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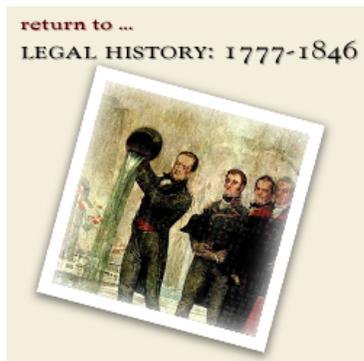
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People v. William Freeman

4 Denio 8 (1847)

First Use of the Insanity Defense in the United States

John Van Nest, a wealthy farmer, lived with his wife and family on the western border of the Owaseo Lake in upstate New York. On March 12, 1846, Sarah Van Nest went out into the yard adjoining the house at about 9:30 P.M., and was immediately attacked by a man wielding a knife. She died as a result of the attack. Hearing her screams, her husband went to the door, was stabbed, and died in the doorway. The assailant ran up the stairs to the second floor, killing Sarah's mother, Phebe Wyckoff, on the staircase. Last to die was two-year old George, murdered while he lay sleeping in an upstairs room. Mr. Van Arsdale, a guest of the family, wrestled with the assailant and managed to push him from the house, whereupon the assailant fled the scene on a horse that he stole from the family's stable. He was captured the following day in Oswego County, about forty miles from the scene of the crime, and was identified as William Freeman.

At sixteen, William Freeman — a young man of African and Native American descent — had been wrongly convicted of horse stealing and sentenced to five years of hard labor at Auburn Prison. At that time, prisoners were required to work producing goods for sale, but because he repeatedly broke from work to protest his innocence, William was frequently and severely punished by the overseers. On one occasion, he suffered severe injury when he was repeatedly hit on the head with a length of wood. From then on, he suffered from deafness and existed in a state of mental confusion. When he had served his sentence and was released from prison, he became obsessed with obtaining redress for his wrongful imprisonment, and reportedly told his brother-in-law that "someone had to pay."

Auburn attorney [William H. Seward](#) (who had recently served two terms as Governor of New York and later would serve as U.S. Secretary of State in the Lincoln and Johnson administrations), at the urging of his wife, volunteered to defend William Freeman. The English House of Lords had by then upheld the M'Naghten Insanity Rules (*Queen v. M'Naghten*, 8 Eng. Rep. 718 [1843]) — Daniel M'Naghten had attempted to kill England's Prime Minister Sir Robert Peel in 1843 — and Freeman's trial was the first case in the United States where this defense was raised.

Because of heightened public sentiment, Seward was warned of retaliation, and he wrote to Thurlow Weed: "There is a busy war around me, to drive me from defending and securing a fair trial for the negro Freeman." New York Attorney General, John Van Buren, son of former President Martin Van Buren, prosecuted the case and the trial of William Freeman began in the Court of Oyer and Terminer in Cayuga County on June 1, 1846 with Judge Bowen Whiting presiding. The trial was bifurcated — the jury first had to decide whether William Freeman was sufficiently sane to stand trial. When the jury found in the affirmative, William Freeman was tried for murder. The trial court judge excluded expert testimony regarding Freeman's sanity, and Freeman was found guilty and sentenced to death.

William Seward brought a writ of error in New York Supreme Court of Judicature and the case was argued before Justices [Bronson](#), [Beardsley](#) and [Jewett](#) in November 1846. The Court's decision was issued in January 1847 and in his opinion, [Justice Beardsley](#) held that the preliminary verdict indicating that the defendant was competent to stand trial constituted no obstacle to the admission of evidence at trial to support a defense of insanity. The Court accordingly reversed the conviction and ordered a new trial. Sadly, William Freeman died in his cell of tuberculosis on August 21, 1847 and an autopsy disclosed that he suffered from advanced brain deterioration.

SOURCE

The trial of William Freeman for the murder of John G. Van Nest: including the evidence and the arguments of counsel, with the decision of the Supreme Court granting a new trial, and an account of the death of the prisoner,

and of the post-mortem examination of his body by Amariah Brigham, M.D., and others (1848)
<http://archive.org/details/trialwilliamfre01courgoog>

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