

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
Howard Gillman • Mark A. Graber • Keith E. Whittington

Supplementary Material

Chapter 4: The Early National Era – Democratic Rights/Voting

Massachusetts Debates Voting Qualifications (1820)¹

Massachusetts in 1820 held a convention to revise the state constitution. Such constitutional conventions were common in the early nineteenth century and throughout American history. State constitutions in the United States are regularly amended, revised, and replaced. Many constitutional conventions in the Early National Era were concerned with suffrage reform. Debates were particularly lively in Massachusetts. The Massachusetts Constitution of 1780 limited voting in state senate elections to persons with a freehold worth 60 pounds and required that voters in elections for the lower house of the state legislature be property holders. Many delegates believed those qualifications too restrictive. They preferred either a taxpayer qualification or no economic qualification. The convention eventually substituted a taxpayer qualification for the property qualification.

Many participants in the debate over voting qualifications relied heavily on arguments from republican principles. Why do proponents of property qualifications think restrictions on the suffrage are consistent with republicanism? Why do opponents of restrictions disagree? Imagine you were engaged in an argument about property qualifications. Would you rely on similar or different arguments than those voiced in 1820?

The resolution offered by [JOHN KEYES of Concord] . . . proposing to abolish all pecuniary qualification in electors of officers under this government, was taken up by the committee.

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REVEREND EDMUND FOSTER (Littleton)

. . . Men in this Commonwealth become freemen when they arrive at twenty-one years of age; and why oblige them to buy their freedom? They perform militia duty—they pay a tax for all they possess, that is, their polls. . . . Men who have no property are put in the situation of the slaves of Virginia; they ought to be saved from the degrading feelings.

WARREN DUTTON (Boston)

. . . He thought it expedient to retain the [freehold] qualification in the constitution. It was in the nature of a privilege, and, as such, it was connected with many virtues, which conduced to the good order of society. It was a distinction to be sought for; it was the reward of good conduct. It encouraged industry, economy and prudence; it elevated the standard of all our civil institutions, and gave dignity and importance to those who chose, and those who were chosen. It acted as a stimulus to exertion to acquire what it was a distinction to possess. He maintained that in this country, where the means of subsistence were so abundant, and the demand for labor so great, every man of sound body could acquire the necessary qualification. If he failed to do this, it must be, ordinarily, because he was indolent or vicious. . . . He also considered it as unreasonable, that a man who had no property should act indirectly upon the property of others. If gentlemen would look to the statute book, to the business of the

¹ Excerpted from *Journal of Debates and Proceedings in the Convention of Delegates Chosen to Revise the Constitution of Massachusetts* (Boston: Daily Advertiser, 1853), 247–57.

Legislature, or to the courts of law, how much of all that done, would be found to relate to the rights of property. It lay at the foundation of the social state, it was the spring of all action and all employment. It was therefore . . . wholly inequitable in its nature, that men without a dollar should, in any way, determine the rights of property, or have any concern in its appropriation. He also contended, that the principle of the resolution was anti-republican. It greatly increased the number of voters and those of a character must liable to be improperly influenced or corrupted. . . .

SAMUEL HOAR (Concord)

. . . It was an anti-republican principle. He proceeded to state in what manner a rich man in a populous town might command the votes of men without any property, and consequently destitute of character. It now very seldom happened, that a man of industrious habits and regular life was excluded from the right of voting. . . .

GEORGE BLAKE (Boston)

. . . Life was as dear to a poor man as to a rich man; so was liberty. Every subject therefore, involving only life and liberty, could be acted upon, with as good authority, by the poor as by the rich. . . .

JOSIAH QUINCY (Boston)

. . . [Mr. Blake's] principle was this . . . "Every man, whose life and liberty is made liable to the laws, ought therefore to have a voice, in the choice of his legislators." Grant this argument to be just. Is it not equally applicable to women and to minors? . . . The denial of this right to them shows, that the principle is not just. . . .

. . . The theory of our constitution is, that extreme poverty . . . is inconsistent with independence. It therefore assumes a qualification of a very low amount, which, according to its theory, is the lowest consistent with independence. . . .

. . . Everything indicates that the destinies of the country will eventuate in the establishment of a great manufacturing interest in the Commonwealth. There is nothing in the condition of our country, to prevent manufacturers from being absolutely dependent upon their employers, here as they are everywhere else. The whole body of every manufacturing establishment, therefore, are dead votes, counted by the head, by their employer. Let the gentlemen from the country consider, how it may affect their rights, liberties and properties, if in every county of this Commonwealth there should arise . . . one, two, or three manufacturing establishments, each sending . . . from one to eight hundred votes to the polls depending on the will of one employer.

HOLDER SLOCUM (Dartmouth)

. . . Taxation and representation should go hand and hand. Take this text and apply it to the men who are excluded by this qualification from the rights of voting. Who are they? The laboring parts of society? How long have they been fettered? Forty years? Who achieved our independence? This class of men. And shall we then disenfranchise them? I hope not. . . . If a man was a Newton or a Locke, if he is poor, he may stand by and see his liberties voted away. Suppose an invasion should happen—these men would be obliged to come forward in defense of their country. He felt conscientiously bound to give them the right of voting. . . .

JAMES T. AUSTIN (Boston)

. . . [Mr. Quincy] had looked forward to our becoming a great manufacturing people. God forbid. If it should happen, however, it was not to be expected, that this modicum of property required would exclude the laborers in manufactories from voting. It was better to let them vote. . . . By refusing to give

this right to them, you array them against the laws; but give them the rights of citizens—mix them with the good part of society, and you disarm them.

REVEREND JOSEPH RICHARDSON (Hingham)

. . . [T]here ought to be a representation on the foundation of equality. This could not be, so long as any people, who are taxed, do not vote. The right of voting was a grand and essential privilege of freemen. It was necessary to check the growing aristocracy, which is most to be dreaded in a republic, to extend the privilege. Young men who bear arms, were not treated as slaves. Apprentices and other young men were discouraged under this constitution; when called upon to defend their country, their ardor would be chilled. Want of property in a free government, should be the last thing to prevent men from voting, unless the possession of property were shown to be necessarily connected with virtue. The present constitution would have excluded our Savior from this privilege.

REVEREND FOSTER

. . . No man had a right to office, but all men had a right to a voice in the election of public officers. He assumed it as a fundamental principle that taxation and representation should go together.

SAMUEL DANA (Groton)

. . . [R]equiring this qualification was an aristocratical and anti-republican principle. . . .

ARTEMAS WARD (Suffolk)

. . . [I]f to confine the right of voting to persons who are directly interested in the protection of the rights of property, as well as of life and liberty, was the most probable mode of securing the enactment of just, equal, and useful laws, there could be no doubt that the people have a right, and that it is their duty so to limit the privilege of suffrage. He stated a variety of considerations which induced him to believe that the qualification of property had a tendency to secure the government in the hands of men who would have a greater interest in promoting the general good.

THOMAS BALDWIN (Boston)

. . . He had always approved of the principle that taxation and representation should be united. It is asserted in the bill of rights, "all men are born free and equal." Some men are born entitled to great property. This property cannot give them a right of voting, but the right belongs to all persons, who are born equal and should be equally entitled to all the privileges of freemen. If property gives a right of voting, why should not a man worth one hundred thousand dollars, put in a hundred votes, as well as one who has two hundred dollars put in one vote? He thought we could not, without an infringement of this first principle of our excellent constitution, retain the pecuniary qualification.

BLAKE moved to amend the resolution so as to provide that every citizen of this Commonwealth who is subject to pay and does pay taxes in the town wherein he resides, including also ministers of the gospel and all others who are or may be specially exempted by law from taxation, shall have the right to vote in the election of public officers in this Commonwealth. . . .