

**PETTICOAT
ELECTORS***



Susan L. Ditmire

New
Jersey
women
had the
right to
vote as
early as
1776...
so how
was it
lost?

* This title is an homage to Judith Apter Klinghoffer and Lois Elkis, who wrote the article, "The Petticoat Electors: Women's Suffrage in New Jersey, 1776—1807," which appeared in the *Journal of the Early Republic*, Vol 12, No 2 (summer, 1992). It is available on line from JSTOR document 3124150.

“Women in New Jersey fought to get their right to vote back!”

Most historians from New Jersey have heard that line, but what does it mean? New Jersey’s first Constitution in 1776 was the most liberal of all the colonies, as far as suffrage was concerned:

“TV. That 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, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.”

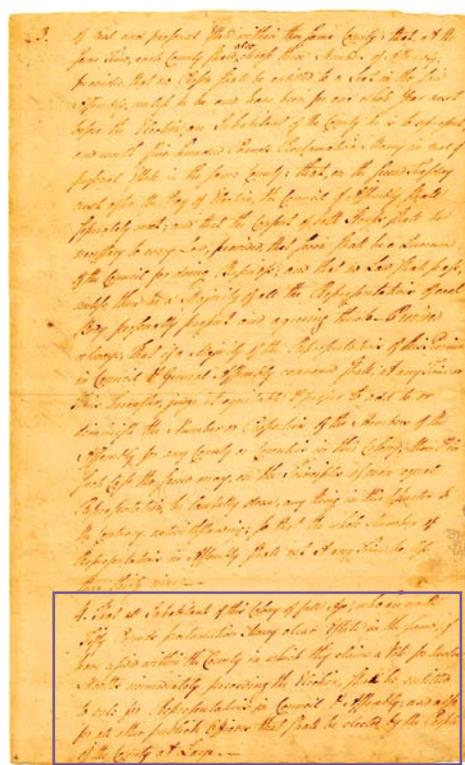
As you can see it was not simply a matter of not *including* women as voters—it was a matter of *not excluding* women or blacks or foreigners. If they could meet the property requirements they could vote. The other 12 colonies all had clauses that limited voting to “free white male citizens” or something similar. Some did not exclude aliens, some did not exclude blacks, but all except New Jersey limited voting to males.

Whoa! Before you think this means all women could vote in New Jersey, let me explain. The “clear estate” clause eliminated married women, because they were not legally able to hold property in their name. Unmarried women and widows (together called *femme sole*) who could meet the property requirements, could vote.

Exactly how liberal were the writers of the New Jersey constitution? Was this simply a mistake? The answer to that is unclear, but here are the facts and some possible answers to consider. Then the next question is, how and why did they *lose* the vote?

New Jersey was in a state of turmoil at the time its Constitution was

written. Washington had recently lost several battles in New York, and it seemed that New Jersey would be the next target, Tories and Patriots within the state were battling for control. The Constitution was written in five days. Was the suffrage clause an act of hurried oversight? Until the first draft of the Constitution was discovered, it was generally thought to be a result of hurry.



The clause in the 1776 Constitution of the State of New Jersey concerning suffrage.

New Jersey State Archives; scanned by Rutgers University

The first draft was written over a two day period by a committee and presented for approval.

That 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.

After three days of revision, the revised clause on voting was very different. It appears, inclusion of women as eligible voters in the New Jersey Constitution of 1776 was not an omission caused by carelessness or hurry, but a result of serious deliberation.

John Cooper, a Quaker from Gloucester County is given the most credit for “remembering the women” in the Constitution. Certainly, the Quaker belief in the equality of women was a major influence on the members from the southern part of the state, where they were a large percentage of the population. The other factor, may have been the important role that women were playing in the revolution. New Jersey women were busy taking care of the farms and businesses, acting as couriers and spies, as well as well as providing continuous supplies of food and clothing.

Another clue that it was not an oversight is the passage of other election related bills that passed in 1777, 1779 and 1783. If it had been an error, they would have corrected the error and revised the qualifications for voting, but they did not. Party politics over the years would bring limiting the vote into question, not based on any philosophical debate, but simply based on whether a party thought they could benefit from the women electors.

In 1790, the Federalists brought forth an act that conferred the right to vote upon women with a reference to “he or she” which had never before appeared. The measure passed the assembly with only three votes against it. By creating township voting the Federalists greatly improved accessibility to the polls. The law applied only to the seven counties where the Federalist Party was dominant. Due to the new law and the Federalist encouragement, the number of women voting increased.

At around the same time as the federalists were actively seeking the feminine vote, there were reports of the increasing women’s influence in

reports coming from Europe. The attitudes of the French Revolution undoubtedly added to the impact of the party politics, but more in a way of showing them how to get more Federalists, then caring about the women themselves. The way to show your desire for change within government at the time was to offer petitions. There were never any petitions offered to request the vote for women.

At their Fourth of July rally in 1793, the Federalists continued campaigning for the woman's vote. The program featured Elias Boudinot (a good friend of Alexander Hamilton), who encouraged the crowd of women to increase their involvement in public affairs (and of course their support of the Federalist party). Boudinot stated, "The rights of women are no longer strange sounds to an American ear, and I devoutly hope the day is not far distant when we shall find them dignifying in a distinguishing code, the jurisprudence of several states of the Union."

In October 1797, the election for the Assembly between a Republican from Newark and a Federalist from Elizabeth became quite controversial. At the end of the first day of the election only townsmen in Elizabeth had voted and their candidate was way behind. The next and last day of the election, the Federalists went to work and sent wagons into the countryside to bring the farmers in to vote. When they still did not have enough votes, they sent the wagons out to collect women to vote. Even though the Federalists had worked hard, the Republican from Newark was elected. The political party was clearly looking on women as a class of voters.

The following year, the women of Elizabeth organized to defeat the reelection of the Republican. Despite their efforts and those of the other Federalists, the Republican was elected to a second term. Although their efforts were unsuccessful, it had managed to show both parties that an organized group of women could

affect the outcome of an election.

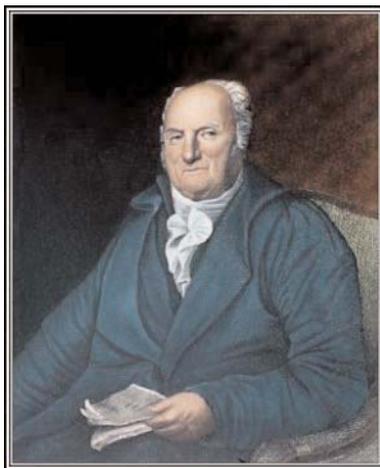
In Newark, *The Centinel of Freedom* commented by publishing a little poem.

Although reinforced by the petticoat band

*True Republican valor they could not withstand
And of their disasters in triumph we'll sing*

For the petticoat faction's a dangerous thing.

The reports of this election may



"The rights of women are no longer strange sounds to an American ear..."

—Elias Boudinot, 1793

have led to an act of 1798 limiting suffrage in Township local elections to "every white male person" and upon "no other person"

Both political parties continued to investigate who was benefiting the most from the female vote, although cognizant of the need not to offend a significant group of voters.

In 1799, the Federalists became concerned that the towns were voting Republican and that women voting was not in their best interest. A movement began to revise the state constitution. The Federalists proposed revising the constitution to eliminate the voting of women, blacks and aliens, all of whom they considered to be supporters of the Republicans. This

time, unlike 1793, their philosophical arguments were for "free white male citizens." The Federalists had joined in the changing attitudes toward women, perhaps influenced by the failure of the French revolution and the changing of gender roles within American Society. Unfortunately, in order to call a new constitutional convention, they asked these very same people to vote away their rights. The call for a new constitutional convention failed.

The presidential election of 1800, found Alexander Hamilton and other federalists campaigning successfully in Elizabeth-town and the southern part of the state to secure the women's vote for Adams. In North Jersey, the Republicans appealed to the equality of women and even though New Jersey was not carried for Jefferson, the Republicans were still grateful for the support of the female voters and applauded their support at their victory celebrations around the state.

The 1804 Presidential election was the first real opportunity for a large number of blacks to participate in voting. The year had brought New Jersey's "An Act for the Gradual Abolition of Slavery." The Republicans campaigned to attract the black voters in much the same way, that they had worked in 1800 to attract the woman's vote. The Republicans carried the state for Jefferson.

Republican, Essex County in a special election in 1807, again, became the center for a major voting controversy, which affected the voting rights laws. . It was not a fight between Federalists and Republicans, but a division within the Republican Party, between the moderate (Newark centered) and liberal (Elizabeth centered) Republicans.

Serious voter frauds took place over the issue of where to locate the new court house. Elizabeth (Days Hill) and Newark were both agitating to be the new location for the county business. The election was filled with fraud and people, men and women, black and white, being transported from one voting location to another. It

was said that men even dressed as women to cast an additional vote. (See the chart of the votes at right.)

The Republicans desperately needed to reunite their Party before the Presidential election of 1808. The Essex County Court House election was nullified by the State Legislature. (Eventually the courthouse would be built in Newark, but without a referendum). The northern Republican liberals (Newark centered) accepted the limit of the franchise to “white taxpaying male citizens. They had seen the organized women almost cost them the election in 1798. The southern moderate Republicans (Elizabeth-centered) wanted the non-taxpayers excluded.

The Federalists were satisfied with the exclusion of the poor and the aliens, who they considered to be Republican voters and agreed to the elimination of women voter and black voters. (They had already decided in 1799, that they could not count on them.) The Federalists must have also, liked the fact that they could not be “blamed” for the Republican Bill, which they felt would eliminate more Republican votes than Federalist ones.

The 1807 revision of the voting rights was introduced by Lewis Condict of Morris County, a moderate Republican and chairman of the committee. In the design of the bill, Condict included a most eloquent statement arguing that the authors of the constitutions had never intended to enfranchise women, blacks, and aliens. Contrary to the careful deliberation that occurred when the NJ Constitution was passed The bill passed with very little discussion.

1807 - New Jersey Legislature’s “Act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners in this state”

Acts of the 32rd General Assembly of New Jersey, Chapter II, Section 1; 1807
 “WHEREAS doubts have been raised and great diversities in

1807
The following is a statement of the votes in the several townships :

	For Newark	For Day’s Hill	said to be electorate*
Newark	4792	247	1600
Elizabeth	29	2257	1000
Acquacknonk	1884	7	650**
Springfield	43	2388	300
Caldwell	860		
Westfield	8	927	600
Rahway	50	325	350
	7665 [7666]	6181 [6151]	

– *True American*, Trenton, February 23, 1807

*Some time before the election it was said that the number of electors was as follows: Newark, 1600; Elizabeth, 1000; Westfield, 600; Rahway, 350; Springfield, 300;
 **Acquacknonk and Caldwell together, 650 –*New Jersey Journal*, Elizabethtown, February 3, 1807

practice obtained throughout the state in regard to the admission of aliens, females, and persons of color, or negroes to vote in elections as also in regard to the mode of ascertaining the qualifications of voters in respect to estate.—AND WHEREAS, it is highly necessary to the safety quiet, good order and dignity of the state, to clear up the said doubts by an act of the representatives of the people, declaratory of the true sense and meaning of the constitution, and to ensure its just execution in these particulars, according to the intent of the framers thereof; Therefore,

Sec 1. BE IT ENACTED. By the council and general assembly of this state, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person shall vote in any state or county election for officers in the government of the United States, or of this state, unless such person be **a free, white, male citizen of this state, of the age of twenty-one years, worth fifty pounds proclama-tion money, clear estate, and have resided in the county where he claims a vote, for at**

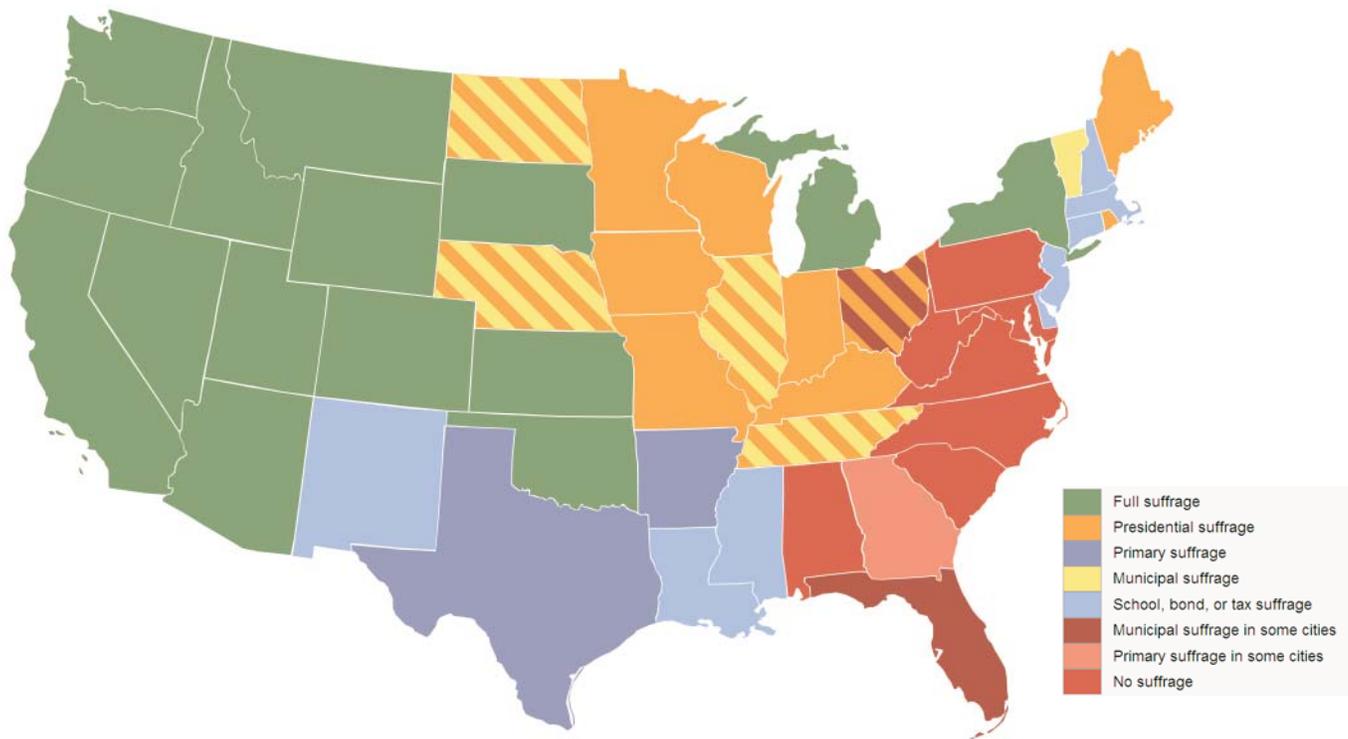
least twelve months immediately preceding the election.

The Republican effort to change the law was successful, where the Federalists attempt eight years earlier had failed. The Republicans had cleverly changed the law without asking the voters. The Republicans had learned from the Federalists mistake eight years earlier and they did not ask the voters to vote away their voting privileges. Was it legal? Certainly it violated the Constitution, but no group or person challenged it in court. In fact there seemed to be not a sound from the very people who now lost their vote. Certainly the alien residents were still suffering from the passage of the Alien and Sedition Acts of 1798. The blacks were still concentrating on the freedom from the 1804 NJ law allowing the gradual abolition of slavery and would certainly not be rocking the boat. The women, well that is unclear. Could it have been the beginning of the societal shift moving toward “The Cult of True Womanhood” or was it, as some have suggested, that they were willing to give up their vote in order for Blacks and Aliens to lose theirs.

The end result? In 1807, Women of New Jersey lost their right to vote.



The Status of Women's Suffrage in the United States on the Eve of the 19th Amendment in 1919



In 1807, unmarried and widowed women with property in New Jersey lost their voting privilege. This 1919 map illustrates the gradual and sporadic voting privileges being gained by women by state. On June 14, 1919, Congress put forth the 19th amendment to unify the right to vote for all women in the United States. On August 18, 1920 when Tennessee ratified the 19th amendment, it had been approved by 36 states (two-thirds) and therefore became law! (New Jersey had passed the amendment on February 9, 1920.)

19th Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

Information from US Suffrage Map 1920.png (From the article "Out of Subjection Into Freedom" by Marjorie Shuler, published in *The Woman Citizen*, p.360, September 4, 1920) and *The Right to Vote* by Alexander Keyssar (ISBN 0465029698) and compiled into this map on Wikipedia.com by Lokal_Profil.

Citations

Lee, Francis Bazley, *New Jersey, As a Colony and As a State*, Volume 3, New York, The Publishing Society of New Jersey, 1902, 266.

Myers Ph D, William Starr and Erdman, Dr Charles R, *The Story of New Jersey*, Volume 1, New York, Lewis Historical Publishing Company, 1945, 193.

Women's Project of New Jersey Inc, *Past and Promise*, Metuchen NJ, The Scarecrow Press, 1990, 1-4.

Internet Archiv, Canadian Libraries, *Women's Suffrage In New Jersey, 1790-1807*, Turner, Edward Raymond, 1881-1929; Abel, Annie Heloise, 1873-
www.archive.org/details/womensuffragein00turnuoft, December 28, 2009.

Journal of the Early Republic, Vol. 12, No 2 (Summer, 1992), "The Petticoat Electors: Women's Suffrage in New Jersey, 1776-1807," Klinghoffer, Judith Apter and Elkins, Lois, www.jstor.org/stable/3124150, January 10, 2010.

Williams, Robert F., *The New Jersey State Constitution, A Reference Guide*,
<http://books.google.com/books?id=oBXnlmphQd4C&printsec>, January 2, 2010.

THE CONSTITUTION OF 1776, www.state.nj.us/njfacts/njdoc10a.htm, January 2, 2010.