

SOCIAL REFORM ISSUES OF THE ANTEBELLUM ERA

Viewpoint 23A

Suffrage Should Not Be Based on Property (1821)

Nathan Sanford (1777–1838)

INTRODUCTION *The state constitutions of the original thirteen states made at the time of the American Revolution required property ownership as a qualification for voting. However, beginning in 1815, many of these states rewrote their constitutions to grant suffrage to all (white male) taxpayers—in part because they were losing people to the newer western states that had no such suffrage restrictions. During the 1821 New York convention called to revise the state constitution, Nathan Sanford, a lawyer and public official, chaired a committee that proposed extending the vote to virtually all white male taxpayers and those who served in the state militia. His speech recommending the committee's resolution to the convention is excerpted in the following viewpoint.*

What is the basic principle of the proposed voting reforms, according to Sanford? What importance does he attach to the experiences of other states?

The question before us is the right of suffrage—who shall or who shall not have the right to vote. The committee have presented the scheme they thought best; to abolish all existing distinctions and make the right of voting uniform. Is this not right? Where did these distinctions arise? They arose from British precedents. In England they have their three estates [the nobility, the clergy, and the commons], which must always have their separate interests represented. Here there is but one estate—the people. To me the only qualifications seem to be the virtue and morality of the people; and if they may be safely entrusted to vote for one class of our rulers, why not for all?

THOSE WHO BEAR THE BURDENS

In my opinion, these distinctions are fallacious. We have the experience of almost all the other states against them. The principle of the scheme now proposed is that those who bear the burdens of the state should choose those that rule it. There is no privilege given to property as such; but those who contribute to the public support we consider as entitled to a share in the election of rulers. The burdens are annual, and the elections are annual, and this appears proper. To me, and the majority of the committee, it appeared the only reasonable scheme that those who are to be affected by the acts of the government should be annually entitled to vote for those who administer it.

From *Reports of the Proceedings and Debates of the Convention of 1821, Assembled for the Purpose of Amending the Constitution of the State of New York* (Albany, NY, 1821).

Our taxes are of two sorts, on real and personal property. The payment of a tax on either, we thought, equally entitled a man to a vote, and thus we intended to destroy the odious distinctions of property which now exist. But we have considered personal service, in some cases, equivalent to a tax on personal property, as in work on the high roads. This is a burden and should entitle those subject to it to equivalent privileges. The road duty is equal to a poll tax on every male citizen of twenty-one years, of 62½ cents per annum, which is about the value of each individual's work on the road. This work is a burden imposed by the legislature—a duty required by rulers, and which should entitle those subject to it to a choice of those rulers.

Then, sir, the militia next presents itself; the idea of personal service, as applicable to the road duty, is, in like manner, applicable here; and this criterion has been adopted in other states. In Mississippi mere enrollment gives a vote. In Connecticut, as is proposed here, actual service, and that without the right of commutation, is required. The duty in the militia is obligatory and onerous. The militiaman must find his arms and accouterments and lose his time. But, after admitting all these persons, what restrictions, it will be said, are left on the right of suffrage? (1) The voter must be a citizen. (2) The service required must be performed within the year, on the principle that taxation is annual, and election annual; so that when the person ceases to contribute or serve, he ceases to vote.

A residence is also required. We propose the term of six months, because we find it already in the constitution; but we propose this residence in the state and not in the county or town, so that, wherever a voter may be at the time of election, he may vote there if he has been a resident of the state for six months. The object of this was to enable those who move, as very many do, in the six months preceding an election, out of the town or ward in which they have resided, to retain the right of voting in their new habitations. The term of six months is deemed long enough to qualify those who come into our state from abroad to understand and exercise the privileges of a citizen here.

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THE WHOLE MALE POPULATION

Now, sir, this scheme will embrace almost the whole male population of the state. There is, perhaps, no subject so

purely matter of opinion as the question how far the right of suffrage may be safely carried. We propose to carry it almost as far as the male population of the state. The Convention may perhaps think this too broad. On this subject we have much experience; yet there are respectable citizens who think this extension of suffrage unfavorable to the rights of property. Certainly this would be a fatal objection, if well founded; for any government, however constituted, which does not secure property to its rightful owners is a bad government. But how is the extension of the right of suffrage unfavorable to property? Will not our laws continue the same? Will not the administration of justice continue the same? And, if so, how is private property to suffer? Unless these are changed, and upon them rest the rights and security of property, I am unable to perceive how property is to suffer by the extension of the right of suffrage.

But we have abundant experience on this point in other states. Now, sir, in many of the states the right of suffrage has no restriction; every male inhabitant votes. Yet what harm has been done in those states? What evil has resulted to them from this cause? The course of things in this country is for the extension and not the restriction of popular rights. I do not know that in Ohio or Pennsylvania, where the right of suffrage is universal, there is not the same security for private rights and private happiness as elsewhere.

Viewpoint 23B

Suffrage Should Be Limited to Property Holders (1821)

James Kent (1763–1847)

INTRODUCTION *During the first decades of the American republic, suffrage was considered the right and responsibility of established and self-supporting property holders. By the 1820s, however, such views were in the minority as a new generation of Americans called for increased democracy in voting and other areas of society, and states began to lift voting restrictions. One opponent of such a reform was James Kent, a leading jurist in New York. The following viewpoint is taken from a debate at a New York state convention in 1821; Kent is responding specifically to a committee suggestion that property ownership requirements for voting be removed (see viewpoint 23A). He argues that members of the state senate (one half of the state's legislature) be elected by farmers and other property owners. Kent's arguments were unsuccessful; New York joined other states in passing universal suffrage, at least among white adult males.*

What contrasts does Kent draw between farmers and manufacturers? What arguments does he make about the city of New York?

I must beg leave to trespass for a few moments upon the patience of the [Sanford] committee while I state the

reasons which have induced me to wish that the Senate should continue, as heretofore, the representative of the landed interest and exempted from the control of universal suffrage. I hope what I may have to say will be kindly received, for it will be well intended. But, if I thought otherwise, I should still prefer to hazard the loss of the little popularity which I might have in this house, or out of it, than to hazard the loss of the approbation of my own conscience. . . .

THE IDOL OF UNIVERSAL SUFFRAGE

The Senate has hitherto been elected by the farmers of the state, by the free and independent lords of the soil, worth at least \$250 in freehold estate, over and above all debts charged thereon. The governor has been chosen by the same electors, and we have hitherto elected citizens of elevated rank and character. Our assembly has been chosen by freeholders, possessing a freehold of the value of \$50, or by persons renting a tenement of the yearly value of \$5, and who have been rated [valued for purposes of taxation] and actually paid taxes to the state. By the report before us, we propose to annihilate, at one stroke, all those property distinctions and to bow before the idol of universal suffrage. That extreme democratic principle, when applied to the Legislative and Executive departments of government, has been regarded with terror by the wise men of every age, because in every European republic, ancient and modern, in which it has been tried, it has terminated disastrously and been productive of corruption, injustice, violence, and tyranny. And dare we flatter ourselves that we are a peculiar people who can run the career of history, exempted from the passions which have disturbed and corrupted the rest of mankind? If we are like other races of men, with similar follies and vices, then I greatly fear that our posterity will have reason to deplore, in sackcloth and ashes, the delusion of the day.

THE AGRICULTURAL INTEREST

It is not my purpose at present to interfere with the report of the committee, so far as respects the qualifications of electors for governor and members of assembly. I shall feel grateful if we may be permitted to retain the stability and security of a Senate, bottomed upon the freehold property of the state. Such a body, so constituted, may prove a sheet anchor amid the future factions and storms of the republic. The great leading and governing interest of this state is, at present, the agricultural; and what madness would it be to commit that interest to the winds. The great body of the people are now the owners and actual cultivators of the soil. With that wholesome population we always expect to find moderation, frugality, order, honesty, and a due sense of independence, liberty, and justice. It is impossible that any people can lose their liberties by internal fraud or violence so long as the country

is parceled out among freeholders of moderate possessions, and those freeholders have a sure and efficient control in the affairs of the government. Their habits, sympathies, and employments necessarily inspire them with a correct spirit of freedom and justice; they are the safest guardians of property and the laws.

We certainly cannot too highly appreciate the value of the agricultural interest. It is the foundation of national wealth and power. According to the opinion of her ablest political economists, it is the surplus produce of the agriculture of England that enables her to support her vast body of manufacturers, her formidable fleets and armies, and the crowds of persons engaged in the liberal professions and the cultivation of the various arts.

Now, sir, I wish to preserve our Senate as the representative of the landed interest. I wish those who have an interest in the soil to retain the exclusive possession of a branch in the legislature as a stronghold in which they may find safety through all the vicissitudes which the state may be destined, in the course of Providence, to experience. I wish them to be always enabled to say that their freeholds cannot be taxed without their consent. The men of no property, together with the crowds of dependents connected with great manufacturing and commercial establishments, and the motley and undefinable population, of crowded ports, may, perhaps, at some future day, under skillful management, predominate in the assembly, and yet we should be perfectly safe if no laws could pass without the free consent of the owners of the soil. That security we at present enjoy; and it is that security which I wish to retain. . . .

A CHANGING NATION

We are no longer to remain plain and simple publics of farmers like the New England colonists or the Dutch settlements on the Hudson. We are fast becoming a great nation, with great commerce, manufactures, population, wealth, luxuries, and with the vices and miseries that they engender. One-seventh of the population of the city of Paris at this day subsists on charity, and one-third of the inhabitants of that city die in the hospitals; what would become of such a city with universal suffrage? France has upward of 4 million, and England upward of 5 million of manufacturing and commercial laborers without property. Could these kingdoms sustain the weight of universal suffrage? The radicals in England, with the force of that mighty engine, would at once sweep away the property, the laws, and the liberties of that island like a deluge.

The growth of the city of New York is enough to startle and awaken those who are pursuing the *ignis fatuus* [will o' the wisp] of universal suffrage. In 1773 it had 21,000 souls; in 1801 it had 60,000; in 1806 it had 76,000; in 1820 it had 123,000. It is rapidly swelling

into the unwieldy population, and with the burdensome pauperism, of a European metropolis. New York is destined to become the future London of America; and in less than a century that city, with the operation of universal suffrage and under skillful direction, will govern this state.

The notion that every man that works a day on the road, or serves an idle hour in the militia, is entitled as of right to an equal participation in the whole power of the government is most unreasonable and has no foundation in justice. We had better at once discard from the report such a nominal test of merit. If such persons have an equal share in one branch of the legislature, it is surely as much as they can in justice or policy demand. Society is an association for the protection of property as well as of life, and the individual who contributes only one cent to the common stock ought not to have the same power and influence in directing the property concerns of the partnership as he who contributes his thousands. He will not have the same inducements to care, and diligence, and fidelity. His inducements and his temptation would be to divide the whole capital upon the principles of an agrarian law. . . .

We are destined to become a great manufacturing as well as commercial state. We have already numerous and prosperous factories of one kind or another, and one master-capitalist, with his 100 apprentices, and journeymen, and agents, and dependents, will bear down at the polls an equal number of farmers of small estates in his vicinity who cannot safely unite for their common defense. Large manufacturing and mechanical establishments can act in an instant with the unity and efficacy of disciplined troops. It is against such combinations, among others, that I think we ought to give to the freeholders, or those who have interest in land, one branch of the legislature for their asylum and their comfort. Universal suffrage, once granted, is granted forever and never can be recalled. There is no retrograde step in the rear of democracy. However mischievous the precedent may be in its consequences, or however fatal in its effects, universal suffrage never can be recalled or checked but by the strength of the bayonet. We stand, therefore, this moment, on the brink of fate, on the very edge of the precipice. If we let go our present hold on the Senate, we commit our proudest hopes and our most precious interests to the waves.

FOR FURTHER READING

- Eric Foner, *The Story of American Freedom*. New York: W.W. Norton, 1999.
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- Merill D. Peterson, ed., *Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820s*. Indianapolis: Bobbs-Merrill Co., 1966.

Chilton Williamson, *American Suffrage from Property to Democracy, 1760–1860*. Princeton, NJ: Princeton University Press, 1960.