

Female Suffrage in New Jersey, 1790-1807

Irwin N. Gertzog

SUMMARY. Conventional descriptions of how New Jersey women secured the right to vote in the late eighteenth century, and of the extent to which they took advantage of that right, tend to be incomplete. Moreover, the subsequent disenfranchisement of women was not principally a product of corruption in an 1807 Essex County referendum, as some maintain, as much as it was a result of a shift in the balance of power within the state.

The fact that women voted in New Jersey during the post-Revolutionary-War period is not widely known and, among those who are aware of it, not sufficiently appreciated. History texts sometimes make fleeting references to it, and studies of voting in the United States treat it as a peculiar and unimportant aberration. Few attempt to explain or even to describe the circumstances under which women secured the right to vote, the frequency with which eligible women went to the polls, or the reasons for which the state legislature later repealed women's suffrage. (See, for example, Porter 1918, and Williamson 1960.)

This article is a partial summary of a larger study of women voters in New Jersey during the late eighteenth and early nineteenth centuries. It addresses the three questions alluded to above. First, why did New Jersey confer the franchise on women in the late eighteenth century, when by all indications there was not another state in the union even considering taking such a step? Second, once given the vote, to what extent did eligible women make use of it?

Irwin N. Gertzog is affiliated with Allegheny College.

© 1990 by The Haworth Press, Inc. All rights reserved.

47

And, third, what circumstances prompted New Jersey lawmakers to disenfranchise women in 1807?

ENFRANCHISING NEW JERSEY WOMEN

Most explanations of why New Jersey women were given the vote in the post-Revolution period are linked to two central facts. The first is that the New Jersey constitution of 1776 contained an unusually permissive suffrage provision. The second is that an influential Quaker lawmaker who believed in the equality of women was able successfully to impose his egalitarian values on his colleagues in the state legislature.

The 1776 New Jersey constitution conferred the vote on "all inhabitants" who met specified property and residence requirements. No prohibition was imposed explicitly on women residents who satisfied the property requirement ("50 pounds clear estate"), and nothing in the document limited the vote to males. In short, the constitution was silent with respect to the relationship between gender and voting rights.

One reason for the constitutional convention's use of so broad an expression as "all inhabitants" is that delegates were pressured to employ it by New Jersey citizens who, until then, had been unable to satisfy more proscriptive eligibility requirements. Many of these residents were expected in the months ahead to provide much of the money and manpower needed to end British rule through the force of arms. By using the phrase "all inhabitants," the framers of the constitution were sending a signal to the men who would finance and fight the war that the new state was prepared to be generous in the distribution of political rights. Wider public support for the new constitution and for the Revolution was expected in return (Erdman 1929, 31-32; Pole 1956, 189; Turner 1916, 166-167).

Another explanation for the permissive language is that the delegates meeting in New Brunswick did not have the time to fashion more specific restrictive terminology. The convention was itself an act of rebellion, and its participants had already ordered the arrest of the colonial governor. When word reached the New Brunswick conferees, at the end of June 1776, that General Howe and his British forces had anchored off New Jersey's Sandy Hook, they feared

that the British army might force them to end their convention before a constitution could be drafted. In the face of this military threat, the rebels hurried their work and adopted a document that failed to incorporate details that a more deliberative body would almost certainly have demanded (Erdman 1929, 47; Turner 1916, 166).

These explanations would be more persuasive if New Jersey had been the only state whose first constitution neither limited the vote to men nor explicitly excluded women. In fact, the constitutions and laws of several of the 13 original states were similarly silent on the relationship between gender and the franchise (Porter 1918, 20). Political leaders in these states, and perhaps in New Jersey as well, apparently assumed that it was unnecessary to prohibit female suffrage. They seem to have concluded that, since women were not eligible to vote prior to the Revolution, no one would expect them to vote after the attainment of independence. As we now know, these expectations were borne out in all states save New Jersey.

There is little evidence that women voted in the years immediately following the Revolution, but when the legislature revised its election law in 1790 the phrase "he or she" was incorporated to refer to eligible voters. The credit for effecting this change is generally given to Joseph Cooper, a lawmaker from Gloucester County. Cooper was a Quaker, a member of a religious sect that had a significant following in a territory once known as "West Jersey." At the time, that region consisted of Cape May, Hunterdon, Cumberland, Burlington, and Salem counties, in addition to Gloucester, and it generally constituted an area that we know today as southern New Jersey. Quakers made up the most numerous religious sect in the last three of these counties, and the conservative economic and political orientations of its devotees dominated most of that region (Pasler and Pasler 1969, 198-199).

Quaker doctrine with respect to the role of women in religious life, however, was decidedly untraditional. Unlike virtually all other religious groups in the country at that time, the Quakers believed in some measure of political and social equality between men and women, and Cooper seems to have held this view as fervently as any of his coreligionists.

It has been said that the Gloucester County lawmaker was a

member of the legislative committee appointed to draft what became the 1790 Election Law, and that he used his position on the panel, along with the high regard in which he was held, to persuade colleagues to recognize the valuable contribution that women could make to society and to the state. Accordingly, female suffrage in New Jersey has been attributed to the influence of the large number of Quaker residents within its boundaries, along with the leadership of Joseph Cooper (Pole 1953, 52-53; Turner 1916, 168; Whitehead 1858, 102).

An investigation into Cooper's role in passing the Election Law and into the circumstances under which the phrase "he or she" was inserted into the Law suggests that the conventional account of these events is at least partly incorrect and almost certainly incomplete. In the first place, Cooper, although a member of the legislature at the time, was not a member of the committee that drafted and reported out the Election Law (McCormick 1953, 93). It is true that Cooper authored an important election statute that was passed in 1797, and it is also true that the 1790 measure was introduced by a Quaker from Gloucester County. But Cooper was not the sponsor of the 1790 measure, and there is no evidence that he was the driving force behind its adoption. Second, appealing though it may be to attribute egalitarian motives to those who helped New Jersey women secure the vote, there seems to be a more compelling explanation for female suffrage than the one offered in the few sources that explore the subject. This interpretation has its roots in the bitter political battle that took place the year before, during the winter and spring of 1789, when New Jersey was selecting its Representatives to the first United States Congress. The state legislature declared that the four New Jersey seats in the U.S. House of Representatives would be chosen at large, rather than from single-member districts. Accordingly, a group of conservatives—most of them businessmen, many of them Quakers, a large majority of them from the southern counties, and all of them destined to be members of the Federalist Party—organized a slate of candidates that reflected their sponsors' economic, partisan, and regional preferences. This slate came to be referred to as the "Junto" ticket (McCormick 1949, 242).

The tactics employed by those who crafted and supported the

Junto ticket included, first of all, gaining control of the election process in the southern counties and keeping the polls there open for weeks beyond their customary closing dates. Given the considerable length of time that it took many residents to travel to election sites, polls were often open for two or more days. However, Junto sponsors went well beyond the accepted practices of the period to ensure that voters sympathetic to their House candidates would have sufficient time to cast their ballots.

Second, they awaited the election results from the northern counties before counting votes recorded in the southern counties so that they could determine how large a margin the Junto ticket would be required to overcome in order to carry the state (McCormick 1949, 244). Third, they arranged subsequently to have the state legislature ignore the vote count from Essex County, an opposition stronghold, which had kept its polls open for an even longer period of time than Junto politicians had managed to get away with—accepting votes from February 11 to April 27 (McCormick 1949, 247).

These events must surely have influenced the state legislature when it convened the next year to consider a new election law. The measure that was finally adopted limited the number of days during which polls could be kept open and prescribed the manner in which votes should be counted. But the lawmakers, a majority of whom apparently possessed the same conservative, proto-Federalist preferences that had fueled the Junto victory in 1789, did not confine their attention to election machinery. They also conferred the vote on those women who could meet residence and property requirements. However, while adopting the phrase “he or she” when referring to potential voters, they limited the reach of the entire statute to only seven of the 13 counties. Four of the seven contained the highest concentration of Quaker residents, and all seven boasted considerable, if not overwhelming, incipient Federalist Party strength. The lawmakers also provided for establishment of polling places in each township within the seven counties, thereby assuring greater turnout in them than in the remaining six, where voting sites were less numerous and less accessible (Acts of the 15th New Jersey General Assembly, November 18, 1790, 670).

Apparently these legislators reasoned that, if they were to continue to win elections in the future, women, an element of the popu-

lation that until then had been disfranchised, would need to be granted the right to vote in those counties in which loyalty to conservative principles was an article of faith. The remaining six counties, some of which were already showing radical, Jeffersonian predilections, would thus be forced to overcome – with the votes of males alone – the numerical advantage that conservative candidates would secure from both male and female supporters in the seven heavily Federalist counties.

Thus the egalitarian motives alleged to have prompted Quakers and others to confer the vote on New Jersey women were probably less important in achieving that result than the struggle for economic and political power within the state.

FEMALE VOTER TURNOUT

Just how often women voted in elections after 1790 is difficult to determine. Some believe that female turnout was generally light (Dinkin 1982, 42; Prince 1967, 134). On the other hand, many scholars distinguish between the years preceding and those following 1797, the year in which an election law extended the vote to women in the six counties that were unaffected by the earlier statute; they maintain that from 1790 to 1797 female turnout was barely perceptible (McCormick 1953, 78; Pole 1953, 44; Whitehead 1858, 102). Several scholars point out that, because women did not actively seek the vote, they were disinclined to take the trouble to go to the polls once they had received it. Supporters of this view base their conclusion on the observation that newspapers of the period made little or no mention of women's election day activities. A high turnout, these historians reason, would certainly have occasioned explicit press coverage (Pole 1953, 44; Turner 1916, 170).

They could be right, of course, but the newspaper accounts upon which they tend to rely were published in counties that had not yet extended the vote to women – Essex and Middlesex counties, for example. Publications appearing in, say, Burlington and Gloucester counties before 1797 are not cited by those who have studied female suffrage during this period.

Most of these same commentators agree, however, that following passage of the 1797 Act women began to appear at the polls in

considerable numbers (Pole 1953, 53; Turner 1916, 186). Frequent allusion is made to an item in the Newark *Centinel of Freedom* estimating that 75 women in the (then) Essex County community of Elizabeth voted in the 1797 state legislative contest. Later, the Trenton *True American* reported that female turnout rose to “alarming heights” in the election of 1802, possibly making up as much as 25% of the total vote cast.

This increase in female participation is explained as a product of the feverish get-out-the-vote drives by emerging political parties (Pole 1953, 59). By the late 1790s, fledgling Federalist and Jeffersonian Republican Party organizations had begun to appear and contests for office had become more competitive. According to many who have written about this period, both parties increased their efforts to capture the women’s vote (Griffith 1799, 33; Pole 1953, 53; Whitehead 1858, 103). Thus the parties are portrayed as opportunistic, and women voters are viewed as willing, mindless pawns—characteristics rarely attributed by these commentators to males, many of whose electoral choices seem to have been dictated by the people by whom they were employed (Pasler and Pasler 1969, 198-199).

It seems reasonable to conclude that women probably voted as frequently as one might expect any newly enfranchised group of people to vote—people not yet accustomed to participating in elections. Moreover, turnout apparently was affected by the same legal and political factors that normally influence the participation of any aggregation of would-be voters: More women tended to go to the polls when contests were hotly contested, when counties had more polling sites, when voting was by secret ballot rather than open declaration of preference, and when more important offices were at stake. Thus, newspapers reported a heavy female turnout for the 1800 Presidential election, with Jeffersonian Republicans celebrating the role of New Jersey women in that contest even though their candidate had not carried the state (*Centinel of Freedom*, March 17, 1801). An unexciting 1807 legislative contest in one Burlington County community saw women make up only 12% of the total vote (De Cou 1929, 50).

These proportions may seem small, but New Jersey women of the period were forced to confront several important deterrents to

voter participation. One involved the manner in which they were forced to cast their votes. Many counties chose officials by voice vote, and most polling places were located in taverns. This meant that a woman who had not had much experience with politics would have to go to a tavern alive with men in high spirits and, in the presence of candidates buying drinks for potential supporters, announce her choices (Pasler 1964, 53-54). This must surely have been a daunting experience even for the most determined women. In fact, the order in which names appear on the few available voting lists of the period suggests that women came to the polls in groups, thereby providing one another with the psychic support and the courage to announce their candidate preferences in what must often have been an unsavory setting.

Whatever the proportion of women who made use of the franchise, most historians have concluded that they did not object to the loss of their voting rights (McCormick 1953, 98-99; Turner 1916, 185). This inference is based, in part, on the fact that women did not insert items in the newspapers to decry the injustices of the 1807 Election Act. The claim is further justified by the observation that memorials from women to the state legislature demanding reinstatement of female suffrage were conspicuous by their absence. But the fact that women's names rarely appeared as authors of *any* newspaper items, and the fact that petitions and memorials to the state legislature seldom bore women's names except in connection with a few circumscribed issues—requests for divorce, for example (Kerber 1986, 87)—make these inferences questionable.

DISENFRANCHISING NEW JERSEY WOMEN

Historians tend to agree about the reasons why women were deprived of the right to vote in 1807. Most suggest that the public grew increasingly dissatisfied with the frequency with which one or the other of the political parties tried to exploit women by “herding” them to the polls, where they were perceived to cast their votes mindlessly for candidates about whom they knew virtually nothing (McCormick 1953, 99). Added to this growing irritation

was the occurrence in 1807 of a corrupt referendum in Essex County in which women were said to have played a visibly ignoble part (Prince 1967, 134).

The referendum pitted the residents of Elizabeth against those of Newark in determining the location of the county seat. It seems that Essex County needed a new courthouse and jail, and each of its two largest communities vied for a site within or near its own boundaries. When county officials could not agree on which of the two to favor, they persuaded the state legislature to authorize a referendum so that the citizenry of the entire county could decide the issue (Turner 1916, 181).

The voting took place over a three-day period, with the polls established first in Springfield for a day, then moved to Elizabeth for a day, and finally set up in Newark for the final day of balloting. Residents of the contending communities shamelessly moved from site to site and voted at each, sometimes cloaked in a disguise. It was reported that male youths, dressed as women, cast multiple ballots, and that both men and women were guilty of registering their choices on two or more occasions. A few darkened their faces with charcoal and voted in the guise of free blacks (Prince 1967, 134; Turner 1916, 182).

When the ballots were counted, Newark had won, but the total numbers of votes recorded in some precincts were suspiciously, even outrageously, high. In Newark, where 1,600 people had voted in the election of 1806, 5,000 ballots were cast in the referendum a few months later. In the town of Springfield, 300 people had voted in the preceding legislative contest and more than 2,400 votes were recorded in the referendum. The fraud was so palpable that the state legislature eventually threw out the result (Turner 1916, 183).

According to most published accounts, the drive for reform was now irresistible. In October 1807, the legislature limited the vote to "free, white, male citizens" 21 years of age (Acts of the 32nd New Jersey General Assembly, November 16, 1807, 14). All at once, state lawmakers had disenfranchised free blacks, noncitizens, and women in an action that they believed was justified by the need to rationalize the administration of elections and to reduce political corruption. That most of the illegal activities associated with the

referendum had been engaged in by white males seems not to have mattered. What was important to lawmakers was that the potential voting power of three "easily manipulated" and marginal groups should not be abused by unscrupulous elements of the white, male majority. And the way to resolve the problem was simply to deny members of these groups the right to vote.

But, like the conventional explanation for how New Jersey women secured the franchise in 1790, this account, too, is incomplete. The need for election reform was certainly highlighted by misdeeds in the Essex County referendum. But several fundamental changes had taken place within New Jersey since 1790, and these changes altered the distribution of power within the state. In 1801, the Jeffersonian Republicans replaced the Federalists as New Jersey's dominant political party, and the locus of power moved to the more populous northern counties (Pasler and Pasler 1974). In 1804, the legislature voted to free the slaves within the state on a gradual basis; since the great majority of slaves resided in the northern counties, that region stood to increase significantly its voting power vis-à-vis the southern counties.

Since many of the northern Jeffersonian Republicans had never been comfortable with women's suffrage, and since southern conservative Federalists were probably fearful that the much larger number of northern voters would be swelled further by an increase in black voters, legislators from both regions agreed to strip the vote from both groups.

Even if southern legislators had not been party to this possibly inexplicit bargain among lawmakers, the disenfranchisement of women would almost certainly have occurred before long, for what was happening in New Jersey cannot be isolated from similar developments in other states. By the beginning of the nineteenth century, almost all states were extending the vote to larger and larger proportions of white males. At the same time, however, state after state took steps legally to deny that privilege to their marginal populations. Virtually every northern state disenfranchised free blacks and aliens (Wesley 1947, 154). For women, a return to second-class citizenship occurred only in New Jersey, because they had never been empowered to vote in any other state.

CONCLUSION

In sum, women were given the vote in 1790 less because of the egalitarian spirit characteristic of Quakerism than because of the clash of economic, partisan, and regional forces and the struggle for political control of the state. Once they got the vote, women were not simply hustled to the polls when signaled to do so in order to support predesignated candidates; they seem to have responded to the same political forces that motivated males. When polls were readily accessible, when elections were closely contested, and when the stakes were high, they turned out.

Later, they lost the vote not so much because a few (out of a weakness believed to be common to their sex) had engaged in illegal behavior in an Essex County referendum; they were deprived of the vote largely because, as women, unable to hold public office and forbidden by the norms of the period from resorting to tactics fostering political mobilization, they could not protect themselves from a resourceful majority who wanted to reform the election process and believed that it was in their own interests to disenfranchise politically marginal groups.

REFERENCES

- Acts of the 15th New Jersey General Assembly. November 18, 1790.
Acts of the 32nd New Jersey General Assembly. November 16, 1807.
De Cou, G. 1929. *Moorestown and Her Neighbors*.
Dinkin, Robert J. 1982. *Voting in Revolutionary America: A Study of Elections in the Original Thirteen States, 1776-1789*. Westport, CT: Greenwood Press.
Erdman, C. R. 1929. *The New Jersey Constitution of 1776*.
Griffith, W. 1799. *Eumenes*.
Kerber, Linda K. 1986. *Women of the Republic: Intellect and Ideology in Revolutionary America*. Chapel Hill, NC: The University of North Carolina Press.
McCormick, Richard P. 1949. "New Jersey's First Congressional Election, 1789: A Case Study in Political Skulduggery." *The William and Mary Quarterly* series 3, no. 6.
McCormick, Richard P. 1953. *The History of Voting in New Jersey: A Study of the Development of Election Machinery, 1664-1911*.
Pasler, Rudolph J. 1964. "The Federalist Party in Burlington County, New Jersey." Master's thesis. University of Delaware.

- Pasler, Rudolph J., and Margaret C. Pasler. Winter 1969. "Federalist Tenacity in Burlington County, 1810-1824." *New Jersey History* 87:197-210.
- Pasler, Rudolph J., and Margaret C. Pasler. 1974. *The New Jersey Federalists*. Rutherford, NJ: Fairleigh Dickinson University Press.
- Pole, J. R. 1953. "The Suffrage in New Jersey, 1790-1807." *Proceedings of the New Jersey Historical Society*.
- Pole, J. R. July 1956. "Suffrage Reform and the American Revolution in New Jersey." *Proceedings of the New Jersey Historical Society* 74:173-194.
- Porter, Kirk H. 1918. *History of Suffrage in the United States*. Westport, CT: Greenwood Press.
- Prince, Carl E. 1967. *New Jersey's Jeffersonian Republicans: The Genesis of an Early Party Machine, 1789-1817*. Chapel Hill, NC: University of North Carolina Press.
- Turner, E. R. 1916. "Women's Suffrage in New Jersey: 1790-1807." *Smith College Studies in History* 1(4).
- Wesley, Charles H. 1947. "Negro Suffrage in the Period of Constitution-Making, 1787-1865." *The Journal of Negro History* 32:143-168.
- Whitehead, W. A. 1858. "A Brief Statement of the Facts Connected With the Origin, Practice and Prohibition of Female Suffrage in New Jersey." *Proceedings of the New Jersey Historical Society* series 1, no. 8.
- Williamson, C. 1960. *American Suffrage: From Property to Democracy, 1760-1860*.