The Votes of the “Privileged Fair”: Women’s Suffrage in New Jersey, 1776-1807

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Introduction

“Single Females, under certain conditions, are allowed to vote in New Jersey—on the latest occasion many exercised their right. The election terminated federally.”¹ These two short lines from the Massachusetts newspaper *Columbia Minerva* provide a window into the distinctive suffrage practices of New Jersey in the Early Republic. The reader learns that single women who met “certain conditions” (namely, a property qualification of fifty pounds) were enfranchised in New Jersey and a significant number had chosen to exercise that right in a recent election; in fact, it is estimated that “as many as 10,000 women in New Jersey voted in some years between 1790 and 1807.”² Not surprisingly, the practice of female suffrage in New Jersey at the turn of the nineteenth century was peculiar enough to garner attention in the Massachusetts press. Although the above article, which was reproduced from a New Jersey newspaper, does not seem to disapprove of female balloting, the state legislature chose to pass an election law in 1807 limiting the franchise to “free, white, male citizens.”³

More than fifty years before Elizabeth Cady Stanton presented “The Declaration of Sentiments” at the famous Seneca Falls Convention of 1848, women were voting in Early Republican New Jersey, a right that otherwise eluded female citizens in the United States.

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¹ “Female Voters,” *Columbia Minerva* (Dedham, Massachusetts, October 30, 1800), Volume V, Issue 212.


³ “Female Voters,” *The True American* (Trenton [N.J.], October 20, 1801), Volume 1, Issue 33.
until the late nineteenth century. Historians have not given this exceptional moment in the history of American women the attention it deserves. Many important and otherwise thorough histories of women’s political and legal status have dismissively relegated this brief period of female enfranchisement to the margins, mentioning it only as a curious exception to the otherwise continuous history of patriarchal political domination.4

According to Linda Kerber, such a peculiar moment in women’s political history must be further investigated, however, for the insight it provides into the obscure and complicated way that women in this period engaged with politics. Kerber encourages historians to dedicate careful attention to “occasions on which the silence is broken” on the “relationship between women and politics in the Early Republic.”5 The period 1776 to 1807 in New Jersey represents one of these rare moments in women’s history when that “silence is broken.”

This thesis explores how the historical arc of female suffrage in Early Republican New Jersey, from enfranchisement in 1776 to disenfranchisement in 1807, was related to concurrent changes in political ideology. The ideology of republicanism, which provided a “shaping and omnipresent force” in the “formation of the American system of government,” explicitly tied suffrage capacity to property ownership.6 Republican intellectuals, such as James Madison, believed that the nascent American republic could only succeed in “an


extraordinary society” of extremely “moral people.” This vision of republican morality was explicitly tied to the ownership of property, which was seen as the signifier of independent political capacity and personal autonomy. Therefore in the 1790s, it was conceivable that property ownership could endow *feme soles* (unmarried women), who were not subject to the political will of a husband or father, with enough republican independence to justify a claim to the ballot. Linda Kerber has explained the complicated use of republican ideology in the study of Early American history, claiming that historians of the United States have traditionally exhibited little desire for “complex theoretical analysis of how best to treat ideological terms,” such as “republicanism.” By analyzing the moment of woman suffrage in New Jersey from 1776 to 1807 through the lens of America’s evolving republican ideology, this thesis uses “republicanism” thematically, as a tool to better understand “not only political arrangements, but the complexity of a culture.” Since the suffrage of *feme soles* was at first consistent with the ideology of Revolutionary republicanism, the disenfranchisement of these women serves as an important opportunity to analyze the evolution of American political ideology.

American political thought did not adhere statically to the tenets of republican thought, but rather the principles delineating the boundaries of the republican political community gradually shifted and changed. The American Revolution had unleashed a radical discourse of egalitarianism, and the states were faced with the task of containing

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this drive for equality within the boundaries of the proper body politic.¹¹ This egalitarian impulse translated into a shift in the location of suffrage capacity from the external, property-based markers of republicanism, to the internal, race and gender-based markers of nineteenth century American democracy; Jacob Katz Cogan has termed this nation-wide shift in the nineteenth-century American concept of suffrage capacity “the look within.”¹² I will argue that the disenfranchisement of New Jersey’s property-owning women and free blacks in 1807 was part of this larger process of defining the breadth of Revolutionary equality in a modern republic.¹³ As Rosemarie Zagarri has maintained, the nation witnessed a “conservative backlash” against the political rights gained by women had gained in the Revolutionary period as the force of white male democracy continued to surge in the early nineteenth century. The electoral reform of 1807 in New Jersey was an important moment in this process of conservative backlash, as the definition of suffrage capacity was solidified as a highly gendered and racialized concept, and property ownership became an insufficient marker of proper republican independence for both feme sole and free blacks.


¹³ I will focus on the story of woman suffrage in Early Republican New Jersey, but there is also an important and interesting parallel story about the enfranchisement and disenfranchisement of the free blacks of New Jersey. Race and slavery presented a complex and conflicted subject nineteenth century New Jersey. New Jersey was the last state in the North to provide for the gradual emancipation of slaves, and when such an act was finally passed in 1804, its measures were extremely conservative. Although the intersection of these two narratives will play a significant role in this thesis, I choose to focus on the history of female suffrage simply because it is a unique episode in the history of the Early Republic, whereas many states in the North at first allowed free blacks to vote, and then moved to disenfranchise this population. By 1850, only four states continued to allow free black suffrage. For a detailed overview of the history of African American suffrage in New Jersey, see Marion T. Wright, “Negro Suffrage in New Jersey, 1776-1875,” Journal of Negro History 33, no. 2 (April 1948): 168-224; For a general discussion of African American life in New Jersey before the Civil War see Graham Russell Hodges, Slavery and Freedom in the Rural North: African Americans in Monmouth County, New Jersey, 1665-1865, 1st ed. (Madison, WI: Madison House, 1997).
This thesis places woman suffrage in Early Republican New Jersey within the context of this larger process by which Americans established who was entitled to membership in the new Revolutionary political community. This contextualization cuts against the “triumphalist” tradition in the historiography of American suffrage, established by historians such as Chilton Williamson and others, which chronicles the history of American suffrage as a continual democratic expansion of the electorate towards true universal suffrage. I instead work from the perspective, established by historians such as Alexander Keyssar, that the history of American suffrage is a story of uneven evolution, marked by both extensions and contractions in the laws that have “defined and circumscribed the American electorate.” As Cogan has maintained, a desire to view the history of suffrage in America as “progressive and democratic” has obscured this close historical relationship between inclusion and exclusion. It is no coincidence, as other historians have noted, that *feme soles* and black freeholders in New Jersey lost the vote “in one sentence.” Nor is it coincidental that the same law that disenfranchised these groups granted suffrage to all white male voters who met the “taxability” qualification. As American political ideology evolved, democratic universal male suffrage supplanted the republican emphasis on property ownership, and single women and free blacks were relegated to political exclusion in New Jersey.

The historical meaning of this brief female enfranchisement in New Jersey has been a contentious point from the inception of the historical dialogue on the subject. In the context of the nascent suffragist movement in the mid-nineteenth century, historians began to compete for control of the memory and meaning of this exceptional episode, with a particular focus on explaining the intentions and motivations behind the extension and contraction of the franchise. Many scholars, from the nineteenth century anti-suffragist historian William A. Whitehead to the famous suffragist Elizabeth Cady Stanton, have thus attempted to interpret the history of New Jersey’s early franchise laws to serve their own ideological purposes, despite the “paucity of sources” that are “sufficiently reliable for a record designed to be strictly authentic.” In attempting to appropriate the history of women’s suffrage in Early Republican New Jersey to make a political statement, many historians have failed to critically penetrate the often-polemical political biases that pervade the contemporary accounts of these events. This thesis serves to correct this interpretive problem in the historiography by offering an analysis grounded in the contemporary political thought of Revolutionary and Early Republican America.

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The first chapter addresses how and why women were accorded the right to vote in New Jersey to begin with under the state constitution of 1776, ultimately concluding that the presence of an actual legislative intention to enfranchise women under the 1776 Constitution is dubious at best. Although the constitution, which enfranchised “all inhabitants” who met certain property, residency, and age requirements, has been pointed to as an ungendered description of the electorate, other evidence, such as the “Ordinance

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For Regulation the Ensuing Election,” passed July 15, 1776, indicates that the members of the New Jersey Constitutional Convention did in fact envision an exclusively masculine electorate. Despite these theoretical doubts about the intent of the state constitutional convention, it seems woman suffrage was practiced, at least in certain localities, prior to the more explicit enfranchisement of women in 1790. This is corroborated by a poll list from 1787, which features two female voters.

The second chapter explores why the right of single women to vote in New Jersey was reinforced under the revised election laws of the 1790s. The traditional historical account attributes the enfranchisement of women to the Quaker egalitarianism of Joseph Cooper, a legislator from Gloucester County, but this has since been debunked, and recent authors have characterized the enfranchisement of women as a politically expedient move by Junto Federalists who aimed to expand their electoral base. Party competition clearly played an important role in shaping the contemporary political landscape, but this thesis downplays such arguments about political expediency and argues instead that the enfranchisement of propertied *feme soles* was accepted because it was consistent with the dominant political ideology of Revolutionary republicanism.

The third chapter investigates the question of why women were disenfranchised in 1807, positioning this electoral reform within the “Revolutionary backlash” against women’s political rights as “the pressure of new democratic ideals for [white] men”

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gathered momentum.\textsuperscript{21} Previous accounts have explained this contraction of women’s rights from a variety of perspectives: Irwin Gertzog, for example, claims that women were disenfranchised because they lacked the ability to mobilize politically against electoral reformers; Judith Klinghoffer and Lois Elkis extend this argument, claiming that “power politics,” not “gender ideology,” was the driving force behind the disenfranchisement of women.\textsuperscript{22} This last argument seems to oversimplify the importance of the robust social and legal constrictions on women during this period by portraying gender ideology as an epiphenomenon of power politics.

Finally, the fourth chapter analyzes the role played by a corrupt election in Essex county in 1807 in garnering support for the election reform of the same year, which disenfranchised propertied \textit{feme sole}s and free blacks. Previous historians have claimed that this “notorious election” revealed the “absurdities of female suffrage as it was practiced in New Jersey,” making disenfranchisement almost inevitable.\textsuperscript{23} I argue that these accounts have failed to critically recognize how this election was interpreted polemically in newspapers by contemporaries with clear political and ideological agendas. Historians have instead interpreted such commentaries as unbiased and legitimate. This chapter suggests, given the limited empirical evidence available, that contemporary accounts may have exaggerated the connections between race, gender, and corruption in this 1807 election, possibly in an attempt to muster support for the disenfranchisement of single women and free blacks in New Jersey.


I. Political Context of Revolutionary New Jersey: From Startling Ambivalence to the Cockpit of the Revolution

The position of New Jersey within the greater political context of Revolutionary America in the late eighteenth century has been debated and revised by numerous local historians, who have aimed to supplement the national historical narrative of the American Revolution with a proper understanding of its “origin and development in the different colonies and sections.” According to Leonard Lundin, the significance of New Jersey during the American Revolution has “received scant attention,” due to a pervasive historical bias towards the “tradition of New England and Virginia.” Benjamin Franklin’s enduring characterization of eighteenth century New Jersey as a “barrel tapped at both ends’ by the major nearby cities of Philadelphia and New York” has undoubtedly contributed to this minimization of New Jersey’s role in the unfolding of the American Revolution. Despite the political shadows cast by Virginia and New England, and the equally imposing economic centers of New York and Philadelphia, New Jersey played a pivotal strategic and military role in the Revolution, as more battles were fought in New Jersey than any other state during the struggle for Independence. It was this crucial military and strategic role that led Lundin to label eighteenth century New Jersey the

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28 Ibid.
“Cockpit of the Revolution.” But Lundin also identified a deeper historical significance in the political experience of Revolutionary New Jersey.29

While eighteenth century New England was exceptional in its political consciousness and Virginia was graced with a crop of transcendent political leaders, Lundin suggests that the “confusion, hesitancy, prejudice, and dissension” that marked New Jersey’s course towards rebellion was perhaps more representative of Revolutionary America at large. This view is echoed in Larry Gerlach’s assertion that all thirteen colonies “were not equally rebellious” nor were all “motivated by the same causes.” New Jersey’s relative irresolution was therefore “perhaps representative of the general experience.”30 An understanding of the historical contours of New Jersey’s particular “path to freedom” is essential as a component of the national history of the Revolution, while also providing a critically necessary element of context for the main subject of this chapter: the New Jersey Constitution of 1776.31

On the eve of the Revolution, New Jersey’s relationship to the emergent conflict between the British Empire and its colonies was equivocal at best. In 1774, the state was economically dependent upon Britain, as well as the neighboring economic centers of New York and Philadelphia. Consequently, revolution remained “anathema” to most New Jersey residents and even the Massachusetts Acts of 1774 and the Lexington-Concord skirmishes failed to propel the majority of inhabitants from “reconciliation” to “rebellion.”32 Thomas Fleming agrees with Gerlach that the colony’s “small dependent, agrarian economy” and

29 Lundin, Cockpit of the Revolution.
32 Gerlach, Prologue to Independence, xii.
“rural lifestyle” made Revolutionary unrest less palatable in New Jersey. He also identifies religious strife between Presbyterians, Anglicans, and Quakers as a factor contributing to the milieu of “startling ambivalence” with which the Revolution was greeted in New Jersey.³³

In this ambivalent atmosphere, it is certainly true that one “can make New Jersey sound like a volcano of Revolutionary ardor—or a swamp of unenthusiasm” depending on one’s sources.³⁴ The ambivalence remained evident even once the Revolution began in 1776. Samuel Tucker, President of the Provisional Congress of the State, declared to his “Countrymen and Friends” in 1776, “nothing remains for us but either the abject slavery of tributary slaves, or to maintain our rights and liberties by force of arms.”³⁵ This determined Revolutionary zeal was countered, however, by a petition to the Provincial Congress expressing anxiety over the potential effects of rebellion: “we cannot but think that [...] our Condition, tho’ truly deplorable [will become] perfectly desperate [...] if a total Separation from and Independency of the Government of Great-Britain should be [...] attempted in this Province.”³⁶

As the possibility of war became imminent, Revolutionary fervor, and the looming challenges and contingencies of armed conflict, met with varied and equivocal responses among New Jersey’s women as well. Jemima Condict, a nineteen-year old resident of Essex

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³³ Fleming, New Jersey, 47-49; Gerlach, Prologue to Independence, xiii. Note: According to Fleming, Revolutionary New Jersey boasted an “uneasy balance of fifty-two Presbyterian, Thirty Eight Quaker, twenty-one Anglican, nineteen Baptist and fourteen Dutch Reformed churches.”
³⁴ Fleming, New Jersey, 50.
³⁶ “Copy of a petition signed by a Number of the Inhabitants of New Jersey, and addressed to the Provincial Congress now sitting at Burlington, June 1776,” New York Gazette and Weekly Mercury, June 24, 1776, as published in New Jersey Archives, 130.
County, commented on the bloodshed at Lexington and Concord in 1775 with a sense of regret and foreboding, while still identifying the Boston rebels as “our men”:

as every Day Brings New Troubles So this Day Brings News that yesterday very early in the morning They Began to fight at Boston, the regulers We hear Shot first there; they killed 30 of our men A hundred & 50 of the Regulors [sic].

According to New Jersey historian Delight W. Dodyk, the years leading up to the outbreak of war were “fraught with uncertainties” for New Jersey's women. The social and political role of women in eighteenth-century America was strictly delimited by the “traditional mold” of dependence within the family and the English common law principle of *coverture*, which “incorporated and consolidated” the civil agency of the wife “within that of the husband.” Nonetheless, as the nascent conflict began to obstruct everyday trade, the ensuing scarcity of domestic necessities politicized New Jersey women, “whether such a [political] role was sanctioned or not.” In the larger colonial context, the role of women within the “church, market, and family” embroiled them within the mass political mobilization of the years before the Revolution, as even female domestic production became politicized during the boycotts of the 1760s and 1770s.

New Jersey's hesitant relationship to the growing Revolutionary sentiment in 1775 was augmented by the skillful political operations of the loyalist governor, William Franklin. Historians agree that Franklin was “well-schooled in the art of executive leadership and practical politics,” and his “masterly strokes” of political acumen and

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37 Condict Harrison, Jemima, “Jemima Condict Her Book: Being a Transcript of the Diary of an Essex County Maid during the Revolutionary War” (Carteret Book Club, Published 1930), North American Women's Letters and Diaries.
41 Gundersen, *To Be Useful to the World*, 173.
42 For a brief biographical sketch of William Franklin, see Gerlach, *Prologue to Independence*, 36-37.
rhetoric did much to exploit the lack of enthusiasm for independence, thereby delaying New Jersey's eventual adoption of Revolutionary aims.\textsuperscript{43} In a speech to the New Jersey assembly on November 15, 1775, only months after the bloody battles of Breed's and Bunker Hills, Franklin dramatically demonstrated his oratorical skills, convincing the assembly to send a conciliatory petition to the King. Franklin's efforts were foiled only after the Second Continental Congress successfully dispatched John Jay of New York and John Dickinson of Pennsylvania to convince the assembly to withdraw this resolution.\textsuperscript{44}

Ultimately, however, as Gerlach shows, Franklin “overestimated the extent of latent loyalism” in New Jersey in 1775.\textsuperscript{45} Imperial authority continually disintegrated in the face of the rising power of the “extralegal” Provincial Congress and local Revolutionary Committees, accompanied by a growing militancy amongst the New Jersey citizenry.\textsuperscript{46} As hostilities in the greater colonial context escalated, “the chances of a reconciliation between the colonies and the mother country were drastically diminishing.”\textsuperscript{47} In January 1776, Governor Franklin was placed under \textit{de facto} house arrest by the rebel armed forces, on the authority of a resolution passed by the Continental Congress on January 2 calling for “speedy and effective measures” against Loyalists.\textsuperscript{48}

With Franklin’s imperial authority remaining in only nominal form, the Presbyterian leadership of revolutionaries pushed for independence and called for the election of a

\textsuperscript{43} Gerlach, \textit{Prologue to Independence}, 36-37; 244.
\textsuperscript{44} Fleming, \textit{New Jersey}, 53-54.
\textsuperscript{47} Donald Lorenzo Kemmerer, \textit{Path to Freedom; the Struggle for Self-Government in Colonial New Jersey, 1703-1776} (Princeton: Princeton University Press, 1940), 335. An in-depth discussion of the larger timeline leading up to the Declaration of Independence in the greater colonial context is beyond the scope of this paper, although it undoubtedly shaped the course of events in New Jersey. For reference, Kemmerer and Gerlach synthesize much of this greater context into their respective treatments of New Jersey.
\textsuperscript{48} Fleming, \textit{New Jersey}, 54.
Third Provincial Congress on May 28. On May 10, the Continental Congress had passed a resolution “directing the colonies to create new governments where royal authority had ceased to function.” Consequently, only Franklin’s nominal imperial governorship precluded the establishment of a Revolutionary government in New Jersey. On June 3, 1776, when Franklin issued a proclamation calling for a meeting of the more moderate General Assembly, the Provincial Congress responded with a Resolution that essentially deposed him as governor and led to his eventual deportation a month later:

Resolved, That, in the opinion of this Congress, the said William Franklin, Esq [..] has acted in direct contempt and violation of the Resolve of the Continental Congress [..] all payments of money, on account of salary or otherwise, to the said William Franklin, Esq; as Governor, ought from henceforth to cease.

The deportation of the imperial governor “snapped the last link that bound New Jersey” to the Crown, clearing the way both practically and legally for the creation of a new constitution of the State of New Jersey.

II. The Birth of a State: Radical and Conservative Interpretations of the 1776 New Jersey Constitution

On May 10, 1776 the Continental Congress passed a resolution prompting all states to “adopt such governments as should [..] best conduce to the happiness and safety of their constituents in particular, and America in general.” In New Jersey, independence was being discussed openly in the Provincial Congress. Nineteen petitions were received by the Congress, twelve advocating separation from Great Britain, and seven requesting a

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49 Ibid., 57.
50 The Congress had still been paying Franklin’s salary as governor up to this point. Fleming identifies this as a further marker of New Jersey’s continued Revolutionary ambivalence. “In Provincial Congress, New Jersey, Burlington, June 14, 1776,” The Pennsylvania Evening Post, as published in New Jersey Archives, 124.
51 Lundin, Cockpit of the Revolution, 111.
maintenance of the status quo. Although these petitions in no way constituted a popular sanction of independence, the reality of conflict was already a year-old, and New Jersey could ill afford to ignore the general consensus on independence among the other colonies; in June 1776, only New York, New Jersey and Maryland had not permitted their representatives in the Continental Congress to endorse independence. On June 21, the Provincial Congress resolved to form a new government “for regulating the internal police of this Colony, pursuant to the recommendation of the Continental Congress of the fifteenth of May last.” On June 24, Rev. Jacob Green was appointed to chair a committee of ten tasked with drafting a new constitution, and just two days later, a preliminary draft was presented to the Congress. When the Congress reconvened on July 2 for a final vote on the new constitution, it was interrupted as Lt. Col. Nathaniel Scudder burst in with the news that a huge British fleet was approaching the coast at Sandy Hook. The news was rushed from the Provincial Congress to the Continental Congress, and by the end of the day, both the New Jersey Constitution of 1776 and Jefferson’s Declaration of Independence had been adopted.

In assessing the historical meaning of the New Jersey Constitution of 1776, historians have disagreed over whether this document manifested “radical changes” or a “conservative nature.” Gerlach clearly takes the view that the Constitution of 1776

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53 According to Gerlach, these petitions cannot be taken as a true index of public opinion, as the large majority (seventeen), came from the two counties of Middlesex and Monmouth. Even so, these petitions express a growing division in New Jersey as Revolutionary fervor came to overtake ambivalence and doubt. Gerlach, Prologue to Independence, 334-335.
54 Ibid., 336.
55 While the authorship of the document is a point of contestation, both Gerlach and Erdman point to Jonathan Dickinson Sergeant as the most probable author. Gerlach, Prologue to Independence, 340; Erdman, The New Jersey Constitution of 1776, 34.
56 Scudder thus earned the title of “New Jersey’s Paul Revere.” Fleming, New Jersey, 60.
57 Lurie, “New Jersey: Radical or Conservative?”, 32-33.
“neither embodied radical innovations [...] nor broke sharply with past traditions,” pointing to the use of the word “colony” rather than “state” as conspicuous evidence of the “continuity with colonial custom and practice.”

The case for New Jersey as a “reluctant rebel” is further substantiated by the final clause of the “Charter”:

Provided always, and it is the true intent and meaning of this Congress, that if a reconciliation between Great Britain and these Colonies should take place, and the latter be taken again under the protection and government of the Crown of Great Britain, this Charter shall be null and void—otherwise to remain firm and inviolable.

Maxine Lurie points out, however, that on July 3, a second vote was held specifically on the deletion of this final reconciliation clause, a fact that seems to be overlooked by Gerlach and others. The vote fell 17-8 in favor of printing and distributing the Constitution to the people as it was, and the conservative reconciliation clause was retained.

Lurie proceeds to argue persuasively that the mere act of drafting and adopting an independent Constitution, before the Continental Congress had adopted the Declaration of Independence, moved New Jersey into the vanguard of the Revolution. Only four states had drafted constitutions before the Declaration of Independence, and three of them (including New Jersey) included a conciliatory clause hedging against a victory on British terms.

After the adoption of the Declaration of Independence, it seems that reconciliation was abandoned, and by August, every person elected to either house of the legislature was required to take an oath promising to uphold the constitution and foreswearing allegiance to the

58 Gerlach, Prologue to Independence, 341.
59 Lurie, “New Jersey: Radical or Conservative?”, 32.
61 Lurie, “New Jersey: Radical or Conservative?”, 36.
62 Ibid., 37.
Crown: “I [...] do swear that I do not hold myself bound to bear Allegiance to George the third King of Great Britain.”63 This oath, Lurie argues, viewed in concert with the passage of the constitution, represents an affirmation of “permanent revolution” and provides a positive vision of the Revolutionary republic.

Even Gerlach, a leading proponent of the more conservative view of the 1776 Constitution, acknowledges the liberality of the suffrage requirements under the new state government. Under the colonial government, following an election law passed in 1709, the franchise in New Jersey was essentially confined to “male freeholders have one hundred acres of land [...] or £50 current money”, and in 1725, a residence requirement of one year was instituted.64 Although provincial law was not explicit on the matter of women voting, either “custom or English precedent” excluded women, along with minors, aliens and Negroes.65 Under Article IV, the Constitution of 1776 enfranchised “all inhabitants [...] of full age [...] worth Fifty Pounds, clear proclamation money, who have resided in the county in which they claim a Vote for twelve months immediately preceding the Election, shall be entitled to vote.”66 Both Lurie and Gerlach agree that the proclamation money qualification, carried over from a Provincial Congress ordinance in February 1776, expanded electoral eligibility from the previous freeholding requirement.67 The most radical implication of this definition of the electorate was, however, the possibility of

63 Ibid., 38.
64 McGoldrick and Crocco, Reclaiming Lost Ground, 2.
66 New Jersey Constitution of 1776, Early American Imprints, Series 1, no. 14912.
67 Erdman, The New Jersey Constitution of 1776, 56; Gerlach, Prologue to Independence, 342; Lurie, “New Jersey: Radical or Conservative?”, 42.
enfranchisement for propertied, single women under the ambiguous term “all inhabitants.”

III. “Original Intent:” de facto vs. de jure Enfranchisement for Women

While it is generally an accepted fact that women voted in New Jersey after the American Revolution, historians have debated the original intent and historical reasons behind the ambiguous, gender-neutral phrase “all inhabitants” in the 1776 Constitution. According to Lurie, historians have generally explained this ambiguity in two ways: “either the haste with which the document was written and adopted, or the influence of Quakers, who were so prominent in New Jersey and believed in equality.”68 Quaker influence does not assume a prominent historiographical role until the discussion of Quaker legislator Joseph Cooper’s influence on the passage of the 1790 election reform. The argument stemming from constitutional hastiness has instead been pervasive in the historiography of women’s voting rights under the 1776 document.

As discussed above, the New Jersey Constitution of 1776 was drafted in only two days, and was adopted less than a week later, prompted by the threatening approach of a massive British fleet at Sandy Hook. Given these circumstances, historian Edward R. Turner has described the 1776 constitution as a “roughly drawn” document with provisions, such as the qualifications for suffrage, that were “ill considered” and “difficult to understand.”69 Irwin Gertzog similarly claims that the delegates “did not have time to fashion more

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68 Lurie, “New Jersey: Radical or Conservative?”, 42.
restrictive terminology [...] in the face of this military threat.”

This position also corresponds with the precedential legal interpretation of the 1776 Constitution by the New Jersey State Supreme Court. In 1912, Justice Kalisch ruled that the “use of the term ‘all inhabitants’ in said [1776] Constitution did not confer on women the right to vote.”

Judith Klinghoffer and Lois Elks, however, dissent from this explanation of hasty and imprecise constitutional construction, claiming instead that the suffrage clause of the constitution was “thoroughly debated and purposefully written.” They argue that the rejection of “freeholder or householder” suffrage in favor of a qualification “in terms of proclamation money,” coupled with the addition of a “residential requirement,” incontrovertibly indicates “close scrutiny” of the franchise. They hold therefore it is “unlikely” that the lack of a gender distinction in this clause was “accidental.”

A close analysis of the use of gendered language in the 1776 Constitution and accompanying electoral statutes throws much doubt upon Klinghoffer’s and Elks’ assessment of constitutional intent, supporting instead the position that the ambiguous term “all inhabitants” was not intended to enfranchise women in 1776, despite the contrary practical reality of female suffrage dating from at least 1787. Many historians who have examined the question of women's suffrage rights under the 1776 Constitution have failed to consider the implications of the “Ordinance For Regulation the Ensuing Election,” passed on July 15, 1776, which stated that “no person or persons shall be admitted to vote at the said election, unless he first take the same oath or affirmation, if thereunto required, by any one of the judges or inspectors of said election [emphasis

71 Kalisch, J. Carpenter v. Cornish et al., 83 N.J.L. 254, 83 A. 31 (Supreme Court of New Jersey, 1912), 2.
73 Ibid.
In 1872, Lucius Q.C. Elmer, a respected jurist and New Jersey Supreme Court
Justice, pointed out that this election ordinance, however, referred “only to males,” even
though females “were nominally embraced within the words of the constitution,” implying
that perhaps the enfranchisement of women in 1776 was not intentional.

This gendered statutory definition of the electorate clearly casts doubt upon the
idea that the 1776 Constitution was intended as an egalitarian enfranchisement of both
men and women. Both Gertzog and Kirk H. Porter note that other contemporary state
suffrage definitions were often ambiguous on gender; Porter asserts that where sex was
mentioned at all, the word “freeman [was] frequently used and gives weight to this
presumption” that only men qualified for the franchise. In her seminal feminist work The
Second Sex, Simone de Beauvoir’s arguments similarly support this assessment of gender in
the language of the 1776 Constitution and electoral ordinance. In a society structured by
masculine logic, “the man represents both the positive and the neuter,” lending credence to
the assumption that the “he” of the election ordinance was equated to the “inhabitants” of
the Constitution in the view of the 1776 legislators.

It seems that the original intent of the 1776 Constitution then was not an egalitarian,
gender-neutral definition of the electorate. The ambiguity of the phrase “all inhabitants

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74 Journal of the Votes & Proceedings of the Convention of New Jersey: Begun at Burlington the Tenth of
June 1776; to Which Is Annexed, Sundry Ordinances and the Constitution, (Trenton, NJ: Reprinted by order,
Joseph Justice, Printer, 1831); Of the previously cited historians who have investigated this subject, only
Turner mentions the statutory history of electoral regulations between 1776 and 1790, but the above-
mentioned ordinance is conspicuously absent, as he begins with a 1777 act to regulate elections.
75 Lucius Q.C Elmer, The Constitution and Government of the Province and State of New Jersey with
Biographical Sketches of the Governors from 1776 to 1845 and Reminiscences of the Bench and Bar During More
Than Half A Century, Collections of the New Jersey Historical Society v. 7 (Newark, N.J: M.R. Dennis, 1872), 32;
76 Kirk Harold Porter, A History of Suffrage in the United States (Chicago: University of Chicago Press,
1918), 20; Gertzog, "Female Suffrage in New Jersey, 1790-1807," 49.
77 Simone de Beauvoir, The Second Sex, trans. Constance Borde and Sheila Malovany-Chevallier
(London: Jonathan Cape, 2009), 5.
does not appear to have been an accident of Constitutional hastiness, but was instead an artifact of tacit gender assumptions. In the ideological context of Revolutionary republicanism, however, this gender-ambiguity was acted upon as a unique opportunity for single, propertied New Jersey women. As J.R. Pole has argued, even if the enfranchisement of women was not intended by the framers of the state constitution, “there was no denying that women were inhabitants.” Republican civic ideology identified the capacity for suffrage with the ownership of property, which was the signifier of independent political capacity and personal autonomy. While many historians (with the exception of Klinghoffer and Elkis) seem to agree that “little evidence” exists “that women voted [in New Jersey] in the years” before the election reform of 1790, evidence shows that women actually were voting, at least in some locations, as early as 1787. Therefore, the ambiguous “all inhabitants” clause of the New Jersey Constitution of 1776 seems to have been interpreted in practice, perhaps contrary to original intent, as de facto enfranchisement for certain women, and by 1790, women’s right to the ballot was legally affirmed by statutory election reform.

Figure 1: Manuscript of New Jersey Constitution of 1776, Clause defining voter qualifications, from Revolutionary Era Manuscript Collection (MG 4), Courtesy of New Jersey Historical Society

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Chapter 2: “Deliver His or Her Ballot,” The Relationship between Republican Ideology and Female Suffrage in New Jersey

With respect to woman suffrage, the intent behind the constitutional definition of the New Jersey electorate is dubious at best, making the period of female enfranchisement following the Revolution in New Jersey all the more remarkable. While most authors agree that significant female participation in the franchise did not occur until the 1790s, it is likely that the contours of female suffrage before 1790 took a variable shape based on “local community standards, the ideological milieu and, [...] political party rivalry” across the state. A poll list from a Burlington County election for members of the Legislature held on October 9, 1787, for example, bears the names of two women, Iona Curtis and Selvenia Lilvey.

In 1790, an election reform statute affecting the counties of Bergen, Monmouth, Gloucester, Burlington, Salem, Hunterdon, and Sussex was passed, which inserted the phrase “he or she” into state law, thereby explicitly and incontrovertibly enfranchising single women with fifty pounds of clear proclamation money. On February 22, 1797, the ballot was extended uniformly throughout the entire state to women, in a general election law, which reiterated the provisions of the 1790 franchise definition. Moreover, section 9 of the 1797 act dictated: “That every voter shall openly, and in full view, deliver his or her...
ballot (which shall be a single written ticket, containing the name of the person or persons for whom he or she votes).”

With this irrefutable legislative approval, the practice of female suffrage probably “reached its peak between 1797 and 1807,” and a poll list taken in Bedminster township on October 14 and 15, 1800 demonstrates the continued acceptance of female suffrage, attesting as it does to the votes of Sarah Eass [sic] and Margaret McDonald (see Figure 1).

This chapter applies the methodology of the “republican synthesis” to the votes of New Jersey’s women, aiming to use republican “ideology [to light] up whole new areas which could not be seen before.”

Though republican ideology permeated the political thinking of all thirteen state constitutions, New Jersey’s somewhat gender-neutral phrasing (“all inhabitants”) was distinctive; New York’s original constitution referred to “every male inhabitant of full age” in defining its electorate, and Massachusetts’ charter contains phrases such as “all men in society.”

Although the first chapter established that the framers of New Jersey’s charter likely did not intend to enfranchise women, the document’s vague phrasing, when interpreted through the lens of republican thought, provided an idiosyncratic loophole, conceivably enfranchising certain property-owning single women and free blacks. I argue that the “social consciousness” engendered by Revolutionary

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85 Paterson, Laws of the State of New-Jersey Revised and Published, Under the Authority of the Legislature, by William Paterson, 230; Philbrook, “Woman’s Suffrage in New Jersey Prior to 1807,” 89.
86 Klinghoffer and Elkis, “The Petticoat Electors,” 163; A list of voters taken in the 14 and 15 days of October 1800 at the house of John Van Duyn innkeeper at the cross roads in Bedminster for Council and Assembly Sheriff and Coroners, from “Bedminster Township Voting Registers, 1797-1803,” New Jersey Historical Society Archive (MG 895)
republicanism provided an ideological milieu consistent with an interpretation of this constitutional ambiguity whereby propertied *feme soles* were granted suffrage.\textsuperscript{89}

Given the state of “civil death” defining the political status of most contemporary American women, scholars have struggled to explain this seemingly anomalous moment of gender equity in New Jersey’s suffrage laws.\textsuperscript{90} Sophie H. Drinker has called the enfranchisement of women under the statutes of the 1790s “one of the unsolved problems of the colonial era.”\textsuperscript{91} Mary Philbrook takes a similarly inconclusive position, claiming, “no one knows” how the phrase “he and she” came to be “placed in the election law of 1790 [and later of 1797].”\textsuperscript{92} Philbrook does however show that both the 1790 and 1797 laws received generous support in the state legislature, seemingly indicating support for the gender-alternative statutory language; the 1790 law “An Act to Regulate the Election of Members of the Legislative-Council and General Assembly, Sheriffs and Coroners, in the Counties of Bergen, Monmouth, Burlington, Gloucester, Salem, Hunterdon and Sussex,” received only four votes in the negative in the Assembly and two in the Council.\textsuperscript{93} Similarly, the 1797 statewide act received only four “nays” in the General Assembly.\textsuperscript{94} Despite this apparent legislative approval of female suffrage in the 1790s, the historiographical consensus remains that these laws were in no way driven by “anything in the nature of a

\begin{footnotes}
\item[89] Appleby, “Republicanism and Ideology,” 468.
\item[91] Drinker, *Votes for Women in 18th-Century New Jersey*, 31.
\item[92] Philbrook, “Woman’s Suffrage in New Jersey Prior to 1807,” 88.
\item[93] Acts of the fifteenth General Assembly of the state of New-Jersey. At a session begun at Burlington the 26th day of October, 1790, and continued by adjournments. Being the first sitting, 669; Ibid., 89.
\item[94] Philbrook, “Woman’s Suffrage in New Jersey Prior to 1807,” 89.
\end{footnotes}
feminist movement." Thus, the historical explanation for this unique scenario remains an important, open, and interesting question.

The first historians to investigate this subject traditionally attributed the gender-inclusive language of these statutes to the efforts of a Quaker lawmaker from Gloucester County named Joseph Cooper. While Richard P. McCormick has shown that Cooper was not actually on the legislative committee of 1797, nor did he sponsor the 1790 statute, it remains probable that Quaker influence contributed at least partially to the acceptance of these electoral practices. Particularly numerous in the region formerly known as West Jersey, the Quakers were distinctive in their advocacy of spiritual, social, and political equality between the sexes. Nonetheless, Quaker influence alone is not a sufficient explanation for the emergence of women’s suffrage in New Jersey.

Sophie Drinker has offered an account that emphasizes the historical continuities, rather than the radical uniqueness, of New Jersey’s electoral practices when viewed in the context of traditions inherited from English common law. Drinker claims that the enfranchisement of New Jersey's *feme soles* was “the restatement of an old practice,” at the tail end of a period when property ownership was the primary qualification for membership in the franchise. Other scholars have taken a more skeptical view of the situation, claiming that women received the ballot as a by-product of “political expediency.”

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in the context of intense jockeying between Federalists and Jeffersonian Republicans in the Early Republic. This approach, stressing the “centrality of electoral politics” as an explanatory factor, represents a historiographical reaction against what Joyce Appleby has called the “wildfire popularity of republicanism.” But by over-emphasizing the causal role of the “politics of the time,” historians such as Klinghoffer, Elkis, and Gertzog, obscure how factors such as gender norms and republican ideology “organized the consciousness” of late eighteenth and nineteenth century Americans. The predominance of republican ideology, which located independent suffrage capacity primarily in the possession of property, was consistent with the enfranchisement of New Jersey’s *feme soles*, who owned personal property independent of a husband or father.

Figure 2: A list of voters taken in the 14th and 15th days of October 1800 at the house of John Van Duyn innkeeper at the cross roads in Bedminster for Council and Assembly Sheriff and Coroners, from “Bedminster Township Voting Registers, 1797-1803,” (MG 895) Courtesy of the New Jersey Historical Society

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102 Ibid., 464.
I. “Republicanism Delights in Virtue:” The Ideology of Revolutionary Republicanism\textsuperscript{103}

Since the 1980s, the analytical concept of republicanism as an ideology has been catapulted from relative unimportance to the vanguard of scholarly writing on revolutionary and early nineteenth century American history.\textsuperscript{104} As a testament to this surge in historiographical significance, the phrase “Early Republic” has supplanted the term “Early National Period” in describing “the years between the adoption of the Constitution and the inauguration of Andrew Jackson.”\textsuperscript{105} This so-called “republican synthesis” represents a widespread identification of republican ideology as a central analytic principle for properly “understanding American society in this period.”\textsuperscript{106} By applying republican ideology to an investigation of the apparent anomaly of women’s suffrage in Early Republican New Jersey, I hope to “open the door to provocative new insights about American society” in this period.\textsuperscript{107}

The value of “ideology” itself as a methodological construct is a contested subject in the social sciences. According to Eric Foner, the use of ideology has been “confused by a plethora of definitions and made disreputable through its association with fascism and communism.”\textsuperscript{108} Linda Kerber has noted that scholars of American history have generally demurred from a “complex theoretical analysis” of how to apply ideology, and have largely

\textsuperscript{106} Shalhope, “Toward a Republican Synthesis,” 80.
\textsuperscript{107} \textit{Ibid}.
relied upon the essay “Ideology as a Cultural System” by sociologist Clifford Geertz. This thesis adopts Foner’s definition of ideology as a “system of beliefs, values, fears, prejudices, reflexes, and commitments—in sum, the social consciousness—of a social group” in an attempt to illuminate the “interrelation between the economic structure of [American] society, its politics and its ideas.” It also, however, preserves the Geertzian assumption that “political discourse operates as a cultural system” by analyzing political “language[s] and the ways in which [it is] used” to provide what J.G.A. Pocock termed a “history of ideology.” The eighteenth century, as Bernard Bailyn has stated, “was an age of ideology,” in which republicanism represented the pervasive intellectual foundation, even if “different groups or factions in various sections of the nation” did not universally agree upon its particular contours.

The most basic feature of republican ideology was the constitutionally guaranteed “Republican form of government,” a vaguely defined insistence upon the absence of monarchy. As Kerber shows, James Madison helped give meaning to the phrase “republican form of government” by articulating this basic general consensus in Federalist 39: “we may define a republic to be [...] a government which derives all its powers directly or indirectly from the people and is administered by persons holding their office during pleasure, for an unlimited period, or during good behavior.” Madison endorsed this
somewhat amorphous general consensus around “republican” government repeatedly in his writings: “A government, deriving its energy from the will of society, and operating by the reason of its measures, on the understanding and interest of the society... such are the republican government which it is the glory of America to have invented.” The ideological reach of republicanism, however, extended well beyond a simple vision of institutional revolution in governmental structure, from monarchy to res publica.

Republicanism also provided a moral vision of the ideal body politic required for the proper functioning of a government whose power derived from the people. As Gordon S. Wood has asserted, “Republicanism meant more than simply the elimination of a king and the institution of an elective system. It added a moral dimension, a utopian depth, to the political separation from England—a depth that involved the very character of their society.” The defining features of this republican “moral dimension” interacted with the phrasing of the 1776 constitution to lend legitimacy to the votes of propertied, single females in New Jersey. At the heart of the “utopian depth” of republicanism was the widely held belief that a republican form of government “demanded a virtuous people and a social form that could sustain their virtue.” The republican ideal was therefore “unstable” and “elusive,” completely dependent upon the moral vigor of its constituents; the beloved republican government of the Revolution was in a state of perpetual fragility, producing a “paranoid outlook on the part of many Americans” obsessed with the need to maintain

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public virtue and ward off corrupting influences.\textsuperscript{118} William Livingston, signatory to the United States Constitution and governor of New Jersey from 1776-1790, epitomized this preoccupation with public virtue, asking, “If virtue is the true spirit, and the grand support of republics, what must become of a commonwealth, in which that spirit is hastening to extinction; and that pillar \textit{tottering to its fall}?\textsuperscript{119}

The success of republicanism thus hinged on the identification and preservation of the characteristics responsible for the production of virtue in society. Dorothy Ross has referred to this practice of analyzing “the historical conditions that [could] maintain virtue and the historical changes that bred corruption” as the republican “sociology of virtue.”\textsuperscript{120} Through this sociology of virtue, republicans drew upon the Renaissance tradition of civic humanism and arrived at the “image of an ideal citizen; he was a freeholding citizen-soldier, possessed of an unavailing concern for the public good,” whose independence allowed him to “shun luxury and self-indulgence.”\textsuperscript{121} Under this construction of virtue, property ownership signified the capacity for political independence and personal autonomy that was necessary for virtuous participation in the body politic.\textsuperscript{122} As William Paterson, renowned New Jersey jurist and Governor from 1790 to 1793, put it, property ownership is “a situation, which naturally produces independence of sentiment, emboldens


\textsuperscript{119} William Livingston, \textit{The Papers of William Livingston} (Trenton: New Jersey Historical Commission, 1979), 478.


the spirit, and invigorates the mind. The freeholder is a truly independent Man.”

This conception of public virtue and independence, and its intimate connection to property possession, inevitably shaped qualifications for membership in the body politic of the new republican states, and New Jersey’s uniquely gender-neutral constitution allowed for a body politic that included propertied, unmarried women and free blacks. Under the ideology of republicanism, the capacity for political participation was located “externally” in the possession of property, and republican intellectuals such as James Madison advocated strongly for a property qualification on the franchise in the late 1780s. For Madison, the need for a property qualification on the right to vote was almost implicit; he thus concerned himself instead with “how far property ought to be made a qualification,” aiming for a “middle way” that balanced the “rights of persons, and the rights of property.” Moreover, the case for a property qualification on suffrage rights was strengthened by the “stake-in-society theory”—the idea that “ones stake in society was measured by how much of its tangible elements one owned.” Thomas Jefferson articulated this theory, and its connection to republican ideology, in a letter to John Adams: “Everyone [in the republic], by his property, or by his satisfactory situation, is interested in the support of law and order.”

In this ideological context, it was not contradictory or inconceivable to allow single women in New Jersey access to the ballot, so long as they met the property qualifications specified by the constitution. While the practice of women’s suffrage in New Jersey was certainly unconventional, some republican intellectuals acknowledged its value, albeit only in a theoretical sense. For example, in response to a letter from his sister, Hannah Corbin Lee, stridently criticizing male political hegemony, Richard Henry Lee, a signatory to the Declaration of Independence and a prominent member of the Continental Congress, explicitly endorsed the practice of female suffrage, so long as certain qualifications similar to those of New Jersey, were maintained: “This, then is the widow’s security as well as that of the never married women, who have lands in their own right, for both of whom I have the highest respect, and would at any time give my consent to establish their right of voting.”\(^{128}\)

II. **Virtue vs. Fortuna: Gender and Republican Ideology**

Figure 3: “Keep Within the Compass,” sepia engraving, c. 1785-1805, Henry Francis Dupont Winterthur Museum

To say that the enfranchisement of propertied *feme soles* was consistent with the ideology of republicanism is not to say that republicanism in general espoused a system of gender equality. To the contrary, although republican “language usually used gender neutral terms, republicanism did have different strands for men and women.” Even in New Jersey, when women were able to vote, the female relationship to the republican civic body was conflicted. Gender distinctions are in fact embedded, both etymologically and conceptually, within the republican idea of “virtue.” The word “virtue,” as Hannah Pitkin has explained, “derives from the Latin *virtus*, and thus from *vir*, which means ‘man.’ *Virtù* is

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thus manliness, those qualities found in a real man.'”131 In the tradition of early modern republicanism, which J.G.A. Pocock has skillfully connected to American republicanism, the masculine virtù was contrasted with the feminine Fortuna, “an eccentric, changeable, female quality [...] emblem of insecurity and chance.”132

The significance of this dichotomy between masculine, republican virtue/virtù and feminine, corrupt, fortuna extends beyond mere semantics. As Caroll Smith-Rosenberg has argued, republican intellectuals superimposed upon women “not only the negative, but the most controversial and contested points” of difference between alternative strains of republican discourse, vying for dominance in the revolutionary moment of “discursive, social and political conflict”; feminine attributes were often cited as the very flaws of character that a true republican should avoid.133 Consequently, the virtuous American republic of independent property owners was often contrasted, in gendered terms, with the “luxury, effeminacy, and the pleasures of a dissipated life” symptomatic of European society.134 In this way, “early modern political discourse virtually ensured that a republicanism which derived from it” would favor a political culture which “presumed women to be members of a dependent class.”135

The legal status of American women also shaped their relationship to republican ideology, and in the Early Republican states, this legal status was dictated by marital status. Unmarried women, or feme soles, enjoyed many of the same legal rights as men, including

the ability to “draft binding contracts and other legal documents, make and receive gifts, bring and defend lawsuits (although by deputy), and become the legal guardian of her children.” Nonetheless, even *feme soles* experienced a lesser civic role in the republic; single women “could not hold public office, testify in court, or with minor exceptions, sit on a jury.” Except in New Jersey, the republican American states saw fit, in the words of John Adams, “to govern women without their consent.” Throughout the rest of the states, the assumption of women’s dependence and consequent incapacity for political responsibility was so deeply entrenched that even women who were “not materially dependent (for example, wealthy widows or unmarried women) were treated as though they were dependent in political theory and practice.”

When New Jersey women did enter into marriage, as most in Early Republican America did, their dependence was also legally institutionalized under the common law principle of coverture. This legal concept assumed that the identity of the woman became “submerged, or covered, by that of her husband when she married.” The married woman thereby became a legal “non-person,” and all of her property was transferred to her husband; as Linda Kerber has shown, this lack of independent control over property seemed to naturally disqualify married women from a political life under the ideology of

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140 According to Carol Berkin and Leslie Horowitz, “a small but significant percentage of women chose the single life over marriage,” in an effort to preserve what one young woman referred to as “her liberty.” *Women’s Voices, Women’s Lives: Documents in Early American History* (Boston: Northeastern University Press, 1998), 74.
republicanism. As New Jersey Governor and jurist William Paterson stated in his legal notebook, “It seems agreed that the husband and wife [are] one and the same person in interest and effects.” It is interesting to note, however, that Paterson’s legal notes on the subject of “Baron and Feme” describe the “latitude of allowing a wife a distinct property and interest from her husband” as “an innovation and refinement on our old law, not much, perhaps, for the advancement of morality.” It seems that in Paterson’s New Jersey, a wife was able “without her husband, [to] execute a naked authority, whether given before or after coverture, and though no special words are used to dispense with the disability of coverture.” This does not indicate that coverture was on the verge of elimination in New Jersey, but rather that its strictures were adaptable to reform, as Paterson persisted in subscribing to the dictates of coverture elsewhere in his legal notebook, again maintaining that “husband and wife are one person in law.”

Despite these legal and institutional restrictions on female independence, the Revolutionary experience and the emergent discourse of egalitarianism clearly affected how women conceptualized their civic roles and political identities, prompting American women to negotiate a gender-specific space within the new republican community. According to Linda Kerber, the political actions taken by patriotic women during the Revolution, including the organization of boycotts, demonstrations, and the act of shaming men into military service, represented ways in which “women had obviously entered the new political community created by the Revolution,” thereby presenting a need to

\[142\] Ibid.
\[143\] Legal notes of William Paterson, Special Collections and University Archives, Alexander Library, Rutgers University.
conclusively “define women’s political role in a modern republic.” Kerber has thoroughly explained how this process ultimately produced a “gendered variant of republicanism,” which she has termed “Republican Motherhood.” This notion of Republican Motherhood allowed women to contribute to the republic by integrating the values of republican thought into her domestic life; by dedicating herself to the “nurture of public-spirited male citizens,” the Republican Mother thus “guaranteed the steady infusion of virtue into the Republic.” Although women claimed a civic role in the American republic as “custodian[s] of civic morality” and “monitors of the political behavior of their lovers, husbands, and children,” this role was fully circumscribed by the bounds of domesticity and women generally “remained on the periphery” of the republic body politic.

III. Republican Ideology and Female Suffrage in New Jersey, Positive and Negative Endorsements

Despite the legal and ideological constraints upon women’s political lives, it has been established that women were voting in New Jersey as the eighteenth century drew to a close. The franchise was not extended to all New Jersey women, but only propertied *feme soles*, whose political actions were sanctioned by the prevailing republican ideology of the time. Consequently, during this period, New Jersey inhabitants seem to have accepted the practice of limited female suffrage, although not always explicitly.

It appears that by the turn of the nineteenth century, a consensus existed amongst New Jersey lawmakers and jurists that women were entitled to vote under the state Constitution, and that this right was rightfully reaffirmed by the electoral statutes of 1790.

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144 Kerber, *Toward an Intellectual History of Women*, 84.
147 Ibid, 11-12.
and 1797. In 1800, a member of the state legislature wrote a letter to the editors of the Newark Centinel, relating the events surrounding the passage of a bill for “a General Election of Members of Congress for the state of New Jersey.” The legislator relates:

“While the aforesaid bill was pending before the House of the Assembly, a motion was made to amend the bill by adding the following section thereunto, viz. “That it is the true intent and meaning of this set, that the inspectors of election in the several townships of this state, shall not refuse the vote of any widow or unmarried woman of full age, nor any person of color of full age, provided each of the said persons make it appear on oath or otherwise, to the satisfaction of the said inspectors, that he or she is worth 50 l. clear, estate proclamation money of this state.”

Clearly, the unnamed sponsor of this amendment intended an explicit endorsement of the practice of both female and black suffrage, so long as they met the qualifications mandated by republican ideology, but the author continued to demonstrate that the sponsor was not alone in holding this position. The amendment failed not because the explicit support of female and black suffrage was distasteful to the rest of the legislators, but instead because they believed such a motion to be redundant, given the provisions of the state constitution: “The House almost unanimously agreed that this section would be clearly within the meaning of the Constitution, and [...] it would be entirely useless to insert it in the law.” The article concludes by simply stating, “Our constitution gives the right to vote to maids or widows, black or white.” While such unequivocal affirmations of female voting are not common in the documentary record, other sources indicate at least tacit acceptance, if not an outright approval, of the practice.

149 Ibid.; This legislation is also discussed briefly in Pole, “The Suffrage in New Jersey, 1790-1807,” 54.
William Paterson, a leading Revolutionary figure and one of the most influential legal minds in Early Republican New Jersey, was perhaps more intimately familiar with the election laws of New Jersey than any other individual. He served as the Secretary of the Provincial Congress in 1776 during the drafting of the state constitution, represented New Jersey in the United States Senate from March 1789 to November 1790, spent three years as the Governor of New Jersey, and concluded his public career as a United States Supreme Court Justice. Paterson also notably undertook a revision of New Jersey’s laws beginning in 1792, attempting to simultaneously “rationalize the legal system” and “reform the social and political institutions [to] make them more just.” According to his biographer John E. O’Connor, Paterson “played no part in preparing the statute passed in February 1797—An Act to Regulate the Election of Members of the Legislative Council and General Assembly, Sheriffs and Coroners [which contained the phrase ‘his or her ballot’],” but he did publish six essays the week that the bill was debated and passed expressing his opinions about the need for electoral reform in New Jersey. In these essays, published in the *New Brunswick Guardian* under the pseudonym “Hortensius,” Paterson provides an in-depth argument for reform of five issues in the electoral process, all of which are summarily listed at the end of the final essay:

1) That it should be uniform as to the mode.
2) That the day of election should be fixed and certain.
3) That the electors should insert the full number of names in their tickets.
4) That some effectual means should be devised to constrain electors to come forward and vote.

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5) That the laws should be permanent.\textsuperscript{153}

It is pertinent to note that female suffrage is not mentioned once in the six essays on the subject of election reform, all published in the wake of the 1797 bill, which explicitly recognized the right of women to vote. Although there is no evidence to suggest that Paterson was an advocate of woman suffrage, he was an ardent supporter of the deferential political style of republicanism, and his silence on this subject can be read at least as tacit acceptance of women voting. Similarly, Paterson’s legal notes feature an extensive discussion of the body of common law surrounding the legal relationship between husband and wife (“Baron and Feme”), but a discussion of the political life of single women is again conspicuously absent, indicating that while the lawmaker may not have expressed any support for women’s suffrage, he was clearly not particularly concerned by it.\textsuperscript{154} On the contrary, logistical issues and voter turnout seemed to him far more in need of attention and reform.

An examination of certain disputed elections at the turn of the century similarly reveals the implicit acceptance of women’s votes, as well as the votes of free blacks who met the suffrage qualifications. J.R. Pole’s analysis of the “illegal proceedings” alleged to have taken place at a “contested election” in Hunterdon County demonstrates that “not only propertied women, but Negroes who could meet the qualifications, were being treated as legitimate voters.”\textsuperscript{155} One challenge against the results of the Hunterdon election alleged that “a numerous body of negroes who produced no evidence of their being free” had cast

\begin{itemize}
\item \textsuperscript{153} Manuscript Collection of William Paterson’s Political Essays, Special Collections and University Archives, Alexander Library, Rutgers University.
\item \textsuperscript{154} Legal notes of William Paterson, Special Collections and University Archives, Alexander Library, Rutgers University.
\item \textsuperscript{155} “Contested Elections,” The True American (Trenton, N.J., November 1, 1802), Volume 2, Issue 87; Pole, ”The Suffrage in New Jersey 1790-1807,” 54.
\end{itemize}
votes, implying that the votes of free, propertied Negroes could not have been legitimately challenged.\textsuperscript{156}

At least two other elections, in Maidenhead and Trenton townships respectively, prompted similar complaints of electoral mischief, with comparable implications for how women’s votes were generally perceived. According to the General Assembly Committee of Elections, the petitions against the Maidenhead election lodged three objections: “1. That citizens of Philadelphia voted. 2. That married women voted. 3. That votes were given by proxy.”\textsuperscript{157} As discussed above, married women were excluded from political participation in the republic by the laws of \textit{couverture}, but the allegations of the petitioners implicitly seem to suggest that the votes of qualified \textit{feme soles} would not have been objectionable.

The committee’s response to the second complaint in the petition is more explicitly indicative of the degree to which single, propertied female suffrage was seen as consistent with a republican form of government at this point in time:

\begin{quote}
As to the 2d point [complaint], it appeared to your committee that one woman voted whose husband had left her for several years, and she had retaken her former name, and under that name voted and paid taxes.\textsuperscript{158}
\end{quote}

This abandonment by the husband was seen as a negation of \textit{couverture} in this case, and the woman was allowed to vote, as she had clearly evidenced her independence, both symbolically, by retaking her own name, and practically, by paying taxes and (presumably) satisfying the requirement of fifty pounds clear proclamation money.

The petitions against the election in Trenton, also held in 1802, featured many of the same concerns among the eight allegations addressed by the legislative committee.


\textsuperscript{157} “Legislative,” \textit{The Genius of Liberty} (Morristown, New Jersey, November 26, 1802), Volume V, Issue 236.

\textsuperscript{158} \textit{Ibid.}
That in the petitions and memorial against the election in Trenton, eight objections are stated, viz. 1. That the poll was improperly moved. 2. That the judge received votes in the open streets from carriages. 3. That persons under age voted. 4. That non-residents voted. 5. That negroes and actual slaves voted. 6. That aliens voted. 7. That persons not worth 50 pounds voted. 8. That married women voted.\textsuperscript{159}

Again, it is telling that no complaints were raised against women voting in general, but rather only against those who would be statutorily disenfranchised either by marriage or by failure to meet the fifty pounds qualification on property. Ultimately, the committee unanimously upheld the validity of both of these elections, on the grounds that no challenges were raised at the time of the election, and no tangible evidence was presented to convince the committee members that any “improper decisions” took place. The sixth complaint from the Trenton petition, which objected to the votes of “Negroes and actual slaves,” hints that certain statutorily enfranchised individuals (such as free blacks) were not greeted as welcome contributors to the republican civic body. Five years after these electoral disputes, both free blacks and single women alike would lose their right to the ballot under a new election statute.

\textsuperscript{159} Ibid.
Chapter 3: “A Free White Male Citizen of this State,” Democracy and Disenfranchisement in New Jersey

The practice of woman suffrage in Early Republican New Jersey under the election laws of the 1790s represents a fascinating and unique moment in American history. New Jersey’s electoral practices in this period were “exceptionally liberal,” and although it is improbable that women’s votes “influenced the course of legislation,” historians generally agree that New Jersey women were voting in non-trivial numbers, especially following the passage of the 1797 statewide election law. Approximately five percent of the landowners in New Jersey during this period were women, and it is estimated that “as many as 10,000 women in New Jersey voted in some years between 1790 and 1807,” with women reportedly making up as many as twenty-five percent of the total votes in the election of 1802. In the previous chapter, it was demonstrated that the enfranchisement of propertied feme soles and free blacks was consistent with the pervasive ideology of republicanism, and therefore enjoyed at least tacit general acceptance, if not outright universal support. The historian is therefore faced with the task of explaining why New Jersey’s lawmakers chose to abandon their nascent egalitarianism with an amendment to

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160 New Jersey State Legislature, Election Reform, passed November 16, 1807 as cited by Philbrook, “Woman’s Suffrage in New Jersey Prior to 1807,” 97, fn. 18.
161 Ibid., 97.
163 According to one contemporary source, women were “admitted or rejected, just as may suit the views of the persons in direction” of the election, testifying to the fact that this general acceptance was by no means universal. William Griffiths, Eumenes, (Trenton, 1799), p. 33, as cited by Pole, “The Suffrage in New Jersey 1790-1807,” 55.
the election laws in 1807, stating, "No person shall vote...unless such person be a free, white, male citizen of this state."\(^{164}\)

Historians have identified an 1807 election in Essex County, held to determine the location of a new courthouse and jail, as the singular most important cause in precipitating the passage of the 1807 law.\(^{165}\) An intense rivalry existed between the towns of Newark and Elizabethtown, the two proposed sites of the new buildings, and the ensuing election produced a saturnalia of political corruption, “in which every kind of abuse was exploited with festive extravagance,” serving to focus criticism around the role of female suffrage in producing such “absurdities.”\(^{166}\) The fourth chapter will analyze this infamous election in greater detail.

While it is clear that these events in Essex provided a potent source of acute “indignation at election regularities,” other factors must have been influencing how lawmakers in New Jersey viewed their election laws, as the legislature had already proposed amendments to the election law of 1797 the year before the Essex election.\(^{167}\) Consequently, historians have proffered other explanatory factors to supplement the important role played by the 1807 “courthouse election.” For example, both Irwin Gertzog and, Judith Klinghoffer and Lois Elkis, have explained the disenfranchisement of New Jersey's women in 1807 in terms of contemporary partisan politics. According to Gertzog, women lost the vote because their exclusion from all public offices, coupled with the

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normative belief that women should not resort to “tactics fostering political mobilization,” rendered women unable to organize in response to the actions of Jeffersonian Republicans; the Republican political majority believed that it would benefit them politically to exclude “politically marginal groups” (i.e. single women and free blacks) from the electoral process.\textsuperscript{168} Similarly, Klinghoffer and Elkis claim that “the answers to all these questions [regarding the ‘the struggle over female suffrage in New Jersey’] are directly related to political expediency.”\textsuperscript{169} From this perspective, the electoral reform of 1807 is interpreted as a unifying measure, intended to mollify intra-party rivalry between moderate and liberal Republicans, who were split between Newark and Elizabethtown respectively in the corrupt plebiscite of 1807, and thus ensure Republican victory in the upcoming presidential election of 1808.\textsuperscript{170} While this focus upon the contemporary political context of partisan competition is helpful as an account of the events of 1807 in New Jersey electoral reform, it is incomplete and at times overly simplistic.

This chapter supplements these explanations, by arguing that the disenfranchisement of single women and free blacks in 1807 was symptomatic of a larger shift in national political ideology, as the “deferential” style of classical republicanism was displaced by the “rise of American democracy,” in the form of universal white male suffrage.\textsuperscript{171} A transformation in the concept of a qualified voter accompanied this shift in ideology, resulting in a process that Jacob Katz Cogan has termed “the look within.” “Whereas [republican ideology] had located a person’s capacity for political participation

\textsuperscript{168} Gertzog, "Female Suffrage in New Jersey, 1790-1807,” 57.
\textsuperscript{169} Klinghoffer and Elkis, "’The Petticoat Electors,’” 186.
\textsuperscript{170} Ibid.
externally (in material things, such as property), [democratic ideology] found these qualities internally (in innate and heritable traits, such as intelligence),” which came to be circumscribed by race and gender.172 This “look within” militates against the traditional “whig history of suffrage” as a continual, progressive expansion of the franchise towards true universal suffrage.173 In contrast, the history of American suffrage is a story of “both expansion and contraction, of inclusion and exclusion.”174 The republican discourse of the American Revolution unleashed a radical discourse of “equality and natural rights,” the limits of which were not yet clearly established. As the young nation struggled to define the outer bounds of the new republican body politic, a “conservative backlash” against the political claims of women and free blacks followed the “broadening of political opportunities for white males.”175 The New Jersey electoral reform of 1807 was emblematic of this process of Revolutionary backlash, as one piece of legislation retracted the ballot from feme soles and free blacks while simultaneously expanding the franchise to include all tax-paying white males.

I. The Rise of “Taxability” Democracy, Locally and Nationally

Although “democracy” is an almost universally exalted ideal in modern American politics, the republican utopia envisioned by the intellectual leaders of the Revolution was not democratic per se. As Stanley Elkins and Eric McKitrick have noted, “‘Democracy’ was not to emerge as a fully legitimate cultural value in America, commanding more or less

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175 Zagarri, Conservative Backlash, 10.
universal approval, until the 1830s” and the rise of mass party politics.\textsuperscript{176} Even after the turn of the nineteenth century, one prominent Federalist politician referred to democracy as “the government of the worst.”\textsuperscript{177} Although the Early Republic was a politically “deferential society,” which assumed that the common good was best served by the governance of the “most worthy, enlightened men,” the ideological seeds of American democracy existed in the “infant American republic of the 1780s.”\textsuperscript{178} In this way, the eventual triumph of the democratic impulse of the American Revolution illustrates how the intellectual leaders of republicanism “contributed to their own demise,” as the eventual product of the Revolution “proved more egalitarian than many of its leaders hoped or expected it would be in 1776.”\textsuperscript{179}

The democratic impulse in early American politics drew heavily upon the egalitarianism of Revolutionary discourse. According to Gordon Wood, “the idea of equality” was the “single most radical and powerful ideological force” produced by the Revolution, and the “new social order” of American democracy was thus an “extension” of the egalitarian strain in Revolutionary republicanism.\textsuperscript{180} The equality of all men, declared in the Declaration of Independence of 1776, was embedded within the republican ideal of citizenship; as Revolutionary-era Congressman and historian David Ramsay once said,

\begin{thebibliography}{99}
\bibitem{177} Wilentz, \textit{The Rise of American Democracy}, xvii.
\end{thebibliography}
equality provided the “life and soul of [the American] Commonwealth.”\textsuperscript{181} This egalitarian notion naturally prompted challenges to “every form authority and superiority,” including the idea of government by the “better sort of people.”\textsuperscript{182} Even as early as the 1780s, Thomas Jefferson, the intellectual spearhead of “the terms of American democratic politics,” employed this egalitarianism in arguments for the extension of the franchise:

> The influence over government must be \emph{shared among all the people}... It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier people; but it would be more effectually restrained by a \emph{extension of that right to such numbers} as would bid defiance to the means of corruption."\textsuperscript{183} [emphasis mine]

The “populist impulse” contained in such ideas combined with “transatlantic” political exchanges to push America “in the direction of popular politics” in the 1790s.\textsuperscript{184} Sean Wilentz has traced the philosophical roots of post-revolutionary suffrage reform to British theorists including Alergon Sydney and John Locke, as well as the “eighteenth-century international revolutionary Thomas Paine.”\textsuperscript{185} In his writings on the French Revolution, Paine vehemently criticized the institution of a “limited franchise,” and espoused the belief that the right to vote was the “root of freedom.”\textsuperscript{186} Stanley Elkins and Eric McKitrick have also tied the rise of popular politics in the 1790s to the political agitation inspired by the French Revolution and the Jay Treaty.\textsuperscript{187}

By the turn of the nineteenth century, the drive for democratic suffrage reform was gaining steam in many states, including New Jersey. In 1799, well-known New Jersey

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\textsuperscript{181} \textit{Ibid.}, 233.  \\
\textsuperscript{182} \textit{Ibid.}, 241.  \\
\textsuperscript{185} Sean Wilentz, "Property and Power," in Rogers, \textit{Voting and the Spirit of American Democracy}, 34.  \\
\textsuperscript{186} Chute, \textit{The First Liberty; a History of the Right to Vote in America, 1619-1850}, 281.  \\
\textsuperscript{187} Elkins and McKitrick, \textit{The Age of Federalism}, 451.
\end{flushright}
lawyer and Federalist William Griffith produced a pointed critique of New Jersey’s suffrage laws in his book *Eumenes*. Griffith’s recommendations for suffrage reform epitomized the “interrelation of inclusion and exclusion” in the process of “suffrage expansion in the nineteenth century,” by simultaneously advocating for the extension of democracy for white males and the disenfranchisement of propertied women and free blacks. In Griffith’s view, one of “the More Prominent Errors and Omissions of the Constitution of New-Jersey” of 1776 was its ambiguity on the right of women to vote. As he put it in *Eumenes*, “it is evident that women, generally, are neither, by nature, nor habit, nor education, nor by their necessary condition in society, fitted to perform this duty [of voting] with credit to themselves or advantage to the public.” Griffith proceeded to argue that the qualifications the suffrage in New Jersey should, at the very least, contain “the qualifications of a citizen of the United States.” While this position seems fairly innocuous, a racial and gendered definition of the electorate were implicit within this argument: “it is requisite—1st That he be a free white person.” [emphasis mine] With respect to such free white males, however, Griffith’s vision of the body politic was based on the democratic “criterion of taxability”:

“The poor man’s freedom is, perhaps, his sweetest enjoyment; ought he not then to be consulted in the choice of those, who have the power to infringe it? [...] He is subject to the payment of taxes, according to his property, or upon his poll; ought he not to participate in electing those who assess him?”

Griffith was not alone in calling for democratic reform in his state’s suffrage laws, nor was he unique in the exclusively white-masculine character of his democratic vision.

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188 Cogan, “The Look within,” 473.
190 Ibid., 37.
Between 1801 and the War of 1812, Maryland, South Carolina, and New Jersey enacted reductions in property qualifications for voting, and “state after state” withdrew the franchise from black men “from the years 1800 to 1850.” In New Jersey, other authors espoused views, similar to those of Griffith, presaging the exclusion of women and blacks from the populist impulse of the nineteenth century. Another Federalist author, under the pseudonym of “Aristides” questioned the legitimacy of Governor Joseph Bloomfield’s electoral victory by pointing to the characteristics of Bloomfield’s supporters in the contest. Aristides alleges that Bloomfield “came to the poll on the election, and brot [sic] the whole part of [his] female household entitled to vote.” Although Aristides grudgingly acknowledges, “You had a right to do so—I find no fault,” he seems to imply that these female votes are somehow less valid. The author proceeds to argue that Bloomfield’s “negro man” and the “Irish patriot” under his employ “reduce[d] the Freemen of New Jersey to a point of degradation” by “presuming to exercise the elective right.”

The Republican contemporaries of Griffith and Aristides were even less welcoming of female voting by this point. In 1802, the Republican newspaper The True American published an editorial questioning the validity of a recent Federalist electoral victory by inveighing against the gender and racial characteristics of the Federalist voters: “Does it not follow that the party in the Legislature [i.e. the Federalists] who with to dictate what shall and shall not be done, hold their power by the vote of one Negro woman, and the slave

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193 It is significant that both Griffith and Aristides are Federalists, as Klinghoffer and Elkis claim that first Federalists, and then Republicans, tried and failed to ingratiate themselves to female voters as a matter of political expediency, and then came to reject the legitimacy of female suffrage as a matter of political expediency.
194 “For the Federalist. Aristides- Number VI to Joseph Bloomfield,” Trenton Federalist (Trenton [N.J.], January 9, 1804).
to a Negro?!!”195 Within this one incredulous question about the innate qualities of a single black female voter, the author fuses the anxieties over race and gender in the electorate, which so often accompanied the ascent of democracy in New Jersey and the rest of the nation. In October of the same year, The True American published an editorial written under the pseudonym “A Friend to the Ladies” which argued against the practice of woman suffrage on the basis of their intrinsically non-political nature: “[Women are] timid and pliant, unskilled in politics, unacquainted with all the real merits of the several candidates, and almost always placed under the dependence or care of a father uncle or brother.” This “Friend to the Ladies” believed that female voters were the “passive tools” of partisan electioneering, and held that “female reserve and delicacy are incompatible with the duties of a free elector.”196 This argument epitomizes Cogan’s concept of “the look within” in the process of defining American democracy, as “A Friend to the Ladies” bases his argument on the internal, natural deficiencies that preclude women from political participation. This “Friend to the Ladies” also recognized, in a vein similar to Griffith, that “a principle of justice” dictated that “every free person who pays a tax should have a vote,” but he did not believe that this principle of justice applied to New Jersey’s single women. As the democratic impulse continued to gain momentum in New Jersey politics, electoral disputes spurred by intense partisan competition eventually led to the integration of this “look within” into New Jersey’s electoral statutes.

195 “For the True American,” The True American (Trenton [N.J.], December 6, 1802), Volume 2, Issue 92.
Chapter 4: “An Outrage on the Inestimable Right of Suffrage,” The Essex County Courthouse Election and the Electoral Reform of 1807

In February 1807, a referendum was held in Essex County to determine the site for a new county courthouse. The old courthouse, located in Newark, “had long been deemed insecure” and in need of replacement, and the legislature passed a law on November 5, 1806 which provided for the location of the new building to be determined by plebiscite. “An intense political and economic rivalry” existed between the two potential locations, Newark and Elizabeth, and contemporary observers reported that both towns “resorted to every conceivable fraud” in attempting to gain an advantage. When the polls opened on February 10, The Centinel of Freedom, a Newark newspaper, accurately predicted that the election would “be the most warm, active, and perhaps disputed election, ever witnessed in the county of Essex.”

Historians agree that during the election, “political morals” were discarded as “every kind of abuse was exploited with festive extravagance” by both sides, and many have interpreted the reported corruption as significant in pushing forward the election legislation of 1807. While it is clear that fraudulent electioneering took place—13,857 votes were reportedly cast, while no prior election in Essex had garnered more than 4,500—little empirical evidence exists to further substantiate these occurrences, and the historian is left only with the biased, second-hand accounts in vehemently partisan

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198 Edwin F. Hatfield, History of Elizabeth, New Jersey Including the Early History of Union County (New York: Carlton & Lanahan, 1868), 648.
newspapers for guidance. Previous historians have accepted these frequently polemical contemporary newspaper accounts of the election as objective and factual reports, without critically engaging with the political agendas that are embedded within the often sensationalist accounts of corruption grounded in racial and gender-based descriptions. In contrast, this chapter suggests that these gendered and racialized reports of chaos and corruption were virulent, and perhaps hyperbolic, expressions of a pre-existing desire to disenfranchise women and free blacks.

In the aftermath of this 1807 election, newspapers were flooded with aggressive condemnations of alleged electoral fraud, often displaying widespread anxiety over voting by unqualified or incapable women and blacks. In the Centinel of Freedom, one writer published a series of editorials under the pseudonym “Manlius,” criticizing the “perfidy” of Elizabethtown’s electoral practices. In his acrimonious censure of Elizabethtown’s electoral customs, Manlius includes female voting among the “species of corruption resorted to” in Elizabethtown, and blames the township’s officials for the advent of the practice in New Jersey: “It will be recollected that it was at Elizabethtown that the women were first introduced to the election poll in this county, and I believe in the state; that improper practice was done away with when their power ceased in the county.” Thus Manlius directly connects woman suffrage with corruption in the Essex election, charging Elizabethtown’s voters with “carrying on their usual vile practices, by taking almost everything that offered in human shape.” In another editorial, Manlius again airs his grievances with the electoral practices of Elizabethtown in overtly gendered terms,

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202 Hatfield, History of Elizabeth, New Jersey Including the Early History of Union County, 650.
reinforcing the association between femininity and electoral corruption: “the northern part of the county [Newark] did not observe a strict chastity at their several polls, [preventing] them [Elizabethtown] from carry[ing] the election by a prostitution of their own polls” (emphasis mine).204

Elizabethtown’s residents displayed a similarly intense preoccupation with gender as a marker of electoral qualification, and also integrated a racial element into their recriminations against Newark. For example, The New-Jersey Journal of Elizabethtown mocked the electoral burlesque in poetry, emphasizing the gender and race of these dubious electors:

For they call’d in bog trotters and negroes I’m told,
   And young boys and girls of a dozen years old—
   And wives they admitted to give in their votes
   And a great many changed both their hats and their coats...
   Nor Did they reject either white, brown, or black
   For each was their friend, both Tom Dick & Jack205

It is significant that this poet seems to categorically discredit the legitimacy of voting by “bog trotters” (Irishmen) and negroes, grouping them with minors, both male and female. With respect to women, the poet does not address the question of legal female voting (i.e. propertied feme soles), but he does reject the illegal votes of “wives,” again making an explicit connection between certain women’s ballots and electoral corruption. According to Marchette Chute, “even married women rushed out to vote and so did girls under twenty-one,” though neither group was legally entitled to the ballot; two ladies of Newark allegedly “voted six times each.”206 The illustration below (Figure 4) graphically depicts the perceived association of female voting with political chaos in 1807; the vertical axis divides

206 Chute, The First Liberty; a History of the Right to Vote in America, 1619-1850, 290.
the characters in the image by gender, with stern looking men, representing sound judgment and order, juxtaposed with apparently overzealous women crowding in to cast their ballots.

The poet from Elizabethtown also alluded to the practice of voting multiple times under different disguises, alleging that “a great many changed both their hats and their coats.” A “Querist,” writing for the Centinel of Freedom, charged that, “by shifting his dress and altering his name,” one “unprincipled wretch” from Elizabethtown of “voted THIRTEEN times [...] in one day, and that too, with consent and applause” from Elizabethtown’s foremost residents.207 Such accusations also take on a gendered character in the historical account, as Chute relates how men and boys “began dressing up as women to cast yet another vote themselves,” further contributing to the political saturnalia.208 It is notable that actual empirical evidence for such cross-dressing is sparse, and as Elizabeth Cady Stanton indicated, it is “tradition,” rather than empirical source material, which “shows that voting early and often in varied feminine costume was done by men.”209 Therefore, while empirical evidence of the effects of female and free black votes on the courthouse election is conspicuously lacking, it is clear that both contemporary polemicists and historical scholars have interpreted the pervasive corruption in the Essex county election of 1807 in highly gendered and racialized terms.

208 Chute, The First Liberty, 290. The practice of cross-dressing has a long and interesting history in New Jersey. According to Brendan McConville, men in colonial New Jersey would dress up as women and accost men accused of abusing their wives. This long-standing Anglo-American practice, known as “rough music,” was a popular extralegal means of policing the boundaries of political, social, and sexual normalcy in early modern society. For a detailed discussion of the history of “rough music” in New Jersey, see Brendan McConville, “The Rise of Rough Music: Reflections on an Ancient Custom in Eighteenth Century New Jersey,” in Riot and Revelry in Early America (University Park: Pennsylvania State University Press, 2002), 87-106.
When the votes were finally tallied, the corruption was undeniable. According to one contemporary commentator, the freedoms of Essex’s citizens “have been trampled on,” as “the whole population of the county of Essex [was] only 22,139, blacks and children included,” yet “13,857 votes [were] given” at the courthouse election. At the next meeting of the state legislature, the legality of the election, which was won by Newark, was challenged by a “Remonstrance and Petition of sundry inhabitants and electors of the county of Essex.” After considering the facts before them, the legislature quickly agreed that “little doubt can be entertained of the unfairness of the election, in some instances; and that a considerable number of illegal votes were received in several of the townships.”

A hearing on the matter followed a few weeks later, with arguments presented by both sides; the legislature then quickly passed an act to nullify the results of the election by a margin of twelve to one, with the lone negative vote coming from the recently elected representative from Essex.

Before the courthouse election was annulled, “the Bill, entitled A supplement to the Act, entitled, An act to regulate the election of the members of the Legislative Council and General assembly, Sheriffs and Coroners” was already under consideration in the state legislature, and the matter was discussed again at the same meeting where the petition against the Essex election was first introduced. This election reform would disenfranchise the females and blacks of New Jersey, while instituting “taxability” suffrage for white males. The preamble to the bill read as follows:

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211 *New Jersey Legislature*, “Minutes of the Proceedings of the Joint-Meeting” (October 30, 1807).
214 *New Jersey Legislature*, “Minutes of the Proceedings of the Joint-Meeting.”
WHEREAS doubts have been raised, and great diversities of practice obtained throughout the state in regard to the admission of aliens, females, and persons of color, or negroes, to vote in elections, also in regard to the mode of ascertaining the qualifications of voters in regard to estate.—...No person shall vote unless such a person be a free, white, male, citizen of this state... every person, in other respects entitled to a vote, who shall have paid a tax... [shall be] entitled to vote for all officers of government chosen by the people at large.\(^{215}\)

Given that this bill was introduced to the legislature well before the courthouse election was annulled, it is quite possible that the pre-existing questions about race, gender, and suffrage capacity shaped and contributed to the production of a gendered and racialized interpretation of the electoral debacle in Essex. Contemporary accounts clearly viewed the courthouse election as “a striking evidence of the miserably defective system of New Jersey elections,” as one writer in Trenton put it.\(^{216}\) The sponsor of the 1807 election reform, Dr. John Condict, capitalized upon such sentiments in garnering support for his bill: “In the term “inhabitants” they [the framers of the 1776 constitution] meant to include free, white, male citizens [...] the present corruptions in our elections, tho’ not expressly prohibited by the constitution, are flagrant abuses of the right of suffrage.”\(^{217}\) Although the election bill was sponsored by a Republican, the measure enjoyed wide bipartisan support, and ultimately was passed with only five votes against it.\(^{218}\) Under this new law, the institution of “taxability” suffrage essentially marked the end of the fifty-pound estate requirement in New Jersey’s voting history, embodying the rising tide of universal white male democracy. As Dr. Condict put it, “[a]s the constitution does not prohibit persons from voting not worth fifty pounds, the legislature may, without violating the instrument,


\(^{217}\) “Sketch of Mr. Condict’s Speech,” The True American (Trenton, N.J., November 23, 1807), Volume VI; Issue 351. According to J.R. Pole and Mary Philbrook, this bill Dr. John Condict of Essex County was a Republican lawmaker who nearly lost an election to a Federalist rival in 1797 due to the votes of Elizabethtown women. See Pole, “The Suffrage in New Jersey 1790-1807,” 53, 59 and Philbrook, “Woman’s Suffrage in New Jersey Prior to 1807,” 97.

extend the right of suffrage to others,” thereby replacing the external definition of suffrage capacity based in property with an internal definition circumscribed by race and gender.  

The election reform of 1807 thus simultaneously initiated a vast liberalization of the franchise with respect to white male citizens and the elimination of voting rights from propertied *feme soles* and free blacks. According to Richard P. McCormick, the taxability qualification was a truly democratizing measure, approximating universal white male suffrage in practice, as “few individuals escaped the net of the tax gatherer [...] there were few free, white adult, male citizens who could not qualify as electors.” While the advent

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219 “Sketch of Mr. Condict’s Speech.”
221 Pole, “The Suffrage in New Jersey 1790-1807,” 58; New Jersey, *Votes and Proceedings of the Thirty-Second General Assembly of the State of New-Jersey at a Session Begun at Trenton on the Twenty Seventh Day of*
of Jeffersonian democracy certainly initiated a general transition “from property to democracy” throughout the antebellum period, the coexistence of inclusion and exclusion in New Jersey’s 1807 reform demonstrates the inadequacy of this narrative of teleological progression in the history of American suffrage.\textsuperscript{222} With respect to women and free blacks, this episode in New Jersey voting history must be viewed as an important example of “backsliding and sideslipping” in the national narrative of the rise of American democracy; as Alexander Keyssar has stated, “history rarely moves in simple, straight lines, and the history of suffrage is no exception.”\textsuperscript{223}

It has been argued above that the philosophical underpinnings of the American Revolution contained the seeds of “a democratic philosophy” within the more deferential ideology of republicanism. “Every historian of the period” has related how Jefferson and others “invoked the philosophy of the Revolution in order to justify greater strides towards popular control of the government.”\textsuperscript{224} While the Revolutionary ideals of equality and liberty were “not initially intended to apply to women, these ideals were not, in theory limited to any particular nation, group, race, or sex.” Americans, both men and women, thus were faced with the task of defining the limits of this egalitarian discourse, and the possibilities that revolutionary politicization had opened for women were soon closed, in a process of limitation and restriction.\textsuperscript{225} As Linda Kerber has commented, “it is conceivable that New Jersey might have stood as precedent for other states” in its egalitarian suffrage

\textsuperscript{224} \textit{Ibid.}
\textsuperscript{225} Zagarri, \textit{Revolutionary Backlash}, 2-4.
laws. Instead, the election law of 1807 embodied a “conservative backlash” against the extension of Revolutionary equality to women and blacks, as “the era of democratization for men” was accompanied by a “narrowing of political possibilities” for women and blacks.

This interrelation between inclusion and exclusion in the rise of American democracy was symptomatic across the nation. Between 1815 and 1830, other states followed the precedent set by New Jersey, Maryland, and South Carolina in eliminating property qualifications, and by 1828, the year of Andrew Jackson’s election, only four out of twenty-four states (Rhode Island, Louisiana, Virginia, and North Carolina) retained any significant property qualifications on the franchise. In addition to the Revolutionary legacy of equality,” massive social changes contributed to the success of democratic politics in the antebellum era. Between 1800 and 1850, “new financial institutions, transportation improvements, and the rapid accumulation of American merchant capital hastened the decline of “old artisanal and yeoman social relations” and created ambitious “new local elites” from outside the ranks of the old gentry; many recent historians have referred to this social transformation in terms of a “market revolution,” which produced a class of men dedicated to “mobilizing support” for democratic reforms in “the state legislatures and constitutional conventions.”

This process of inclusion was almost always accompanied by “an antidemocratic reaction” towards the claims of certain groups. Between 1790 and 1850, the number of

\[\text{\footnotesize \ref{226} Kerber, \textit{Toward an Intellectual History of Women}, 37.} \]
\[\text{\footnotesize \ref{227} Zagarri, \textit{Revolutionary Backlash}, 2.} \]
\[\text{\footnotesize \ref{228} Wilentz, “Property and Power,” in Rogers, \textit{Voting and the Spirit of American Democracy}, 33.} \]
\[\text{\footnotesize \ref{229} Ibid., 35-36.} \]
\[\text{\footnotesize \ref{230} Keyssar, \textit{The Right to Vote}, 55.} \]
states that "formally excluded free African Americans" steadily increased, and Maryland, Connecticut, and New Jersey had all adopted legislation that “limited the franchise to whites before 1820.”\textsuperscript{231} Similarly, every state that entered the union after 1819 explicitly excluded blacks from voting, and by 1855, only five states (Massachusetts, Ohio, Indiana, and Wisconsin), containing just four percent of the nation’s black population, permitted blacks the right of suffrage.\textsuperscript{232} With respect to women’s suffrage, the idea was generally “dismissed with misogynist contempt” on the “rare occasion that male suffrage reformers even broached the subject.”\textsuperscript{233} Many nineteenth-century democrats would agree with the view presented by a Mr. Kelso at the 1850 constitutional debates in Indiana: “If it be the intention of the mover...to extend the right of suffrage to females and negroes, I am against it. ‘All free white male citizens over the age of twenty one years,’— I understand this language to be the measure of universal suffrage.”\textsuperscript{234}

\textsuperscript{231} Ibid., 54-55.
\textsuperscript{232} Ibid., 55.
\textsuperscript{233} Wilentz, “Property and Power,” in Rogers, Voting and the Spirit of American Democracy, 38.
\textsuperscript{234} As cited in Keyssar, The Right to Vote, 53.
Epilogue: “Women voted...yet no catastrophe... ensued”\textsuperscript{235}

As Gordon Wood put it, “the Revolution was the source of its own contradictions.”\textsuperscript{236} The Revolution created a republic founded on the notion that “all men are created equal,” yet at the same time, tolerated the existence of human bondage under its Constitution. Linda Kerber has identified the fact “that women remained on the periphery of the political community,” despite the numerous boycotts and demonstrations through which “women obviously entered the new political community created by the Revolution,” as “a measure of the conservativism of the Revolution” itself.\textsuperscript{237} Although many historians agree that women in New Jersey “accepted their exclusion with indifference” in 1807, by the 1830s, the paradox of slavery in the land of liberty and democracy had given rise to a new politicization of American women.\textsuperscript{238}

Women’s participation in the growing abolitionist movement in the 1830s and 1840s doubtlessly contributed to an increasing sensitivity to their own exclusion from American public life. Keith Melder has argued that “female abolition societies were direct ancestors of the equal rights movement,” as participation in a “public area of controversy” inevitably introduced new questions about the proper place of women in society.\textsuperscript{239} This growing political consciousness among many American women contributed to the emergence of an organized agitation for political rights, especially the right to vote.

\textsuperscript{236} Wood, \textit{The Radicalism of the American Revolution}, 230.
\textsuperscript{238} McCormick, \textit{History of Voting in New Jersey}, 99.
The woman suffrage movement in New Jersey was a unique process of “reclaiming lost ground,” as New Jersey’s suffragists reflected back upon the votes of their female predecessors decades earlier. In 1867, just a year before the adoption of the Fourteenth Amendment inserted the word “male” into the Constitution for the first time, the famous abolitionist and suffragist Lucy Stone gave an address before the New Jersey legislature, during which she hearkened back to the “period of thirty one years” during which New Jersey’s “women and negroes voted from 1776 to 1807.” Stone recounted the entire statutory history of New Jersey woman suffrage, from the 1776 Constitution to the election reform of 1807, and ultimately reached the conclusion that woman suffrage was not to be feared:

Women voted. Yet no catastrophe, social or political, ensued. Women did not cease to be womanly. They did not neglect their domestic duty. Indeed the noble character and exalted patriotism of the women of New Jersey all through the Revolution have been the subject of historical eulogy.

On behalf of New Jersey’s women, Stone was making a “peculiar and special claim,” concluding that the disenfranchisement of women in this state was actually illegal: “We have had this right. We have exercised it. It has been unjustly and illegally taken away, without our consent, without our being allowed to say a word in our own defence.”

Thus the struggle for the historical memory of woman suffrage in Early Republican New Jersey began, as Stone’s interpretation of the events contradicted William A. Whitehead’s article, written in 1848 for the New Jersey Historical Society from the

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240 McGoldrick and Crocco, *Reclaiming Lost Ground.*
242 Ibid., 13.
243 Ibid., 14-15.
perspective of "an opponent of female suffrage." In the monumental book *History of Woman Suffrage*, Elizabeth Cady Stanton criticized Whitehead's misogynist assumption that “'free white male citizens worth fifty pounds' could legislate for ‘aliens, women, and negroes' better than those classes could for themselves,” and even engaged with the “prejudices” of William Griffith in *Eumenes* a century earlier: "As to the point made by 'Eumenes,' ‘that women are not fit persons to take part in government,’ we have simply to say that...Women are so pre-eminently fitted for government, that the one fear in all ages among men has been lest by some chance they should be governed by women.”

Unfortunately, American lawmakers were more persuaded by the perspective of Griffith, Whitehead and “the persistently dominant sentiment in New Jersey was anti-suffrage” through the turn of the twentieth century. Though New Jersey was the first state to allow women to vote, and the first to have a suffrage association, it was not until 1920 that New Jersey women “were able to pressure a reluctant state legislature to ratify the Nineteenth Amendment,” thus restoring the ballot to women over a century after they first lost the vote.

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This thesis analyzed an historical phenomenon “not widely known” and “not sufficiently appreciated” to index larger ideological changes in the process of defining what citizenship would mean for the young American nation. In illuminating the connections

244 Ibid., 13.
247 Dodyk, “Education and Agitation.”
248 Gertzog, “Female Suffrage in New Jersey, 1790-1807,” 47.
between the ideological transition from republicanism to democracy at the national level, and the historical arc of female suffrage in New Jersey at the local level, this thesis has supplemented the historical understanding of a seemingly anomalous episode in the history of American voting. By positioning the votes of the “privileged fair” in New Jersey as symptomatic of a larger process of delimiting the boundaries of the democratic body politic in the nineteenth century, I have shown how female suffrage during this period can be better understood in the larger political and ideological context of the Early Republic.249

Regardless of the ambiguous original intention of the drafters of the original state constitution, I have illustrated that the enfranchisement of women in New Jersey was consistent with the republican notion of property as a signifier of independence and virtue, a view that Cogan would characterize as an extrinsic definition of suffrage capacity. As the democratic ideal of universal white male suffrage, defined by “taxability,” came to supplant republican notions of suffrage capacity, *feme sole* suffrage was no longer justifiable in New Jersey. Thus the disenfranchisement of women and free blacks under the election reform of 1807 was both an instantiation of Cogan’s conceptual “look within” in the definition of suffrage capacity and a presage of Zagarri’s “Revolutionary backlash” against the politicization of women and the radical egalitarian discourse unleashed in the wake of the Revolution.

This thesis also supplemented the prior historiography by providing a more critical interpretation of the political discourse surrounding the scandalous Essex county election of 1807 and the passage of the electoral reform which disenfranchised New Jersey’s women and free blacks while granting universal “taxability” suffrage to white males. I have

249 “For the True American,” *The True American* (Trenton [N.J.], October 25, 1802), Volume 2, Issue 86.
analyzed the contemporary narratives of the Essex referendum and New Jersey election reform in 1807, demonstrating how the ideological and political purposes of observers at the time contributed to a gendered and racialized portrayal of electoral corruption; the failure to acknowledge the biases inherent in such primary accounts has colored the previous historiographical understanding of these events. This interpretive problem in the historiography derives from the lack of empirical primary sources related to this subject in the documentary record, and therefore future historians interested in this subject must both be careful to critically interpret the second-hand accounts available in newspapers, while also searching for innovative ways to supplement the somewhat “enigmatic record” with documentary sources related to this subject.\textsuperscript{250} Future research must attempt to look beyond “personal papers, travelers’ reports, and...local party newspaper accounts,” and perhaps search the papers contemporary New Jersey political figures, besides William Livingston and William Paterson, for creative new insights into the story of women’s suffrage in the Early Republic.

Although New Jersey women’s suffrage during this period is “not sufficiently appreciated” in the historical account, this thesis is not simply a mission to rescue an obscure, but interesting, scenario in American history from a lack of historical recognition. By discussing the disenfranchisement of New Jersey’s \emph{feme soles} in the context of the expansion of “democratic power and participation” for white males, the historian gains insight into the dynamic process of defining the meaning and boundaries of American civic life.\textsuperscript{251} This thesis represents a window into the process by which “American democracy changed the gender dynamics of national identity,” leaving women in a paradoxical and

\textsuperscript{250} Kerber, \textit{Women of the Republic}, 289.
\textsuperscript{251} Wilentz, \textit{The Rise of American Democracy}. 
enigmatic state, at once “citizens and noncitizens.” The story of female citizenship in Early Republican New Jersey demonstrates how the radical egalitarian discourse of the Revolution was curtailed and processed into a white masculine vision of democratic citizenship. The onus of addressing this disconnect between the egalitarian promises of the Revolution and the reality of an exclusively white patriarchal civic body then fell to the emergent woman’s rights movement of antebellum America.

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