

WOMEN'S SUFFRAGE IN NEW JERSEY: 1790-1807

During the Spring Semester of 2000 I took a class on Women in America. During the course of the class the Professor casually made a remark that women could not vote in America during and right after the Revolutionary War. This struck me as odd because I had read in an Eighth Grade text that women had had the right to vote in New Jersey. If it was true that women could vote in either state, this brought up the question in my mind as to why history either glosses over this little known fact or ignores it altogether. And if it was true, then why did women just sit idly by and let themselves be disfranchised?

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about this subject, the more intrigued I became with it.

Why wasn't there an uproar from the females of New Jersey? As pre-Revolutionary America shows, if one goes on the premise that once a freedom is given it can never be fully taken back, then why did this happen? Why was it that women in New Jersey did not take up the cry for suffrage until forty years later in 1844? The more I thought



Howard Pyle, Harper's Weekly, 1880. "Women at the Polls in New Jersey in the Good Old Times."

women's suffrage, has given insight to the intense political battles between the Federalists and the Republicans.

The professor of the class, Dr. Anderson, pointed me in the direction of a doctoral thesis written by Delight Dodyk, an associate of hers at Rutgers University. The thesis, though, was a bit disappointing since Ms. Dodyk only allowed one paragraph for the topic of women's suffrage between 1790 and 1807 in New Jersey. This deepened my resolve and I started to look deeper. This led me to four articles in *The Proceedings of the New Jersey Historical Society*, and it has proved helpful. Also the *Journal of the Early Republic*, Linda Kerber's *Women's America* and *A Character Study of Alexander Hamilton, Aaron Burr and Thomas Jefferson* by Roger Kennedy has been of great help. This last work, even though, it does not speak directly to the issue of

This limited research has brought me to the conclusion that there has been

little or no work done on the questions that have been raised. As we shall see, these sources have told why women were disfranchised but not how the women, themselves, felt about it.

The state Constitution of New Jersey was written in the winter and spring of 1776. In January of that year the Second Provincial Congress adopted the suffrage clause that said:

All freeholders, and householders, inhabitants of this colony who are worth fifty pounds clear estate in the same, shall be admitted to vote representation in Assembly and also for all other public officers that shall be elected by the people.¹

It is interesting that there is no gender mentioned in this statement, but that the term '*inhabitants*' was used. On July 2, 1776, the Third Provincial Government changed the suffrage laws to read:

"*all inhabitants* of this colony, of full age, who are worth fifty pounds, proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election."²

This begs the question, 'Why was the franchisement given and why was it taken away?'

Mary Philbrook of Orange, New Jersey wrote in 1939 an article titled "Women's Suffrage in New Jersey Prior to 1807" in *The Proceedings of the New Jersey Historical Society*. In this article she makes the point that suffrage rights were not 'made up' in the colonies but were a hold over of English Common Law. She points to the Grants



Mary Philbrook
from *Women Rising*

and Concessions of 1664 in New Jersey as giving the vote to "inhabitants being freemen" but land (a stipulation for gaining the vote) was offered to "free men," "free women," "master" and "mistress." The gaining of land, though, was an act of going out into the frontier and taking it. It was not for sale. She even cites that women voted in 1702 to give Queen Anne the rule over New Jersey.

Sophie Drinker in the article *Votes for Women in 18th Century New Jersey* goes



Sophie Drinker
by Cecilia Beaux

deeper in the subject of English Common Law. Her premise is that New Jersey was not at the beginning of a new era but, instead, at the end of an old one. She states that the English, until the Norman Conquest in the 11th century, had been hacking out their existence in England by farming or some domestic business. Men and women shared equally in the duties of the farm or business. Since women

had been creating farm homes for their families to live in, they owned property and exerted influence in their communities. It wasn't until William the Conqueror established the feudal system in England that women's roles started to change. Drinker makes the point that an integral part of the feudal system is that of military service. Instead of bearing arms, women were needed to bear children and also to make sure that the farm, or business, survived. If the husband met the misfortune of dying while in the service of the king, then the wife would take over all fiscal and legal responsibilities of the farm, shop, inn or other type of business. This meant that she could sign and negotiate contracts, represent herself in a court of law and, obviously, own property. She was known as the *feme sole*.³ The *feme covert*, or the married woman, gave up all legal rights under English Common Law. Since the feudal system was still practiced in England when people started to

1 Klinghoffer, Judith & Elkins, Lois, *The Petticoat Electors: Women's Suffrage in New Jersey, 1776-1807*, p. 166. A 'freeholder' is a person that 'holds' property either through inheritance or by buying. A 'householder' is a person who owns or maintains a house.

2 Whitehead, William, 'A Brief Statement of the Facts Connected with the Origin, Practice and Prohibition of Female Suffrage in New Jersey,' *The Proceedings of the New Jersey Historical Society*, p. 102.

3 Drinker, Sophie; 'Votes for Women in 18th Century New Jersey'; *The Proceedings of the New Jersey Historical Society*, p. 32. Feme sole means "woman alone."

immigrate to the New World, these customs also traveled with them. Of these customs that traveled to the New World, the Friends of Society was one of them.

In 1643, George Fox, a shoemaker from Nottingham, England had a revelation that ordained ministers and consecrated buildings were irrelevant to one's relationship with God. By 1647 he was preaching the doctrine of "Christ within" and the Society of Friends was born. Their belief that the word of God can be revealed in any individual gave rise to the belief that men and women were equal, since each individual had the power of God "within" themselves. Converts started to establish a separate religious organization and were consequently persecuted because of their unorthodox practices. Quakers, had been coming to the New World for a period of years to escape the persecution in England. Because of this persecution, William Penn established the Quaker colony of Pennsylvania in 1681. One of the colonies that they settled in, besides Pennsylvania, was Rhode Island. Needless to say, New Jersey was caught in the middle of these two colonies and it got its fair share of Quakers, enough so that they had an important say in the colonial government.

The story differs on why they are called Quakers. One source stated that a judge told George Fox that "he should quake in the presence of the lord"⁴ and the other source said that Friends would make agitated movements when they worshiped and, therefore, were called quakers.⁵

Drinker maintains that these two factors coming together in New Jersey allowed women of property to vote. She states that early *feme soles* were invited to land grants in New Jersey where "three score acres" is promised to every freeman and freewoman with a promise to plant. An Elizabeth Harris, a preacher

among the Friends was one of the original proprietors in West New Jersey.⁶ Just as in England during the feudal times, women played an important role in the development of the state by hacking out of the wilderness their families livelihoods.⁷ It only seems natural then that women would take an integral and active part in society. Couple this custom with the idea that is prevalent in New Jersey society at the time that women are spiritually equal to men and one would have the making of a society where women of property could be enfranchised.

In contrast to this a William A. Whitehead made a statement to The New Jersey Historical Society on January 21, 1858. It concerned "The Facts Connected With The Origin, Practice and Prohibition of Female Suffrage in New Jersey." He gives a very brief description of the period 1776 to 1807 in New Jersey that concerns women's suffrage. But he is apparently making this address in response to Lucy Stone returning her tax bill to the tax collector and telling him that since she doesn't have the right to vote she, therefore, should not be taxed. She uses the argument of the Founding Fathers that there should be "no taxation without representation." She says that it is unjust for one half of the population and that it goes against 'our theory of government.'⁸ The important note, however, is as he ends his address he states,

"it never accorded with public sentiment; so it may be safely predicted that, as was the case in 1807 'the safety, quiet, good order and dignity of the State,' will ever call for its explicit disavowal in times to come."⁹

Obviously, Mr. Whitehead is trying to rebut the idea of women's suffrage on the grounds that women were not competent to handle the rigors of American politics and it went against the natural order of political society.

J. R. Pole wrote in 1953, again in *The Proceedings*

4 [Http://www.spartuacus.schoolnet.co.uk/Requakers.htm](http://www.spartuacus.schoolnet.co.uk/Requakers.htm), Society of Friends.

5 [Http://encarta.msn.com/index/consenseindex](http://encarta.msn.com/index/consenseindex), Friends, Society of.

6 Drinker, Sophie; 'Votes for Women in the 18th Century New Jersey', *The Proceedings of the New Jersey Historical Society*, p. 35. We will find later that West New Jersey, because of the proximity to Pennsylvania, had more Quakers than East New Jersey.

7 Ibid. p. 38.

8 Whitehead, William, "A Brief Statement of the Facts Connected with the Origin, Practice and Prohibition of Female Suffrage in New Jersey." *Proceedings of the Historical Society of New Jersey*, p. 105

9 Ibid. p. 105.

of the *New Jersey Historical Society*, the article "The Suffrage in New Jersey 1790-1807." The major premise of the article is that women received the franchise in 1776 because election laws for township elections had not been set. He uses the year 1790 because he makes the case that it was in that year election laws were made for township elections. In 1790, all taxpayers were allowed to vote in township elections. He suggests that this practice was naturally absorbed into state and federal elections when voters were able to get to the polling places easier.

In the early years of New Jersey, townships were synonymous with counties. For the people that lived in the county seat, where the polling place was, it was easy to go and vote. However, if one lived out on the 'frontier' or in another town in the county it was more difficult to get to the county seat and vote. As the population increased, though, the counties began to be split up into smaller townships so that the traveling issue did not apply.

Consequently, if before 1790 there were no laws governing franchisement, save the *all inhabitants and taxpayers* clause, it would follow that women and other minorities would use their vote in township elections. Especially in light of what Sophie Drinker stated above.

In May of 1793, a petition was brought forth that said that the "poll ought to be brought as near to every man's door as possible."¹⁰ This petition also repeated the constitutional qualification of voters to be "inhabitants, of full age, worth fifty pounds and with twelve months residence in the county."¹¹

However, according to Pole, election laws were not uniform throughout the state of New Jersey and in some cases even in the same counties or townships. It is this, he argues, that leads evidentially to the disenfranchisement of women and other minorities in New Jersey. William Patterson, a signer of the Declaration of Independence, a member of the Constitutional

Convention and Governor of New Jersey, remarked, 'We have no uniform law on elections to Congress or the legislature' and he goes on to say that because of the high importance of federal and state elections they should be uniform throughout the state.¹²

This 'uniformity' did seem to have different meanings throughout the townships of New Jersey. Apparently, polling places could be in a carriage or some other moveable place, depending on what township and local customs prevailed. In one case, a married woman voted but later had been found out that her husband had left her and she took over his business

BYRAM'S VOTERS IN 1803.

From a preserved list of the names of the persons who voted at the election held in Byram, Oct. 11 and 12, 1803, for members of Council and General Assembly, sheriff, and coroners, it appears that one hundred and fifteen votes were cast, of which twelve were apparently by women. The names of the voters are here given, the feminine names in italics:

John Bedell, William Zeek, Daniel Jackson, Samuel Smith, James Conn, William Green, Samuel Staples, Simeon Dickerson, Simon Millham, Michael Dixon, Joab Rose, Silas Dickerson, Thomas Johnson, Aaron Whitehead, Daniel Perry, Jared Coe, Joab Daniels, Richard Peters, Charles Munn, Willis Pearson, Samuel Bedell, James Rowland, James Gallagher, Amariah Casterline, Thomas Rowland, Samuel Wright, Jr., Samuel Lyle, Joseph McNear, Joseph Perry, Samuel Hudson, Abraham Hathaway, Silas Hudson, John Gonzales, John Rose, *Elizabeth Bedell*, John Rhodes, William Humes, Josiah Miller, David Wright, Daniel Chambers, Lewis Ayers, John Bird, John Jones, Jephthah Byram, William Heminover, Samuel Landon, Jr., Deris Coe, Jonathan Dickerson, Benjamin Pitney, John Fulkerson, Ephraim Wright, Nicholas Byram, Gilbert Lish, Zebulon Landon, Asahel Lovell, Henry Atno, Jr., Moses Johnson, Abram Fulkerson, Aaron Fulkerson, William Sheldon, Allan Wagar, Joseph Fulkerson, John Cooper, Sr., David Thomas, John Harpperre, James Youmans, Harmon Caffrey, Eliab Byram, Joseph Willigus, Andrew Swachamber, John Staples, Martin Sidener, Daniel Bird, David Day, *Elizabeth Rowland*, Ruth Johnson, Asenath Lish, Mary Hayward, Stephen Hann, Joseph L. Dickerson, Joseph Caffrey, Benjamin Hayward, Isaac Hayward, Byram Pitney, Samuel Landon, Esq., Nathan Zeek, John Dickerson, Samuel Bedell, Jr., John Abell, *Susannah Byram*, Sarah Hayward, Rachel Hazen, Lemuel De Camp, Sarah Hudson, Elizabeth Wright, Mary M. Cuiin, Mary Wright, Jacob Youngs, Ebenezer Hunt, William Newman, Benjamin Howard, Zenas Johnson, John Reeder, James Brown, Hercules Clawson, Charles Fisher, Hamilton Patterson, Joshua Reeves, Joseph Horton, Rachel Horton, John Masecar, Thomas McKain, Robert Chambers, Amasa Landon, Mathias Hayward.

It is perhaps worthy of observation that of the one hundred and fifteen persons voting, but one boasted a middle name. From Kevin Wright's collections

10 Pole, J. R., 'The Suffrage in New Jersey 1790-1807', *The Proceedings of the New Jersey Historical Society*, p. 43.

11 Ibid. p. 43.

12 Ibid. p. 46.

and paid taxes, thereby bringing into question the legality of married women voting and taxpayers. In another case it was found that people from Philadelphia had crossed the Delaware River to vote in New Jersey's elections. In several townships women, under aged people and blacks voted. In the inquires that fol-



Portrait of Jefferson on 1802
John A. Hopper's Tavern sign.
BCHS collections.

lowed, these 'injustices' were not challenged at the time of the vote and so therefore were not illegal. Consequently the legislature in the State House could not interfere in the local elections until the suffrage laws were common throughout the state. Again, one must keep in mind that the west side of New Jersey was heavily influence by Quakers, with their equality of spiritual and secular life.

Hence, it seemed that the pollsters were at fault if they did not challenge every person that voted. In a small closely knit community, however, it would not seem uncommon for leniency in a community effort to elect a certain person to a particular job. Especially if women were considered an integral part of society, then why wouldn't they be allowed to help determine the community's fate? ¹³

In the election of 1796, however, a phenomenon occurred that the Founding Fathers did not reckon with: political parties. Pole mentions two incidents. One is concerning a Dr. John Condict and his 1797 election in Elizabethtown, in the county of Essex, which is in the northeastern part of the state. The oth-

er is between the township of Elizabethtown and Newark, both in Essex county, and involving the building of a courthouse in 1807.

In the first account, a Republican by the name of Dr. John Condict ran for State Assembly. In explaining this incident let us digress to the differences between the Federalists and Republicans. Both Republicans and Federalist had discussed the idea of women's suffrage. It was not an uncommon topic to either party. In Burr, Hamilton & Jefferson: A Study in Character Roger Kennedy states, "Women did not vote in Virginia, and Jefferson stood in the way of such an eventuality..." Kennedy tells of when Jefferson was in France, he wrote Washington about the females that had great influence on the French governing class. In 1788, Jefferson rejoiced to Washington "in our country that influence.... fortunately for the happiness of the sex itself, does not endeavor to extend itself... beyond the domestic line." ¹⁴ Even twenty-four years later he wrote to Albert Gallatin, "The appointment of a woman to office is an innovation for which the public in not prepared nor am I." ¹⁵ Hence, in the State Assembly election of 1797, Dr. John Condict is representing Jefferson's party. It seems that it is well known that Republicans are not fond of the idea that women should vote or partake in any kind of political process. Condict barely wins the election because Federalist women i.e. Quakers were mobilized and taken to the polls to try to stop the election of Condict. Obviously, he becomes embittered and ten years later heads up the case against women's suffrage in New Jersey.

The other case involves the building of a courthouse in Essex County in 1807. Newark, a stronghold of Republicans, was vying against Elizabethtown, a Federalist stronghold, for a county courthouse. The two towns were fighting over this because of prestige, honor and most importantly, business opportunities. Newark was to send a committee to Elizabethtown to monitor the election, while Elizabethtown was to send their committee to Newark to do the same. In February 1807 the voting started and it took several days. The Newark committee said they were satisfied with

¹³ Ibid. p. 50-54.

¹⁴ Kennedy, Roger; Burr, Hamilton & Jefferson: A Study in Character; p. 60

¹⁵ Ibid. p. 61.

the Elizabethtown election, however, the Elizabethtown committee in Newark challenged several potential voters. The 'men' of Newark asked what time the polls were going to be opened the next day and they were told that it would be at daybreak. By the time the Elizabethtown committee arrived, a thousand votes had been put into the ballot box. Many of which were women. After the election, the *New Jersey Journal* reported that the 'Newark party had accused the Elizabethtown party of a breach of faith.' ¹⁶ The results were that Elizabethtown had won the right to have the courthouse. Newark took the case to court and had the election annulled. Pole makes the assertion that, even though, the parties flipped sides on the idea of women's suffrage, that it was used to gain a particular position in the state of New Jersey and that is what brought about the reform in election laws. Not the idea that women should or should not vote. It was the election improprieties of the political parties that led to women and freed blacks to be disenfranchised.

In "*The Petticoat Electors*": *Women's suffrage in New Jersey, 1776-1807* authors Judith Klinghoffer and Lois Elkis differ with J. R. Poles assumption of political

parties being the 'birth' of women's suffrage in New Jersey. They suggest that the intense political fighting between the parties carried the favor of women's votes just so long as it served their purpose. They state that it was not a 'constitutional error' in 1776 that gave women the right to vote but that women were sought after in the politics of New Jersey. Women started to vote because of the insistence of men to win an election. The case of Dr. John Condict was brought up. They suggest that it was not that women in 1807 decided to take up the mantle of Republican Motherhood and leave the messy uncouth ways of politics to the 'stronger sex'. Rather, it was after men had consolidated their positions in American politics did they not need the vote of women anymore. They state, "In 1807, the continued Republican dominance of the state became dependent on the passage of an election law which disfranchised women along with blacks, aliens and the penniless. So, Republicans did what needed to be done to hold on to power." ¹⁷

Klinghoffer and Elkis also disagree with Drinker in that they assert New Jersey was at the forefront of the political spectrum and not one of a dying feudal-

16 Pole, J.R., *The Suffrage in New Jersey – 1790-1807*, *The Proceedings of the New Jersey Historical Society*, p. 56.

17 Klinghoffer, Judith; Elkis, Lois; "*The Petticoat Electors*": *Women's Suffrage in New Jersey, 1776-1807*, *Journal of the Early Republic*, p. 164.



Suffragettes in Hackensack near the Courthouse

istic custom. They cite the many incidents of women fighting in the Revolutionary War, the pre-Revolution tea parties, the making of homespun cloth and the fund raising that went on in behalf of the Revolutionary Army. Not only in New Jersey but also in all the colonies women did, in fact, take an active part in the political life of their colony. New Jersey was way ahead of its time in it allowing women to vote, not some backwater of old English Common Law.

During the revolution Patriots and Loyalist vied for the allegiance of all citizens. Hence, bearing the influence of the Society of Friends, the Third Provincial Congress of New Jersey in 1776 wrote the suffrage laws stating that "all freeholders or householders, inhabitants of this colony, who are worth fifty pounds clear estate in the same, shall be admitted to vote...."

¹⁸ It wasn't until the election of 1789 that women really did start to partake in the electoral process due to political party fighting. It seems that there was an attempt of Quaker west New Jerseyites to take control of the state assembly, controlled by the east Jerseyites. Because of this struggle for the state assembly in New Jersey, the Federalist Party was born in the state. The Federalists, if one looks at what Alexander Hamilton and Aaron Burr believed, were in favor of women's suffrage. Burr was a supporter of Mary Wollstonecraft ¹⁹ and Hamilton's best friend and fellow Federalist, Elias Boundinot, gave a Fourth of July speech in 1793 that said, "The equality of citizens in its true sense must...secure a certainty of success to all who shall excel in the service of their country, without respect for persons." ²⁰

However, the state constitution was amended in 1790 to read that polling places needed to be made more accessible and voters were referred to as "he or she." This took away the *all inhabitants* structure of the 1776 state constitution and changed the tenor of the state suffrage laws.

Throughout the 1790's, the Federalists were trying

to garner support from women to strengthen their party's position in the state. It is not until the national election of 1800 that the Republicans feel they need women to vote to gain that extra advantage over the Federalists. During Jefferson's administration, as the Republicans gain strength and support throughout the nation, the Federalists lose constituents and therefore try to co-opt the Republican position on women's suffrage. Hence, in 1807, the Republicans controlled the State Assembly in New Jersey and did not want the Federalist to try to ruin the presidential election of 1808. The Republicans, led by Dr. John Condict, proposed that the election laws be changed. Surprisingly, the Federalist did not put up much of a fight. Consequently, the state constitution was changed to read,

"No person shall vote...unless such person be a free, white, male citizen of this state, of the age of twenty-one years, worth fifty pounds proclamation money, clear estate, and have resided in the country where he claims a vote, for at least twelve months immediately preceding the election...." ²¹

In the works cited above, the hopes of finding an answer to the questions above have been partially filled. In the quest to finding out why there was not an uproar from the women of New Jersey in 1807 when they were disfranchised, the author has learned that there were other factors, like the Friends and election laws, that played into the equation. However, the original question remains. Klinghoffer and Elkins are the only authors that attempt to offer a reason. They state:

If the New Jersey case proves anything, it is the centrality of electoral politics in American history. The growth of gender ideology was not the reason for the disfranchisement of women. Power politics was. ²²

¹⁸ Ibid. p. 166.

¹⁹ Mary Wollstonecraft was an early feminist. She wrote *The Vindication of the Rights of Women* in 1792. Burr read this and brought his daughter up using Wollstonecraft's book.

²⁰ Klinghoffer, Judith; Elkins, Lois; "The Petticoat Electors": *Women's Suffrage in New Jersey, 1776-1807*, *Journal of the Early Republic*, pp. 173-4.

²¹ Pole, J. R.; *The Suffrage in New Jersey 1790-1807*; The Proceedings of the New Jersey Historical Society; p. 58.

²² Klinghoffer, Judith, Elkins, Lois; "The Petticoat Electors": *Women's Suffrage in New Jersey, 1776-1807*, *Journal of the Early Republic*, p. 192.

In this struggle of power politics, they surmise that women are given roles by the political elite as guardians of the republican virtue that has taken over the new United States. As this may be true, it is hard for the author to believe that it was a conscience decision on the part of the Republican elite to subjugate women to a “qualitatively different”²³ lifestyle. Can it be that the ‘Abigail Adams,’ the ‘writers of the Sentiments of the American Woman,’ the ‘Mary Wollstonecrafts’ were all silent as this change in women’s lives took place? Or does one accept the argument as Whitehead put forward that women are innately meant for the domestic life and cannot cope with the rigors of political struggle?

Note: Publishing a historian’s work posthumously obviously does not allow the author to edit or decline to make the work available. I do so with the hope that the publication will contribute to the further understanding of the subject. - Deborah Powell

²³ Ibid. p. 193.





