WHICH HE VISITED.



WRITTEN BY HIMSELF.

WITH AN APPENDIX, CONTAINING HIS CONFESSION  
OF THE  
R A P E A N D M U R D E R O F M I S S C O O P E R,  
AND HIS  
ADDRESS DELIVERED ON THE GALLOWS.

NEW HAVEN.

PRINTED AND PUBLISHED BY T. J. STAFFORD.



# LOVE AND MURDER,

OR

## ISABELLA,

# THE STOLEN BRIDE,

A TALE OF SPAIN.

BY HENRY LEANDER FOOTE,

Sentenced to be Executed in New Haven, Ct., Oct. 2, 1850,  
for the Murder of Emily Cooper.

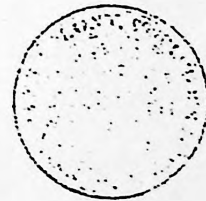
AUTHOR OF SKETCHES IN THE SOUTH AND WEST. THE INDIAN  
TRAGEDY OF ALTONA AND MINETTA. THE YOUNG GENTLE-  
MAN'S ADVENTURE—A POEM. LOVE IN A COTTAGE.  
THE MOUNTAIN MAID OF THE ALLEGHANIES.  
SKETCHES IN BRAZIL. THE CREOLE BEAU-  
TY, OR, THE PIRATE'S MAIDEN SAILOR  
OF FLORIDA. THE STRANGE LET-  
TER, OR WAY SIDE LEAVES, &C.

NEW HAVEN:

PUBLISHED BY EDWARD DOWNES.

J. H. BENHAM, PRINTER.

1850.



# DEATH CELL SCENES,

OR

## NOTES, SKETCHES AND MOMORANDUMS

OF THE LAST SIXTEEN DAYS AND LAST NIGHT OF

### HENRY LEANDER FOOTE,

TOGETHER WITH AN ACCOUNT OF HIS

**Execution for the Murder of Emily H. Cooper.**

ALSO THAT OF

### JAMES McCAFFREY,

**For the Murder of Ann Smith,**

WHO WERE EXECUTED AT THE SAME TIME IN THE COUNTY JAIL,  
OF NEW HAVEN, CONNECTICUT,

**On Wednesday, October 2, 1850.**

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By WILLIAM GOODWIN,  
OF NEW HAVEN, CONN.

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NEW HAVEN:

J. H. BENHAM, PRINTER.

1850.

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