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No Superiors and Few Equals: How Elizabeth Freeman Helped to End Slavery in Massachusetts

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Abstract

Freedom suits were used by some slaves to gain their freedom through the courts, and they often utilized the ideas of freedom and equality that became popular during the Revolutionary War to make the case for individual emancipation. With the help of her lawyer, Elizabeth Freeman, a slave in Sheffield, Massachusetts during the American Revolution, sued for her freedom using arguments inspired by Revolutionary rhetoric, the Declaration of Independence, and the Massachusetts Constitution of 1780. Using those documents and other eighteenth-century legal opinions and court cases, this research shows how Freeman's case (*Brom and Bett v. Ashley*, 1781) set a precedent for other freedom suits in Massachusetts. Scholars who have addressed these suits often discuss them in the context of their impact on the individual slaves, rather than their overarching influence on slavery as a whole. Freedom suits, specifically Elizabeth Freeman's, served to highlight the growing contradictions between slavery and post-Revolution American founding principles. Freeman's case specifically succeeded in helping to abolish slavery in the state of Massachusetts, setting the precedent that slavery was unconstitutional according to the state constitution.

Keywords: History, Women's History, Gender Studies, Legal History, Constitutional Law

“Which was the slave and which was the real misses?” This question was posed by nineteenth-century novelist Catharine Maria Sedgwick about Elizabeth Freeman (Sedgwick 418). Also known as Mumbet, Freeman was born a slave in 1744 and is recorded as having a strong spirit and sense of independence, even while enslaved (Zilversmit 619). This well-documented forceful personality, which was so publicly displayed during a time when it was often dangerous for African Americans to be outspoken, in part explains why Mumbet had the courage to sue for her freedom, arguing that slavery was illegal under the Massachusetts State Constitution. Such freedom suits were increasingly common in the aftermath of the American Revolution as the growth of equality and freedom-centric ideologies during the war made obvious the glaring hypocrisy of the continuation of human bondage in the new nation.

These ideas helped to launch a succession of freedom suits by slaves challenging the constitutionality of slavery, and the legal briefs left behind provide documentation of the evolution of these ideas. While these cases appear in the records of multiple states, specifically in the North, they were most successful in Massachusetts (J. Cushing 118). These freedom suits, specifically Elizabeth Freeman's, and the political and legal arguments that inspired them, served to highlight the growing contradictions between slavery and post-Revolution American founding principles. Freeman's case was the first in a series of freedom suits in Massachusetts and served as the precedent used in the last of these cases to abolish slavery in Massachusetts statewide.

In his book *The Long Emancipation: The Demise of Slavery in the United States* (2015), historian Ira Berlin explores freedom suits in relation to the influx of rhetoric utilized by opponents of slavery during and after the Revolutionary War, especially when using the legal system to advocate for their cause (Berlin, *The Long Emancipation* 53-4). In these freedom suits,

Berlin emphasizes the growth of a “legal culture,” or practical legal knowledge, among African Americans. This was an important development as it allowed slaves to articulate their claims in a sophisticated way, attracting white lawyers who would argue the cases that advanced their cause (Berlin, *The Long Emancipation* 56). Berlin also briefly addresses the specific case of Mumbet. He focuses on the outcome of her suit, which effectively ended slavery in the state of Massachusetts. According to him, this victory was both influenced by and itself influenced the growth of Revolutionary ideology. Both enslaved and free persons became more willing to speak out against the hypocrisy of a nation that celebrated equality but still practiced slavery (Berlin, *The Long Emancipation* 59).

While Berlin discusses freedom suits broadly, and other historians, such as A. Leon Higgenbotham, neglect to mention Elizabeth Freeman at all, this paper will focus specifically on how the case of Freeman contributed to the end of slavery in Massachusetts. While initially it appears that Freeman’s suit immediately called for the abolishment of slavery, further research shows that her case was only the first in a drawn-out process that spanned many other cases, using hers as precedent. Even more in-depth research and analysis reveals the complex arguments pushed through the Massachusetts court system in each of these cases, and the ways that broad ideas of equality and natural rights were used as logic in these defenses, all to show that the legal journey to freedom for slaves was a long and twisted path.

The Revolutionary War was significant for slavery as it led to the first real meaningful debate over the place of the institution in the new United States. The advent of new ideas regarding equality caused even some slave owners to question the morality of slavery (Kolchin 64). However, the war also had a significant impact on African Americans, with many slaves using the confusion of battle as a chance to escape. Along with the fact that slaves were given

opportunities, by both sides, to fight in the war in exchange for their freedom. Still, these promises of emancipation often went unfulfilled. Additionally, slaves leaving to fight in the war further disrupted the already unstable family life of slaves, as did the movement of slaves as “refugees” by their masters to keep them away from the chaos of battle (Kolchin 71). Slaves who remained with their masters also gained more autonomy during the war, and even though after the war much of this freedom was taken away, the experience made slaves more aware of the glaring inequality and often brutal treatment they faced.

Freedom suits were predominantly, but not exclusively, fought in the North, where slavery was less entrenched. This region never truly became a slave society in which slaves were instrumental to the economy, but instead remained a society with slaves, where the economy was not nearly as reliant on slave labor for production (Berlin, *Generations of Captivity* 9). While some agricultural regions of the North used more slave labor than other communities north of the Mason-Dixon line, societies dependent on slavery were more commonly associated with the South. While the chaos of the Revolutionary War allowed some slaves easier access to freedom and forced masters to make concessions regarding shorter work days and better rations, in the aftermath of the war, these southern masters were able to not only recover but extend their authority (Berlin, *Generations of Captivity* 100). The increased authority of masters, and white people in general also extended to free blacks living in the southern regions, as black codes began to be enforced more stringently than during the war.

Freedom suits have existed since the founding of the English colonies on the North American mainland. These early suits, while having fundamental differences compared to those of the Revolutionary and post-Revolutionary eras, nonetheless set precedent that allowed later suits to be filed. A change in the status of slaves from the late seventeenth and early eighteenth

centuries to the late eighteenth century affected the nature of freedom suits. In early colonial North America, slaves were considered to be of similar, but not exactly equal, status to white indentured servants, but this standing was not explicitly defined. Despite the vagueness of the status of slaves compared to white indentured servants, early freedom suits often utilized precedents set by indentured servitude, such as the limited nature of their service, in order to defend their cases (Higgenbotham 9, 20). However, as indentured servitude began to die out because of Bacon's Rebellion of 1676-77, beginning in Virginia and spreading throughout the colonies, and planters' desires to make their production ventures more profitable for themselves, the idea of the inherent inequality of all black people, both free and slave, became more ingrained in public opinion (Berlin, *Generations of Captivity* 55).

Additionally, differences also appeared in the legal arguments that slaves made, with pre-Revolutionary War suits mainly dealing with cases of slaves promised manumission and subsequently being denied it. For example, in the 1737 Massachusetts court case *Re Negro James*, the will of James' master stated that he was to be manumitted, and when this did not occur, James sued for emancipation. While the court did not grant him emancipation, it did issue him a Writ of Protection that allowed him to pursue the matter again once the wife of his master died. Once this occurred, James petitioned the court again and was declared free (Higgenbotham 74). This case was representative of many freedom suits in the early colonial period, as many African Americans contesting their enslavement were able to successfully gain their freedom in court, including the 1766 case of Jenny Slew, among others (Rose 18).¹

During the middle and latter parts of the eighteenth century, the arguments used to defend freedom suits began to change. This was the time of the Enlightenment, an intellectual

¹ Slew was a mixed-race woman who challenged her enslavement and was granted her freedom on appeal, in part because of her mixed race.

movement that helped shift the way equality was understood. Before the Enlightenment, people were assumed to be inherently unequal, and what would today be considered basic rights were not guaranteed. In a practical understanding, this included few limitations on oppression and types of punishments meted out by officials (Kolchin 65). However, during the Enlightenment, this way of thinking began to give way to new ideas about equality, the most well-known of which being advanced by philosophers including John Locke and Thomas Jefferson.

These new ideas about equality were particularly influenced by the notion of natural rights. John Locke, a prominent English political philosopher, wrote his *Two Treatises of Government* in 1690 that explained his ideas for a civilized society (Locke 6). Integral to this society are natural rights, which are given to men by God and cannot be taken away by the government. According to Locke, men are by nature, “free, equal, and independent [and] no one can be put out of this estate and subjected to the political power of another without his own consent” (Locke 146). Phrases similar to this were common throughout the Revolutionary era, perhaps most notably in Thomas Jefferson’s writing of the Declaration of Independence.

As the concept of natural rights grew in popularity, it created new conflicts between those who believed they were victims of inequality and those who were benefiting from this imbalance. These conflicts grew increasingly tense and violent worldwide, often breaking out into full rebellion, most famously in the French and American Revolutions. Both rebellions succeeded in societies overthrowing or separating from their respective monarchies, and each revolution developed documents to ensure protections of natural rights proponents believed had been denied to them by their former rulers. For France, this was the Declaration of the Rights of Man in 1789, and for the new United States, it was the Declaration of Independence in 1776.

Both documents detailed the basic natural rights and protections to which the authors, Thomas Jefferson and other Founding Fathers in the United States and the National Assembly in France, believed all citizens were entitled to. For example, the Declaration of the Rights of Man states, “men are born and remain free and equal in rights,” and that the government should preserve these rights, including “liberty, property, security, and resistance to oppression” (Declaration of the Rights of Man art. I-II). Similarly, the Declaration of Independence insists that “all men are created equal, that they are endowed by their Creator with certain unalienable rights... Life, Liberty and the pursuit of Happiness” (Jefferson, et al.). The language highlighted the importance of natural rights and liberty. This is especially true when considered alongside the lengths supporters of these ideas went to secure these rights. In the specific case of the American Revolution, the Patriots fought a prolonged, bloody war to form their own nation, free from the influence of what they believed to be an oppressive tyrannical monarchy. While there were numerous reasons that people supported and fought in the Revolutionary War, including economic, religious, and personal motivations, it was the ideological changes that were the most important to the forthcoming freedom suits.

However, the rights celebrated by the Patriots were generally not extended to African Americans, whether they were free or enslaved. While some advancements were made during the war, such as the loosening of black codes and the ability of slaves to negotiate with their masters regarding the length of the workday and rations, these developments were largely a result of the confusion and stress of the war years (Berlin, *Generations of Captivity* 99-100). After the war ended, many of these progressive allowances were rolled back as masters regained the majority of their control, keeping slavery and inequality entrenched in the nation.

Despite this glaring contradiction, Enlightenment ideas and the American Revolution gave African Americans new understanding and inspiration in their fight for freedom. Most obviously, the Enlightenment-era shift from the belief in inherent inequality to universal natural rights led to challenges of the morality of slavery. Additionally, the blatant hypocrisy of the United States being founded on the basis of confronting so-called political enslavement while still accepting and even encouraging the institution of slavery made African Americans, both free and enslaved, more aware of the inequality they faced. In fact, slaves with ideas of freedom were considered so dangerous and unappealing that those with “no notion of freedom” fetched a higher price at auction (Rose 54).

This outrage helped to drive African American agency and rebellion. For free men and women, this meant arguing for equal rights, including equal citizenship. For slaves, small acts of resistance were common, such as working inefficiently and purposely misunderstanding or disobeying orders (Kolchin 72). Some slaves, particularly in northern states such as Massachusetts where slavery was less ingrained, were willing and able to sue for their freedom, using principles stated in the Declaration of Independence and state constitutions. Freedom suits gained the most popularity during the 1780s and 90s, when Revolutionary sentiment and patriotism was still entrenched in public opinion (Berlin, *Generations of Captivity* 101).

One of the best-known and significant freedom suits involved Elizabeth Freeman. Born Mumbet in circa 1744, she lived in Massachusetts under the ownership of John Ashley (Lewis and Lewis 149). According to Catherine Sedgwick, who was also the daughter of Freeman’s lawyer, Theodore Sedgwick, Freeman decided to sue for her freedom after hearing the Declaration of Independence (Zilversmit 618-9). Freeman was likely introduced to the ideas that would inspire her even before 1776, as Ashley, a wealthy citizen of Sheffield, Massachusetts,

was one of the authors of the Sheffield Declaration (Rose 39-40). Written in January of 1773, the Sheffield Declaration described the tyranny of the British. It listed what the framers considered important individual rights, stating “that mankind in a state of nature are equal, free, and independent of each other, and have a right to the undisturbed enjoyment of their lives, their liberty and property” (Sheffield Declaration of 1773 paragraph 5). This was likely based on the work of John Locke and similar to the language used in the Declaration of Independence and in the 1780 Massachusetts Constitution.

The Massachusetts Constitution was drafted in order to “establish the following declaration of rights and frame of government” for the new state, especially the declaration of rights, which, like the Declaration of Independence upheld the idea of equality for all citizens, saying that “all men are born free and equal (Mass. Const. Preamble Part I art I). This line would become instrumental to the arguments put forth by slaves in freedom suits. Additionally, the constitution also declared the right of every person to “find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character” (Mass. Const. Part I art XI). Being legally protected from grievances or injustice was another tenet of the constitution that inspired Freeman to sue for her freedom. These ideas were available to Freeman on more than one occasion, as meetings for the Sheffield Declaration were held at Ashley’s home and readings of the Declaration of Independence were held in the town square.

Freeman’s journey to freedom accelerated in 1780 when she intervened in an altercation between her sister, Lizzie, and her mistress, Mrs. Ashley, leaving Freeman with a severe burn on her arm (Sedgwick 418). After the incident, Freeman refused to hide her injury from others in the community, wanting them to be aware of how her mistress had mistreated her (Rose 51). This incident, along with her growing knowledge of the ideas of natural rights and equality, led

Freeman to seriously consider attempting to gain her freedom through the law. She reached out to Theodore Sedgwick, a lawyer who had been involved with writing the Sheffield Declaration along with her master, and who agreed to represent her in the freedom suit that occurred when John Ashley attempted to claim his property and force Freeman to return to his home.

This, along with her knowledge of the ideals of universal equality and individual rights as described in the Sheffield Declaration and the Declaration of Independence, prompted Freeman to sue for her freedom. Additionally, historian Arthur Zilversmit has argued that Freeman's case was accepted by leading members of Berkshire County as a test case in order to "determine whether... slavery was constitutional in Massachusetts after the adoption of the new constitution" (Zilversmit 619). The portion of the constitution in question was in Article I of Part I, which states "all men are born free and equal, and have certain natural, essential, and unalienable rights" (Mass. Const. Part I art I).

The resulting freedom suit was entitled *Brom and Bett v. Ashley*, with Elizabeth Freeman's case (the *Bett* portion) being combined with that of another slave belonging to John Ashley named Brom, who was in a similar situation to Freeman. Brom was likely added to the case due to controversy over whether women could bring a suit to court on their own (Rose 64-5). Adding Brom to the case helped to prevent it from being dismissed over procedural grounds. The case began with a Writ of Replevin, a legal order used to recover property, ordering Ashley to relinquish Brom and Freeman to the sheriff because they were not Ashley's rightful property (Writ of Replevin, *Brom and Bett v. Ashley*). Ashley refused, claiming that "the said Brom & Bett were his servants for life, thereby claiming a right of servitude... at the said Brom and Bett" (*Brom and Bett v. Ashley*) Interestingly, while the case was intended as a test of the

constitutionality of slavery in Massachusetts, issuing the Writ of Replevin acknowledged that Brom and Bett were property to remove them from Ashley's control so the suit could continue.

Once the trial began in August of 1781, Ashley and his lawyers, including Tapping Reeve, argued that the case should be thrown out, again on the grounds that Brom and Bett were his verifiable legal property and therefore the suit should be abolished on the grounds that, as property, Brom and Bett were unable to partake in legal proceedings, such as filing suits (Rose 70). Conversely, Sedgwick, in favor of Brom and Bett, first argued that, if the suit was thrown out, Brom and Bett would be "deprived of the Common Law" (*Brom and Bett v. Ashley*). Sedgwick also used the logic of the free and equal clause of the Massachusetts Constitution to prove Brom and Bett had a right to this trial. To do so, Sedgwick pointed out that slavery was not protected under Massachusetts law, and even if it was, the ratification of the Constitution in 1780, with its declaration that "all men are born free and equal," would supersede any of these laws and make slavery unconstitutional (Mass. Const. Part I art I; Rose 72).

Ultimately, the jury ruled in favor of Brom and Bett, with the verdict reading in part, "Brom and Bett are not and were not at the time of the purchase of the original writ the Legal Negro servants of him the said John Ashley" (Verdict *Brom and Bett v. Ashley*). Therefore, Brom and Bett were both free under Massachusetts law. Additionally, the judge awarded Brom and Bett thirty shillings each in damages. John Ashley appealed the decision to the Massachusetts Supreme Court, which was set to hear the case in October of 1781. However, before this could occur, Ashley not only withdrew his appeal, but also assented to the initial court ruling of the Berkshire Court of Common Pleas (Zilversmit 622). It is most likely that Ashley accepted the court's decision because of the announcement of a decision in another appeal similar to his own:

the case *Jennison v. Caldwell*, which was decided by the Massachusetts Supreme Court in September of 1781 and ruled slavery in Massachusetts unconstitutional.

In addition to being the reason that John Ashley dropped his appeal, *Jennison v. Caldwell* was connected to Elizabeth Freeman's case in another way. *Jennison v. Caldwell* was also the second part of a series of three cases known as the Quock Walker Cases, the final of which, *Commonwealth v. Jennison*, used the decision of *Brom and Bett v. Ashley* as precedent, ultimately leading to the legal abolishment of slavery in Massachusetts. This series of cases, two civil and one criminal, was based upon the freedom suit of a slave named Quock Walker who sued his master, Nathaniel Jennison, for assault and battery. The assault occurred when Walker left the Jennison property to work on the farm of Seth and John Caldwell, the brothers of his former master (Higgenbotham 91). Operating under the assumption that Walker was his property, Jennison and a group of men went to the Caldwell farm and, according to Judge William Cushing's notes from the case, "beat [him] with a stick and imprisoned [him] for two hours" on Jennison's property (W. Cushing, Notes on the Quock Walker Case 87). In June of 1781, with the aid of the Caldwell brothers, Walker was able to file a suit against Jennison, which was the first of the civil cases and entitled *Walker v. Jennison*.

While based on assault and battery charges, the dispute between Walker and Jennison began much earlier, when Walker was only a child. In 1754, a man named James Caldwell purchased an infant Walker and his parents. Upon Caldwell's death in 1763, Walker was bequeathed to Caldwell's wife, Isabell, who remarried to Nathaniel Jennison. Isabell died in 1773, and her estate, including Walker, presumably went to Jennison. However, according to Walker, James Caldwell had promised him that he would be freed on his twenty-fifth birthday, and when his ownership was transferred to Isabell she renewed that promise but decreased the

age to twenty-one years (Spector 12). This was in keeping with the practice of gradual emancipation that was common in the North after the Revolutionary War, where slaves would be freed once they reached a certain age (Berlin, *Generations of Captivity* 104).

However, when Walker passed the age at which he was supposed to be freed, Jennison refused to manumit him. This prompted Walker to run away to the Caldwell farm, where Jennison eventually found him and forced him to return. The resulting civil case, *Walker v. Jennison*, which was argued in the Worcester County Court of Common Pleas, saw Walker using the promises given to him by his former masters as reason that he was a free man. Additionally, Walker's lawyers introduced the idea of slavery being wrong on moral grounds, though Walker's argument was not wholly based on this point. Conversely, Jennison procured a Bill of Sale that stated that Walker was his lawful property (J. Cushing 120). The court ruled in favor of Walker and awarded him fifty pounds in damages; however, Jennison appealed to the Massachusetts Superior Court. *Walker v. Jennison* focused mainly on the facts of the case, specifically the assault of Walker and the status of his freedom, rather than the constitutionality of slavery, even though this was briefly mentioned. Despite this, the case would still be important to the abolishment of slavery in Massachusetts, as it directly led to the Massachusetts Supreme Court ruling that declared slavery unconstitutional.

At the same time *Walker v. Jennison* was being argued, Jennison filed his own suit against the Caldwell brothers for "enticing away his servant," in *Jennison v. Caldwell* (Zilversmit 614). Jennison again presented the Bill of Sale showing that he owned Walker, while Walker's lawyers focused on the promises of manumission made by James Caldwell and Isabell Jennison. Interestingly, the court, which was in the same session as when it heard *Walker v. Jennison*, decided in favor of Jennison in *Jennison v. Caldwell*, and he was awarded damages

(Spector 13). Like Jennison in *Walker v. Jennison*, in this case Walker and the Caldwell brothers appealed the decision. The different outcomes in these two very similar cases can be attributed to Walker and the Caldwells' lawyers omitting the argument of the immorality of slavery from this case, instead focusing solely on Walker's claims of promised manumission.

The Superior Court of Judicature met in circuit in 1781 to hear the appeals for both *Walker v. Jennison* and *Jennison v. Caldwell*. However, Jennison failed to file the appropriate paperwork, and subsequently defaulted on his appeal in *Walker v. Jennison*. Contrastingly, in the appeal of *Jennison v. Caldwell*, Walker and the Caldwells proceeded. Unlike in the original case, where only the facts of the case were used, in the appeal, lawyers for Walker and the Caldwells focused heavily on the immorality of slavery under God, specifically using the free and equal clause of the 1780 Massachusetts Constitution as legal proof (Mass. Const. Part I art I). The court agreed with the appeal, and overturned the original ruling of the case, stating that, since Walker was a free man, the Caldwells were legally allowed to employ him (Zilversmit 615).

The cases of *Walker v. Jennison* and *Jennison v. Caldwell* resulted in similar decisions to *Brom and Bett v. Ashley*, in that all three were decided on that basis that the plaintiffs were not slaves and therefore the property rights their alleged masters were claiming were void. However, Sedgwick, arguing in *Brom and Bett v. Ashley*, also utilized the logic of the Massachusetts State Constitution, specifically the free and equal clause, to prove that, not only were Brom and Bett not slaves, slavery as an institution was constitutionally forbidden. It was this argument that was used as precedent in the final of the Quock Walker Cases, *Commonwealth v. Jennison*, where slavery was declared unconstitutional in the state of Massachusetts (Zilversmit 622).

The court's decision in the appeal of *Jennison v. Caldwell* could have been the final word on the unconstitutionality of slavery in Massachusetts; however, officially this was not the case,

as it was not until the verdict of *Commonwealth v. Jennison* in 1783 that the courts ruled slavery as unconstitutional. There are multiple reasons for this. For one, the Superior Court of Judicature that considered the *Jennison v. Caldwell* appeal consisted of a panel of five judges, each of whom were allowed to give a charge to the jury, which was done to explain the relevant laws being argued by the lawyers so that the jury could make an educated and informed decision. That each judge could do this meant that their explanations could differ on fundamental points, making it difficult for the jury to fully understand the laws and provisions they were analyzing and subsequently make clear rulings on them. Additionally, an official system of reporting court decisions was not yet in place, meaning that previous decisions and precedents were easily ignored or forgotten (Zilversmit 623). Regardless of the reasoning behind the ignorance of the *Jennison v. Caldwell* decision, *Commonwealth v. Jennison* is still considered the case that outlawed slavery in Massachusetts, and the extensive notes on the ruling by Chief Justice Cushing ensured that it remained prevalent in public memory.

However, even if the decision in *Jennison v. Caldwell* was not widely advertised, at least one person was aware of it and its implications. John Ashley, the disputed owner of Elizabeth Freeman in *Brom and Bett v. Ashley*, not only dropped his appeal in regard to the case, but assented to the court's initial ruling, that Brom and Bett were legally free. This was most likely because, a few weeks before Ashley's appeal was scheduled to be heard by the Superior Court of Judicature, the court ruled in *Jennison v. Caldwell* that slavery was unconstitutional (Zilversmit 623). In Ashley's view, there was no point in pursuing a case that had already been decided. Therefore, even though *Commonwealth v. Jennison* is the case that declared slavery unlawful in Massachusetts, the ruling made in *Jennison v. Caldwell* was not completely unrecognized.

Commonwealth v. Jennison was the sole criminal case in the Quock Walker Cases.

Nathaniel Jennison was indicted on charges of assault and battery for his treatment of Walker. Despite being charged in 1781, the case did not proceed to trial until April of 1783, after both of the civil cases in the Quock Walker Cases (*Walker v. Jennison* and *Jennison v. Caldwell*) and the case of *Brom and Bett v. Ashley* had been decided and all subsequent appeals settled (Zilversmit 615). The trial was presided over by the Superior Court of Judicature's five judges, including Chief Justice William Cushing, and the verdict was decided by a jury. During the trial, the question of the constitutionality of slavery was obviously the main point of contention, with both sides using the Massachusetts Constitution to defend their claims.

The attorney general for Massachusetts used arguments similar to those given in the earlier Quock Walker Cases, saying that even if Walker had been a slave at some point, he was free due to the promises made to him by his former masters. However, the commonwealth also argued that, under the Massachusetts Constitution, Walker should never have been a slave in the first place. Jennison's lawyers also used the Massachusetts Constitution to defend Jennison's right to property, specifically the section saying that all men have rights including, "that of acquiring, possessing, and protecting property" (Mass. Const. Part I art I).

Chief Justice Cushing also placed high importance on the Massachusetts Constitution, specifically the free and equal clause that was at issue not only in the previous two Quock Walker Cases, but in *Brom and Bett v. Ashley* as well. In his charge to the jury, he explicitly stated his opinion that he thought that slavery was not allowable under the Massachusetts Constitution, saying that "our Constitution of Govmt... sets out with declaring that all men are free and equal ... [and] in short is totally repugnant to [the] idea of being born slaves. This being [the] case I think [the] idea of slavery is inconsistent with our own conduct and Constitution"

(W. Cushing, Transcript of Chief Cushing's Charge to the Jury). Cushing's charge was a restatement of the decision handed down in *Jennison v. Caldwell* and was used to insinuate that Jennison had no right to assault Walker as he did. As a result, the jury returned a guilty verdict on Jennison's assault charges (J. Cushing 134).

However, the more important aspect of Cushing's charge, and the subsequent ruling of the court, was its insistence on the unconstitutionality of slavery. Not only was Walker free under the Massachusetts Constitution, the entire institution of slavery was incompatible with the rights laid out in that document's free and equal clause, also known as the declaration of rights (Spector 16). Cushing concluded this ruling by saying that the case "was the one in which, by the foregoing Charge, Slavery in Massachusetts was forever abolished" (W. Cushing, Notes on the Quock Walker Case 99). While this ruling signaled a fundamental shift in the legality of slavery, it did not mean the immediate emancipation of all the slaves in the state; however, with the decision that slavery was unconstitutional, the gradual nature of emancipation that was already common in the region became faster, with manumission rates increasing exponentially as masters sought to distance themselves from their slaves, and lost as little of their investment as possible, before the law could do it for them (Higgenbotham 99).

The final decision in the series of the Quock Walker Cases, that of the guilty verdict in *Commonwealth v. Jennison*, officially ended slavery in Massachusetts by asserting that Jennison had no right to assault Walker because Walker was not his property under the free and equal clause of the Massachusetts Constitution. This decision was directly based on the ruling given in *Brom and Bett v. Ashley*, which ruled that Brom and Bett were free and therefore did not have to work for or return to John Ashley. The case of *Commonwealth v. Jennison*, and specifically Chief Justice Cushing, took the verdict in *Brom and Bett* a step further, concluding that, rather

than only being applicable for specific cases, the free and equal clause of the Massachusetts Constitution was in direct conflict with slavery, rendering the entire institution null and void.

Elizabeth Freeman, while not present during the Quock Walker Cases, was almost certainly aware of them and the impact of her case on their verdicts. After the ruling in *Brom and Bett v. Ashley* declared her a free woman, she went to work in the home of her lawyer, Theodore Sedgwick, who remained a prominent lawyer and politician in the Massachusetts community, and through him was most likely aware of prominent events in the Massachusetts judiciary and government. In the service of the Sedgwick family, which was according to Sedgwick's daughter "quite as much rule as service," Freeman remained a powerful force, defending the Sedgwick home from offshoots of Shay's Rebellion in 1786 who were displeased with Sedgwick's tenure in the state legislature (Sedgewick 422).

Freeman's forceful and independent personality was evident and well-documented throughout her entire life, from her defense of her sister while still a slave, to defending her employer's family and home. Suing one of Sheffield's most prominent citizens for her freedom also fits this characterization, which was remarked upon often by Sedgwick's children and even judges who presided over her case. Not only did this suit free her from bondage, it also provided the gateway to freedom for the rest of the state's enslaved population by setting the precedent that would be used in future cases to finally declare slavery unconstitutional. Ultimately, Elizabeth Freeman's brave decision to sue for her freedom had profound effects on both her personal life and the lives of other enslaved persons, eventually resulting, through many drawn out legal proceedings, in the freedom of many people. Throughout her life, Freeman was a fiercely loyal advocate and protector of those she cared for, making her truly, as is written on her headstone, a woman with "no superior nor equal" (Sedgwick 424).

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