

## THE NEGRO VOTE IN OLD NEW YORK

THE attachment of the colored citizen to the Republican party is usually explained by reference to the memory of Lincoln, Stevens, Grant and Sumner; but in New York, at least, the freedman learned to vote against St. Tammany before most of those apostles of his "rights" were born, and the jealous hatred of poor mechanics helps far more than reconstruction policies to account for the attitude of New York Democrats towards Negro suffrage.

The appearance of the Negro in the Hudson River region is no novelty of recent years. The Dutch brought the *swarten* to the colony before Manhattan houses were a decade old;<sup>1</sup> when the English made Fort Amsterdam Fort James, the encouragement of the slave trade with New York became an object of solicitude in London.<sup>2</sup> The demand for "negears" was larger and more steady here than in other colonies of the same latitude,<sup>3</sup> yet slaves were not massed in large plantations but scattered by twos and threes as household servants among the well-to-do, chiefly in the houses of the aristocracy.<sup>4</sup> They were treated with a careful kindness, and in return they developed an affection for the master that no shock of fortune could disturb.<sup>5</sup>

<sup>1</sup> Mrs. S. Van Rensselaer, *History of the City of New York in the Seventeenth Century*, N. Y., 1909, vol. i, pp. 191-195.

<sup>2</sup> Instructions to Governors Bellomont, Hunter etc., in *N. Y. Colonial Documents*.

<sup>3</sup> H. R. Stiles, *History of the City of Brooklyn*, Albany, 1869, vol. i, p. 231.

<sup>4</sup> In the *Documentary History of New York* (edition of 1850), vol. iii, pp. 505-521, is a list of slave-holders in the colony in 1755. Few masters had more than five slaves. The rolls of New York city and Albany have been lost, but we are able to form some estimate of the distribution of slaves in the "Wills on File in the Surrogate's Office," abstracts of which have been printed in the *Collections of the New York Historical Society*, volumes from 1900 to 1906 dealing with the years 1780 to 1800. See also Stiles, *op. cit.*, vol. ii, p. 65, and J. Munsell, *Collections on the History of Albany*, vol. i, p. 60, vol. ii, pp. 49, 382.

<sup>5</sup> C. F. Hoffman, *The Pioneers of New York* (delivered before St. Nicholas Society), N. Y., 1848, pp. 30-33; T. E. V. Smith, *The City of New York in the Year of*

What was the partizan connection of New York slave owners? The Federalist party was the party of the aristocracy, especially in large communities,<sup>1</sup> the party of the wealth won by a century of trade. Since slaves in this colony were a luxury rather than an investment in agriculture, we should expect to find them belonging largely to members of this party; the records show such to have been the case.<sup>2</sup>

A great historian has truly remarked: "That New York is not a slave state like South Carolina is due to climate and not to the superior humanity of the founders."<sup>3</sup> Slavery for them did not pay. The Federalist masters preferred to see their Negroes free, and led the movement in New York state for their betterment. Governor John Jay organized the Society for Promoting the Manumission of Slaves and became its first president in 1785;<sup>4</sup> he was succeeded by Alexander Hamilton.<sup>5</sup> It was Rufus King who had moved "that there shall be neither slavery nor involuntary servitude in any of the states described in the resolve of Congress of 23rd of April, 1784," dealing with the Northwest Ordinance.<sup>6</sup> General Schuyler was found, when the time came, voting for emancipation of

Washington's Inauguration, N. Y., 1889, p. 122. For legal status of slaves see E. V. Morgan, "Slavery in New York," *Papers of the American Historical Association*, vol. v, pp. 337-380.

<sup>1</sup>A. C. McLoughlin, *The Confederation and the Constitution*, N. Y., 1905, pp. 290-291. C. A. Beard, *Economic Interpretation of the Jeffersonian Democracy*, N. Y., 1915, *passim*. On the New York aristocracy, see T. Roosevelt, *Gouverneur Morris*, Boston, 1892, pp. 17 *et seq.*

<sup>2</sup>E. g., "Wills" as cited, liber xxxix, p. 127; xli, pp. 48, 128, 141; xlii, p. 191; N. Y. Doc. Hist., vol. iii, pp. 510, 512, 514, 519, for well-known Federalist names.

<sup>3</sup>George Bancroft, *History of the United States* (edition 1883), vol. i, p. 513.

<sup>4</sup>Wm. Jay, *Life of John Jay*, N. Y., 1833, vol. i, pp. 229-235; vol. ii, p. 406. It was Jay's custom to purchase slaves of promise that he might, after due instruction, set them free. G. Pellew, *John Jay*, p. 294. See also *Correspondence of John Jay*, N. Y., 1893, vol. iv, p. 320.

<sup>5</sup>For Hamilton on slavery see "A Full Vindication," in *Works* (edited by J. C. Hamilton), N. Y., 1851, vol. ii, p. 9, and vol. vi, p. 298. See also F. G. Mather, "Slavery in the Colony and State of New York," in *Magazine of American History*, vol. ix, p. 408.

<sup>6</sup>*The Life and Correspondence of Rufus King* (edited by C. R. King), N. Y., 1900, vol. i, pp. 39, 268-292. On King's later stand against slavery see J. Q. Adams, *Memoirs*, Philadelphia, 1877, vol. vi, p. 467.

the Negroes of the state.<sup>1</sup> Next to Jay in his importance in the constituent convention at White Plains in 1776 was Gouverneur Morris, who made most earnest efforts for some scheme of gradual emancipation.<sup>2</sup> Party editors from Noah Webster<sup>3</sup> to William L. Stone<sup>4</sup> took up the cause with much enthusiasm. Certainly the leaders of the party might lay a claim to the black man's loyalty, and the party followed their leaders on this question. They finally enacted a well-calculated scheme of gradual emancipation which prevented the distress of any sudden readjustment.<sup>5</sup> The measure was opposed by the party of the small tradesman and the mechanic, for reasons of economic jealousy as we shall see. The workman did not like to see the Negro change his butler's coat for cap and jeans, and his salver for pick and shovel. It was a Federalist legislature and a Federalist governor who enacted the law of 1799, by almost a straight party vote of sixty-eight to twenty-three.<sup>6</sup> The Negroes had been reared in Federalist households; their cause had been advocated by distinguished Federalists, and now under the auspices of that party, freedom was provided. When they reached the estate of citizens, their political attachment could be easily foretold.

<sup>1</sup> N. Y. Assembly Journal, 1799, pp. 47, 49, 77.

<sup>2</sup> Jared Sparks, *Life of Gouverneur Morris*, Boston, 1841, vol. i, p. 125. See also his speeches in the Federal Convention of 1787, *The Records of the Federal Convention* (edited by Max Farrand), New Haven, 1911, vol. ii, pp. 221, 415, 417, 574. See also A. J. Northrup, "Slavery in New York," in *N. Y. State Library Bulletin*, History, no. 4, 1900.

<sup>3</sup> See his *Effects of Slavery on Morals and Industry* (pamphlet), Hartford, 1793; see also Frederick Hudson, *Journalism in the United States*, N. Y., 1873, p. 192.

<sup>4</sup> W. L. Stone, Jr., *Life and Writings of William Leete Stone* (bound with W. L. Stone, *Life of Red Jacket*, 1866), pp. 41-42.

<sup>5</sup> After July 4, 1799, no man or woman was to be born a slave; C. Z. Lincoln, *Constitutional History of New York*, Rochester, 1906, vol. i, p. 658; also comment in J. H. Dougherty, *Legal and Judicial History of New York*, N. Y., 1911, vol. ii, p. 94. Those who set free their slaves had to guarantee that their freedmen would not become public charges.

<sup>6</sup> See on the principle of general emancipation, N. Y. Assembly Journal, 1799, p. 77. Comparing the names of the minority with those who voted for Addison and Haight, the candidates of the opposition for members of the Council of Appointment (cf. J. D. Hammond, *History of Political Parties in the State of New York*, N. Y., 1842, vol. i, p. 122), we see that of those who objected to the measure all but three were Republicans.

In numbers they were not to be neglected. New York had been the most important slave state in the North, and continued to have more Negroes than any other state in that section.<sup>1</sup> In New York city the proportion of Negroes to whites at the beginning of the nineteenth century was several times larger than now.<sup>2</sup> As soon as any slave was freed he became a voter, on the same terms as a white man, namely, if he paid taxes to the state, if he owned a freehold of the value of twenty pounds, or if he rented a tenement of the yearly fee of forty shillings.<sup>3</sup> In the eighteenth century manumission had not been uncommon, and it became more general after 1800. The erstwhile slave became in politics a client of his former master. To say that Jay or Hamilton in urging manumission had been largely moved by the hope of adding to the Federalist vote would be not only ungenerous but absurd. Yet it was only natural that in his voting, as well as in his talk and dress, the Negro should follow the example of his former master. In Brooklyn, for example, five of the thirteen Federalist candidates in 1810 were men who had set free their slaves, while there was but one such among their opponents.<sup>4</sup> The credit for the first manumission under the new law in this community goes to John Doughty, who served his generation as town clerk from 1796 to 1830,<sup>5</sup> who registered the birth of every child of slave parents after 1799, and in whose ceremonious presence almost every manumitted slave was given his certificate of liberty.<sup>6</sup> Is it to be expected that the freedmen who came into Albany

<sup>1</sup> U. S. Census of 1790; Census of 1820, supplement, p. 1.

<sup>2</sup> See table in Mary H. Ovington, *Half a Man*, N. Y., 1911, p. 10; and *Analectic Magazine*, vol. xiii (1819), p. 279.

<sup>3</sup> Constitution of 1777, article vii, in U. S. House Documents, vol. xci, part 1, pp. 2630-2631. The New York pound was the equivalent of \$2.50.

<sup>4</sup> Compare the ticket printed in the *N. Y. Herald*, April 7, 1810, with the list of manumissions, 1797 to 1825, as printed in the Corporation Manual of the City of Brooklyn, 1864, pp. 153-165. Jacob Hicks, the Quaker, was the single Republican nominee who had held slaves.

<sup>5</sup> Corporation Manual of the City of Brooklyn, 1864, pp. 167-179.

<sup>6</sup> T. F. DeVoe, in *Historical Magazine*, Second Series, vol. ii, p. 342. E. A. Doty, "The Doughty Family on Long Island," in the *N. Y. Genealogical and Biographical Record*, vol. xliii, p. 321; H. R. Stiles, *op. cit.*, vol. ii, p. 65.

from Rensselaerwyck where they had been so kindly treated,<sup>1</sup> or those who came from the great house of General Schuyler where so many had been granted freedom,<sup>2</sup> would vote against "the lord" ?<sup>3</sup>

On this question the political philosophers of Tammany Hall had entertained but little doubt; they soon saw their forebodings realized. When in 1808 the colored voters in a meeting held in New York city voiced unanimous approval of the "old party," Republicans prepared a campaign song beginning "Federalists with blacks unite."<sup>4</sup> In 1809 a Negro orator drew applause from a large audience when, after picturing the sad conditions under Jefferson, he exclaimed, "How important then, that we, my countrymen, should unite our efforts with those of our Federal friends in endeavoring to bring about this desirable change, so all-important to commerce, to our own best interests, and the prosperity and glory of our country."<sup>5</sup> Republican inspectors at the polls, to minimize the danger of this co-operation, presumed as slaves all black men who could not prove their freedom by sufficient evidence. The Federalists denounced this practice,<sup>6</sup> and organized among the Negroes a chapter of their partizan fraternity, the Washington Benevolent Society.<sup>7</sup> In 1811 a Republican legislature drew up a drastic law as to the suffrage of the blacks,<sup>8</sup> which passed in spite of the objections of the Federalist Council of Revision.<sup>9</sup>

<sup>1</sup> M. Van Rensselaer, *Annals of the Van Rensselaers*, Albany, 1888, p. 170.

<sup>2</sup> G. W. Schuyler, *Colonial New York*, N. Y., 1885, vol. ii, p. 497.

<sup>3</sup> Had the promising movements toward gradual emancipation by state action in the South in the early part of the nineteenth century succeeded, no doubt the same conditions would have followed there.

<sup>4</sup> From a broadside quoted in T. E. V. Smith, *Political Parties and their Places of Meeting in New York City* (pamphlet), N. Y., 1893, p. 10.

<sup>5</sup> Joseph Sydney, *An Oration Commemorative of the Abolition of the Slave Trade in the United States* (delivered before the Wilberforce Philanthropic Association), N. Y., 1809, a pamphlet in the N. Y. Historical Society Collection.

<sup>6</sup> *N. Y. Commercial Advertiser*, April 26, 1809. See resolutions, Federalist meeting, *ibid.*, May 22, also *N. Y. Spectator*, April 29, 1809. The practice was defended the following year by the Republican *N. Y. Advertiser*, April 26, 1810.

<sup>7</sup> *Analectic Magazine*, vol. xiii (1819), p. 287.

<sup>8</sup> J. D. Hammond, *Political History*, vol. i, p. 296.

<sup>9</sup> See objections stated in *N. Y. Spectator*, May 8, 1811. The *N. Y. Evening*

The election of 1813 in the midst of "Mr. Madison's war" was closely contested; for some time the returns for members of assembly were in doubt.<sup>1</sup> The result was long remembered. Eight years afterward in the constitutional convention, General Root, speaking for the limitation on the franchise for men of color, recalled that "the votes of three hundred Negroes in the city of New York, in 1813, decided the election in favor of the Federal party, and also decided the political character of the legislature of this state."<sup>2</sup> Not the number of the Negroes who were qualified made them formidable, but the strategic strength of their location. At the next election, however, the Federalist majority was overturned, and it is not surprising to find soon presented before the reformed legislature a more severe measure to limit the political influence of the Negro in New York city. This not only provided for the elaborate registration of every freedman, but obliged him always to bring full copies of such registration to the officers of election.<sup>3</sup> Yet these laws were made effective with much difficulty; in spite of all precautions, "Negro ballots" had to be accepted. When Clinton brought to his standard the majority of Federalists

*Post* called it an "Act to prevent people of colour from voting at the next election;" see issues of April 16, 22, 1811. The official caption was "An Act to prevent frauds at election and slaves from voting;" *Laws of New York, Revision of 1813*, vol. ii, p. 253. See *N. Y. Assembly Journal*, 1811, pp. 251, 310 etc., and *N. Y. Senate Journal*, 1811, pp. 143, 163.

<sup>1</sup> Hammond, vol. i, p. 357.

<sup>2</sup> Carter, Stone and Gould, *Reports of the Proceedings and Debates of the Convention of 1821* etc., Albany, 1821, p. 212. In 1813 there was a bill providing for a very strict superintendence of the colored voters, which passed the senate only. The six senators who voted against it were Federalists; *N. Y. Senate Journal*, 1813, p. 120.

<sup>3</sup> See *N. Y. Assembly Journal*, 1814-1815, pp. 469 *et seq.*, and *N. Y. Senate Journal*, 1814-1815, p. 326. At a large Negro meeting in New York city thanks were voted to the Federalist Judges Kent and Platt for their spirited opposition in the Council of Revision, the Republicans were berated, and continued support was promised to those "whose opinions appear more consonant to our own." *N. Y. Spectator*, April 19, 1815. This matter was made an issue in the next campaign and was the subject of the longest of the resolutions of a Federalist meeting; see *N. Y. Commercial Advertiser*, April 11, 1816.

he gained the colored men as well.<sup>1</sup> Therefore in 1821 the Republicans were in no mood to trifle with this question.

The convention of 1821 has been called with somewhat pompous phraseology "a dominant emancipating agent in American democracy."<sup>2</sup> That one of its major purposes was to extend the suffrage to new classes was realized by friend and foe alike. "This is one of the crying evils for which we were sent here to provide a remedy," said Mr. Ross, of the committee to which this subject was referred.<sup>3</sup> Old qualifications of property, the remnant of the English practice of colonial days, were to be swept away, and it was known that the question of Negro suffrage would be an important subject of debate. The members of the convention were chosen on party grounds, and a large majority of them were Democrats.<sup>4</sup> The convention was conducted on party principles; the chairmen of all committees were appointed by the president, ex-Governor Tompkins, from his own supporters. These gentlemen differed sharply with the Federalist minority on the extension of the suffrage to poor white men, and to Negroes also. The committee in charge proposed, not to continue a twenty-pound qualification for the Negro, while giving the indigent white the vote, but actually to take away the privilege that the Negro already had.

<sup>1</sup> "Extracts from the minutes of the Electors Of the People of Colour of the 5th Ward at a Meeting to Express Congratulations to his Excellency. Resolve[d] that we the People of Colour present Our humble Congratulations to his Excellency's Veneration of Being Reelected By our utmost Endeavors as our Chief Commander and Governor of the State of New York;" N. Y., June 15, 1820, DeWitt Clinton MSS., Columbia University.

<sup>2</sup> F. N. Thorpe, *Constitutional History of the American People*, Chicago, 1901, vol. ii, p. 354. Cf. E. Olbrich, *The Development of Sentiment on Negro Suffrage to 1860*, University of Wisconsin, 1912, p. 38.

<sup>3</sup> Carter, Stone and Gould, *Debates etc.*, pp. 180, 193. The report of the debates on Negro suffrage is quoted extensively in C. Z. Lincoln, *Constitutional History of New York*, vol. i, pp. 661-668, and in the admirable monograph of E. Olbrich, pp. 30-39. But neither of these authors has given his attention to the connection between the arguments and the partizan allegiance of the members. The same is true of Dr. H. L. Young's dissertation on *The New York Constitutional Convention of 1821*, which may be consulted in manuscript in the library of Yale University.

<sup>4</sup> J. D. Hammond, *Political History*, vol. ii, p. 2. Judge Hammond from this date uses the designation "Democratic" to describe the old Republican party.

At the opening of the debate, Mr. Ross laid down the doctrine of the Democracy: "They are a peculiar people, incapable, in my judgment, of exercising that privilege with any sort of discretion, prudence, or independence." Probably the last-named quality gave him most concern, for later he complained that the black vote was a controlled vote. A petition in behalf of Negro voters "now on your table, in all probability had been instigated by gentlemen of a different colour who expect to control their votes."<sup>1</sup> For others the test of contribution to the state might be sufficient, but not so for the colored men.<sup>2</sup> There were reasons enough why the franchise should be denied the Negro altogether, said Colonel Young, a leading Democrat from Saratoga County; and if reasons did not prove sufficient, one could easily fall back on prejudice. The Negro should be entirely shut out.<sup>3</sup> Jacob Radcliff, who now represented the Tammany Society, "considered the privilege of exclusion to be derived, not from the distinction of color—but resorted to as a rule of designation between those who understand the worth of the privilege, and those who are degraded, dependent, and unfit to exercise it."<sup>4</sup> Here was a scholastic refinement that would have graced a medieval disputation. As to the Negro voter having by the exercise of the franchise for forty years and more acquired a *vested* right to such exercise, as was maintained by Abraham Van Vechten, a leader of the Albany Federalists, it was answered that the sovereign people in convention could do anything.<sup>5</sup>

<sup>1</sup> Debates, pp. 180, 181.

<sup>2</sup> The suffrage was extended by this constitution to all male residents of proper age who paid taxes (or were exempt by law), who did militia duty (or were exempt), or who worked at call upon the highways (or paid an equivalent), except Negroes, for whom, as we shall see, special provision was made.

<sup>3</sup> Debates, pp. 190-191. Colonel Young criticized the argument for suffrage from natural right when Dr. Clarke quoted the Declaration of Independence. It was a question of expediency. Democratic doctrine was beginning to be modified in statement.

<sup>4</sup> Debates, p. 190.

<sup>5</sup> *Ibid.*, p. 193; see Hammond, vol. ii, pp. 3 etc., on Van Vechten's importance in the party.



Again and again the complaint was heard that the Negro lacked independence, that he was amenable to other influences than argument. The contention, significantly enough, came from one party only.<sup>1</sup> The Democrats had every reason to subscribe to the opinion that the Negroes, born in slavery, and accustomed to take orders, would now vote according to the dictates of their employers.<sup>2</sup> To extend to blacks the same provisions as were contemplated for whites would, as Mr. Radcliff well observed, be attended with most serious results. It would let loose two thousand five hundred Negro voters in the city of New York, and a small part of these might determine the result in such close state elections as, for example, that of 1801.<sup>3</sup> General Root declared himself an abolitionist as to slavery<sup>4</sup>—for now, as later, we find opinion upon slavery and upon the suffrage bearing small relation—but he was aware of the dangerous importance of the Negro vote. He said:

At present the number of blacks who are voters is so small, that if they were scattered all over the state, there would not be much danger to be apprehended, but if we may judge of the future by the past, I should suppose that there was some cause for alarm, when a few hundred Negroes of the city of New York, following the train of those who ride in their coaches, and whose shoes and boots they had so often blacked, shall go to the polls of the election and change the political condition of the whole state. A change in the representation of that city may cause a change in your assembly, by giving a majority to a particular party, which would vary your council of appointment, who make the highest officers of your government. Thus would the whole state be controlled by a few hundred of this species of population in the city of New York.<sup>5</sup>

The Federalist members did not content themselves with silence. The committee had scarcely presented their report,

<sup>1</sup> One Federalist opposed his colleagues—Chief Justice Ambrose Spencer, who, however, classed the improvident mechanic with the Negro. With him it was not a matter of race; *ibid.*, p. 377.

<sup>2</sup> *Ibid.*, p. 195.

<sup>3</sup> *Ibid.*, p. 185.

<sup>4</sup> *Ibid.*, pp. 198, 199 (Livingston).

<sup>5</sup> D. S. Alexander, *Political History of New York State*, N. Y., 1906, vol. i, p. 229.

<sup>6</sup> *Debates*, pp. 185–186.

in which there appeared no provision for any Negro vote, when Peter Augustus Jay, an able father's able son, arose to ask an explanation why, while extending the privilege of the franchise to some men, "they deny it to others who actually possess it." Though he abhorred slavery, he was not, he said, what was called an abolitionist; yet he would not stand by and hear it said that this denial was made "because all who were not white ought to be excluded from political rights, because such persons were incapable of exercising them discreetly, and because they were peculiarly liable to be influenced and corrupted."<sup>1</sup> Mr. Van Vechten had not understood that the convention was expected "except by some of the citizens of New York to disfranchise anybody." Why should the Negro voters be attacked? "Have they done anything to forfeit the right of suffrage? This has not been shown."<sup>2</sup> Dr. Clarke, a Federalist from Delaware County, desired to learn why Negro soldiers should not vote as well as whites; there had been nothing but applause for their service as state troops in the War of 1812. The fact that they were not liable to militia duty had made their volunteering in that crisis all the more occasion for respect and gratitude.<sup>3</sup> General Van Rensselaer thought any man of either race should vote, provided he had property and paid taxes.<sup>4</sup>

Mr. Jay moved that the word "white" be struck out of the committee's proposed amendment. After due debate the matter was referred to a select committee,<sup>5</sup> which finally proposed:

That no male citizen, other than white, shall be subject to taxation, or entitled to vote at any election, unless in addition to the qualifications of age and residence, last above mentioned, he shall be seised and possessed in his own right of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been, within the next year

<sup>1</sup> Debates, p. 180 (Ross), and p. 183 (Jay).

<sup>2</sup> *Ibid.*, pp. 193, 195.

<sup>3</sup> *Ibid.*, p. 187.

<sup>4</sup> *Ibid.*, p. 182.

<sup>5</sup> Cf. Olbrich, *op. cit.*, p. 36. Ex-Governor Tompkins, who presided, contrary to parliamentary usage appointed as nine of the thirteen members men who had voted against the Jay motion; Debates, p. 289.

preceding the election, assessed, and shall have actually paid a tax to the state or county.<sup>1</sup>

Judge Jonas Platt, who had been the Federalist candidate for governor in 1810, moved to strike out the words, "other than white." The qualification of two hundred and fifty dollars freehold he thought might be applied to white and black alike; if poor Negroes were to be excluded, then he would have the same exclusion for poor white men. He declared:

I am not disposed, sir, to turn knight-errant in favour of the men of color. But the obligations of justice are eternal and indispensable. . . . The real object is, to exclude the oppressed and degraded sons of Africa, and, in my humble judgment, it would better comport with the dignity of this Convention to speak out, and to pronounce the sentence of perpetual degradation on Negroes and their posterity forever, than to establish a test, which we know they cannot comply with, and which we do not require of others.<sup>2</sup>

No man was more opposed to running after the *ignis fatuus* of universal suffrage than Chancellor Kent, but he could see no proper reason for discrimination against the Negro.<sup>3</sup> Rufus King believed that "universal suffrage was perilous to us and to the country" and yet took this same position.<sup>4</sup> But the majority were not moved by Federalist oratory. The qualification of two hundred and fifty dollars passed into the fundamental law to remain until 1870.<sup>5</sup>

The difference regarding Negro suffrage between the opposing parties was not fortuitous; their contemporaries noticed the alignment. The careful Hammond writes:

<sup>1</sup> Debates, p. 329.

<sup>2</sup> *Ibid.*, pp. 374, 375. Two hundred and fifty dollars had been the sum qualifying for the vote for governor, lieutenant-governor and senators. It was now extended in the Negro's case to that for member of assembly.

<sup>3</sup> *Ibid.*, pp. 190, 191, 221, 377.

<sup>4</sup> *Ibid.*, pp. 191, 287. King, though elected with the help of Democratic votes, was still a Federalist.

<sup>5</sup> The qualification was removed only with the passage of the Fifteenth Amendment to the Constitution of the United States. The New York Democrats protested bitterly against this amendment.

It is somewhat curious that General Root, Colonel Young, Mr. Livingston, Mr. Briggs, &c., who were most anxious to abolish the property qualification and extend the right of suffrage to all white men, were equally zealous to exclude black citizens from the right to exercise the elective franchise; while those who most strenuously contended for retaining the freehold qualification as respected white citizens, were very solicitous to prevent an exclusion of the blacks from an equal participation with the whites. Of this last description of members, Chancellor Kent, Mr. Van Rensselaer, Mr. Jay, Mr. Van Vechten and Judge Platt were the most prominent.<sup>1</sup>

We have seen that the Negro had been a Federalist.\* As soon as an ambitious freedman gained the prescribed amount of property—and we shall see that this group grew—he would now hesitate still less in choosing between the two parties. We are not to understand that the Negro was a lover of strong government in the abstract, or that he admired the British Constitution or suspected Jacobinical innovation; his Federalism was in his feeling. As long as the party lasted under the old designation, he voted faithfully for its candidates; and we have traced, it is hoped sufficiently, the considerations that commanded his allegiance.

The Federalist party as an organization was in 1821 already passing into history, but the feud between Van Buren's "Buck-tails"<sup>3</sup> and all others was kept up. When in 1826 the few restrictions on white suffrage which had survived five years before were swept away, it was a Democratic legislature which retained the qualification for the blacks.<sup>4</sup> This fact was probably not lost upon the colored voter; and despite the hope and

<sup>1</sup> Political History, vol. ii, p. 21.

<sup>2</sup> "The Negroes, with scarcely an exception, adhered to the Federalists. Their number in the city of New York was very great, and parties in that city were so evenly divided, that it was often sufficient to hold the balance between them, at times, too, when the vote of New York, in the legislature, not unfrequently decided the majority of that body;" Life of Martin Van Buren, a campaign pamphlet, published in Philadelphia in 1844 (in N. Y. Public Library), p. 6.

<sup>3</sup> The bucktail was the badge of the Tammany Society.

<sup>4</sup> The six senators (out of twenty-eight) who voted for equal suffrage were all anti-Tammany men; N. Y. Senate Journal, 1825, p. 147. For names cf. Hammond, vol. i, pp. 235, 237; vol. ii, pp. 139, 175, 193; and Alexander, vol. i, p. 156.

expectation of the convention of 1821, his tribe increased in thrift,<sup>1</sup> so that his political importance was not lost. In the decade after 1830, in three contests for governor, in New York city, always of such critical importance, the fifth ward—where the Negroes were most largely settled—was carried against Tammany, apparently by Negro influence.<sup>2</sup> The same result was brought about here in at least three municipal elections, and likewise in the eighth ward, next to the fifth in Negro population, in 1834, 1837 and 1838.<sup>3</sup> The sachems had little reason to look with complacency upon the slowly growing Negro influence. In Brooklyn, the fourth, ninth and seventh wards, where the Negroes were most numerous, yield corroborative evidence.<sup>4</sup> In Albany, a little later, it was probably Negroes in the first and tenth wards who swelled the Whig majorities.<sup>5</sup>

When the people of New York voted that a convention for the revision of the constitution should be held in 1846, no gift of prophecy was needed to foretell that Negro suffrage would again furnish a theme of bitter controversy. The movement to take away the privilege altogether was begun before the delegates were chosen. A pamphleteer<sup>6</sup> who declared himself "a steady supporter of the principles and regular nominations of the Democratic party" urged the complete exclusion of all men of color from the right to vote. "Some of

<sup>1</sup> See the testimony of W. E. Shannon, formerly of New York, in the Report of the Debates in the Convention of California etc., 1849, Washington, 1850, p. 143. Much was accomplished in New York city by the Phoenix Societies; see Minutes and Proceedings of the Third Annual Convention for the Improvement of Free People of Color etc. (pamphlet), N. Y., 1833, pp. 36-40; F. Bancroft, *Life of Seward*, vol. i, p. 139; C. C. Andrews, *History of the New York African Free Schools etc.*, N. Y., 1830.

<sup>2</sup> E. Williams, *New York Annual Register*, 1835, p. 52; *ibid.*, 1840, p. 224; N. Y. *Evening Post*, Nov. 26, 1836; Census of N. Y. State, in O. C. Holley, *New York State Register*, p. 109.

<sup>3</sup> Williams, 1834, p. 279; *ibid.*, 1837, p. 348; *ibid.*, 1840, p. 224; Holley, *loc. cit.*

<sup>4</sup> Cf. N. Y. *Evening Post*, Nov. 4, 1836; Williams, 1836, p. 95; *ibid.*, 1840, p. 222; Holley, 1843, p. 82; *ibid.*, 1846, p. 107.

<sup>5</sup> Cf. J. Munsell, *Annals of Albany*, Albany, 1870, vol. ii, pp. 361-362; Holley, 1846, p. 107; *ibid.*, 1843, p. 69; *ibid.*, 1845, p. 69; N. Y. *Tribune*, Nov. 4, 1846.

<sup>6</sup> H. P. Hastings, *An Essay on Constitutional Reform*, N. Y., 1846, in N. Y. Public Library.

our people, from false notions of benevolence, or political hypocrisy, deny the natural inferiority of the black race," but as for himself he would maintain that their political proscription was in no way inconsistent with good Democratic doctrine:

In the country, where there are but few Negroes, the danger of encouraging them to remain in the State, invite others from adjacent States and fugitive slaves to join them, and interfere in our political affairs, through the aid of a fanatical party of whites, is not so apparent as in our great cities where they are already numerous.

This broad distinction founded on geography we shall later put to test. On the other hand, the Whigs, in a mass meeting in New York city, October 28, 1845, presided over by the venerable Federalist, Philip Hone,<sup>1</sup> resolved that one of the first reasons for holding a convention was that "the inestimable Right of Suffrage is not secured equally to all citizens, but is clogged as to a part with a proscriptive and anomalous Property Qualification."<sup>2</sup>

Horace Greeley, publishing an address from colored men who asked the return of equal suffrage, endorsed their claim that manhood alone must be the test for the elective franchise,<sup>3</sup> and later printed this demand at the head of seven reforms that must be struggled for.<sup>4</sup> He bewailed "the Colorphobia which prevails so extensively in the ranks of our modern 'Democracy',"<sup>5</sup> and declared that the "body of the People are divided into two great parties, one of which is generally favorable, and

<sup>1</sup> To see how important a part Hone played in carrying this measure through, consult report in *N. Y. Evening Post*, Oct. 29, 1845; yet Hone had no sympathy with abolitionism. See *Diary of Philip Hone*, N. Y., 1889, vol. i, p. 79. (The full manuscript is in the N. Y. Historical Society Collections.)

<sup>2</sup> *N. Y. Tribune*, October 30, 1845. It must be said that this was not the unanimous opinion of those attending. Col. Webb, of the *Courier and Enquirer*, who had written very gingerly about the Texas question and was anxious that the party in New York should commit itself to no principle distasteful to the southern Whigs, was able at a subsequent smaller meeting to have all such resolutions stricken out.

<sup>3</sup> *N. Y. Tribune* January 23, 1846. The address itself is interesting; apparently in the hope of proselyting among Democrats its authors recalled general statements of D. D. Tompkins and Silas Wright about slavery and the rights of man.

<sup>4</sup> *Ibid.*, March 23, 1846.

<sup>5</sup> *Ibid.*, Feb. 12.

the other notoriously hostile to the extension of the Right of Suffrage to every peaceable, orderly citizen, without regard to the color of his skin or the amount of his property." He urged the Birneyites, the members of the small and struggling group of abolitionists, to name no candidates for the convention, but to vote for Whigs, who, however they might differ with these enthusiasts as to the proper way to deal with slavery, were one with them upon the poorest Negro's right to vote.<sup>1</sup> As to the candidates the colored voters would themselves prefer, he, of course, had little doubt. He knew they would recall that it was the Democrats of 1821 who had excluded them, when "every Federalist in the Convention strenuously opposed the proscription."<sup>2</sup> And the Negro voter seemed to understand. "The Democratic party of this City," wrote one of them, "with the loud profession of the largest liberty, is the first and the only one to announce its determination to go for the curtailment of Human Freedom."<sup>3</sup>

It must not be considered that this was but a passing crotchet of Greeley's. The other most important Whig editor in the state was Thurlow Weed, who attempted to lead no forlorn hopes. For universal suffrage in the abstract he had no approval;<sup>4</sup> that was one thing in which he would if necessary stand alone. He did not care to jeopardize the union of the party and of the nation<sup>5</sup> by stirring up trouble in the South, and he made no secret of his hatred for the fanatical zeal of northern abolitionists.<sup>6</sup> Indeed, in after years Greeley charged him with a "poor white" prejudice against the black.<sup>7</sup> Yet at the very outset of this contest he had written, "Above all, let

<sup>1</sup> *N. Y. Tribune*, Feb. 17. It seems that the inference as to a connection between these sentiments was unwarranted.

<sup>2</sup> *Ibid.*, March 23.

<sup>3</sup> *Ibid.*, April 28.

<sup>4</sup> Life of Thurlow Weed (Autobiography), Boston, 1884, pp. 89-90. For his later revision of opinion, see *ibid.* (Memoir), p. 561.

<sup>5</sup> Cf. W. E. Dodd, *Expansion and Conflict*, N. Y., 1915, p. 171.

<sup>6</sup> *Albany Evening Journal*, Nov. 30, 1860; also Autobiography, p. 98.

<sup>7</sup> Horace Greeley, *Recollections of a Busy Life*, N. Y., 1873, p. 313. This reference to Weed's humble origin was no less ungenerous than unfair. See Weed's Memoir, p. 297.

that class of our fellow-citizens, whose intellectual capacities are measured under our present Constitution by *property*, be relieved from the stigma under which they rest, and be placed on the footing where they belong—that of men.”<sup>1</sup> Seward, the other member of that famous firm, likewise favored equal suffrage.\* And despite the opposition of a few, the majority of Whigs seem to have stood behind the trusted leaders.<sup>3</sup>

There was as little doubt as to the policy of the Democrats. The *Journal of Commerce*, the *Argus* and the *Evening Post* had no word to say for the extension of the franchise. Bryant, who in his vagarious days of Equal Rights had brought upon his own head round condemnation for countenancing abolition, who had pointed out with all Cassandra’s certainty the danger which followed in the train of the “domestic institution,” and had stood among the staunchest in support of Adams in his fight for freedom of petition, now wrote with care to establish the doctrine that civil freedom and the suffrage presented two quite different questions. The Negro as a voter was the Negro as a peril.<sup>4</sup> Bennett, who in spite of claims of independence was at heart a Tammany man, complained in the *Herald* of “the detestable cry of Negro suffrage raised as a rallying cry for the election of delegates to the Convention;”<sup>5</sup> the *Globe* expressed a similar sentiment;<sup>6</sup> and the *Morning News* attributed all the Whigs’ zeal to an appetite for votes.<sup>7</sup> This view is

<sup>1</sup> *Albany Evening Journal*, Oct. 30, 1845.

<sup>2</sup> See his Reply to the Colored Citizens of Albany, Works, N. Y., 1853–1854, vol. iii, pp. 437–438.

<sup>3</sup> N. Y. *Evening Post*, Oct. 6, 1845. See Greeley’s comment on the Webb faction, “so utterly out of place in our party;” *N. Y. Tribune*, April 1, 1846. After the election the Young Men’s General County Committee of the Whigs tried to read Webb out of the party.

<sup>4</sup> Parke Godwin, A Biography of William Cullen Bryant, N. Y., 1883, vol. i, pp. 327–331, and N. Y. *Evening Post*, April 21, 1836.

<sup>5</sup> He “was a recognized member of the Tammany party;” *Memoirs of James Gordon Bennett and his Times*, N. Y., 1855, p. 80. He was not complimentary to the Negro, “on whom education, and every other means of moral enlightenment have been tried in vain;” *N. Y. Herald*, March 17, 1846.

<sup>6</sup> Quoted in *N. Y. Tribune*, Feb. 12, 1846.

<sup>7</sup> March 24, 1846. See Frederic Hudson, *Journalism in the United States*, pp. 576, 667.



doubtless exaggerated; yet the hope of party gain certainly performed its part.

The election of the delegates to the convention of 1846, as a quarter of a century before, was made a party question, and again the Democrats were represented by the large majority.<sup>1</sup> In the course of time the matter of the franchise was presented and a long debate was begun.<sup>2</sup> There was no doubt as to how the parties stood. The committee report, presented by its chairman, ex-Governor Bouck, recommended suffrage for white men only;<sup>3</sup> if the convention should desire, it might offer unrestricted colored suffrage as a separate option. If this report were adopted by the delegates, the proposition of the black man's complete exclusion, as the majority of Democrats in 1821 had wished, would go before the people with the prestige of the approval of the convention. No provision was here made for the continuation of the existing limitation of two hundred and fifty dollars, but the minority report called for equal suffrage. Mr. Bruce, a Whig from Madison County, moved to strike out the word "white," and the contest was begun. J. Leslie Russell, of St. Lawrence, took up the challenge:

For one, he knew . . . that nine-tenths of the people in St. Lawrence county—abolitionists and all—were opposed to the admission of the Negroes to the right of suffrage. . . . He agreed in this perfectly with his constituents. This was the only issue in St. Lawrence at the Convention election. He was interrogated on this subject, and informed them expressly that he should vote against suffrage to the Negro.<sup>4</sup>

<sup>1</sup> Hammond, *op. cit.*, vol. iii, p. 605.

<sup>2</sup> Croswell and Sutton, *Debates and Proceedings in the New York State Convention etc.*, Albany, 1846, pp. 246, 775, 782 etc. See also C. Z. Lincoln, *Constitutional History*, vol. ii, pp. 118-123 and E. Olbrich, *op. cit.*, pp. 72-78.

<sup>3</sup> No. 51 in Documents of the Convention of the State of New York, 1846, vol. i.

<sup>4</sup> *Debates*, p. 777. Mr. Russell, like the majority of the voters of St. Lawrence County, was an ardent Democrat. He was in the complete confidence of his fellow-citizen of Canton, Governor Wright, who had taken a deep interest in his career; R. H. Gillett, *Life and Times of Silas Wright*, N. Y., 1874, vol. ii, p. 1727; J. D. Hammond, *Life of Silas Wright*, Syracuse, 1849, p. 730; and Russell to A. C. Flagg, Flagg MSS., N. Y. Public Library. We may infer that Wright's opinions were similar to Russell's.

He was answered by Mr. Strong, a Whig member from Monroe, who declared himself no abolitionist, but who knew this question would never be finally settled until right should be done all classes of the citizens of the state.<sup>1</sup> Mr. Kirkland from Oneida wanted at least to save the Negro what he had.<sup>2</sup> But Mr. Kennedy, a Democrat from New York city, declared that a holding of real property or any other kind was no fit test for the franchise; in any change only character and manhood should be considered; but

the females of mature age, of our own race, were entitled to a preference, when we were prepared to make such an extension. [A gentleman had] remarked that delicacy should prevent females from uniting in the exercise of political power, but what sort of delicacy was that which . . . would squander it upon those whom nature had marked as a distinct race; and who were merely an excrescence upon our society! . . . Nature revolted at the proposal.

He claimed that the freedmen in New York were more degraded than the like class in the South. He had statistics to prove Negroes far more vicious than whites.<sup>3</sup>

Federal Dana, Mr. Bruce's colleague, said if the Negro were but given decent opportunities in life like the suffrage, he would not be so vicious. Mr. Young, a Wyoming Whig, contended that colored people were as intelligent as immigrants from foreign countries and as much entitled to the elective franchise. He regretted that statistics of the good portion of those other groups had not been furnished also. Mr. Rhoades, of Onondaga, scouted a so-called democracy that would deprive men of rights simply on the ground of a difference in complexion. Mr. Waterbury, of Delaware, reverted to the case of women. "The wives and children of all our white citizens were protected in their rights and privileges by husbands and

<sup>1</sup> Debates, p. 777.

<sup>2</sup> *Ibid.*, p. 778. It may be said here that no Democrat spoke for the extension of the franchise, and no Whig against it, except Mr. Kirkland and Mr. Stow, who were content with a restricted suffrage, and Mr. Harrison, who stood with the Tammany men in the desire to shut out the Negro altogether.

<sup>3</sup> Debates, pp. 782-786, for this and the speeches in the next paragraph.

brothers. Where do you find anyone to stand up for the colored man?—Not one." But Mr. Hunt, from Tammany Hall, would listen to no such talk. "His doctrine and that of his constituents, in relation to the right of suffrage, was briefly this: We want no masters and least of all no Negro masters, to reign over us."

It was Mr. Hunt who introduced a new note in the debate. In 1821 the franchise question had been settled without reference or citation beyond the plain facts of social prudence and the experience of this world. But a new day of religious enthusiasm had come since then, and the simple words of scripture were frequently taken as the unfailing guide of life.<sup>1</sup> In the view of most men, "common sense, reason and reflection pronounced a solemn amen to every doctrine taught in that fearful and precious book" and it was held "that all the truth to which reason ever assented had been first taught by revelation."<sup>2</sup>

Mr. Hunt appealed to Leviticus: "The Jews were forbidden to yoke animals of different kinds together; and if it were wrong to unite the cow and the ass in the same yoke, would it be right to unite the Caucasian and the Negro race in the same government?"<sup>3</sup> In some way equal suffrage was considered to imply social equality as well. Mr. Perkins, of St. Lawrence, said he should not enter the controversy further than to say that if there were any verity in scripture, mankind were at Babel divided into separate classes, "that it was the fiat of the Almighty that they should remain separate nations—that he put his mark on these creatures, that it might be known that it was a violation of the law of God to commingle our blood with them in marriage."—"Does the gentleman find that in the Bible?" asked Mr. Dana.—"Yes," was the reply; "not in those words, however." Mr. Waterbury wished to know,

<sup>1</sup> W. Walker, *History of the Congregational Churches in the United States*, N. Y., 1894, p. 320; R. E. Thompson, *History of the Presbyterian Churches in the United States*, N. Y., 1895, pp. 129-149.

<sup>2</sup> David Nelson, *The Cause and Cure of Infidelity*, N. Y., 1841, p. 351. This was one of the most popular and influential of the volumes issued by the American Tract Society.

<sup>3</sup> *Debates*, p. 786.

"If they were thus separated at Babel, how came they to go through the ark with the rest?"<sup>1</sup> Pausing for a moment's comment on the limitations of the gentleman from Delaware in the field of sacred chronology, the debate went forward. Mr. Dana remembered nothing in the account of Babel that properly could be cited against the right of the colored man to vote. "And before he could be convinced of that, he must have chapter and verse." Mr. Harrison, of Richmond, offered specific reference to Ham and Canaan: "Cursed be Canaan; a servant of servants shall he be to his brethren."<sup>2</sup> Yet Mr. Dana recalled that Noah was at this time intoxicated, and that at any rate this had no bearing upon political rights. Mr. Perkins "laid it down as the economy of Providence that there should be separate races and grades of beings on earth." The great offense that had brought on the flood had been the commingling of races. He maintained his exegesis that the female progeny of Cain, lately damned with a black mark, had as partners to this indiscretion occasioned that calamity.<sup>3</sup> Mr. Simmons, of Essex, on the other hand, attributed the deluge to God's wrath at slavery. "My Bible says so," he exclaimed; but he was interrupted by a voice, "Yours is a Whig Bible."<sup>4</sup>

When the vote was taken on Mr. Bruce's proposition to strike out the word "white," there were thirty-seven for and sixty-three against. Among the thirty-seven that favored equal suffrage there were two Democrats; while among the sixty-three opposed there were eight Whigs.<sup>5</sup> But when a member of the latter party proposed that the property qualification for the Negro be lowered from two hundred and fifty to one hundred dollars, seven of these eight were willing to make this reduction.<sup>6</sup> The Democrats were in the majority, however, and the Whigs had to be satisfied with a separate submission to the people of the paragraph on equal suffrage.<sup>7</sup>

<sup>1</sup> Debates, p. 789.

<sup>2</sup> *Ibid.*, p. 790.

<sup>3</sup> *Ibid.*, p. 796.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, p. 788. The party affiliation of each member of the convention may be learned from the list published in the *N. Y. Tribune*, May 5, 1846.

<sup>6</sup> Debates, p. 790.

<sup>7</sup> The proposition was heavily defeated at the polls, especially in New York city.

The Democrats had won a party victory. But since 1842 at least, there had been internal strife. Because of difference about canal expenditures or the Texas annexation, or from jealousies in office-holding, there had been developing a breach within the Democratic party of the state.<sup>1</sup> The Conservatives, or "Hunkers," abhorred the radical "Barnburners," and were themselves despised in turn. Yet faction made no break in this alignment in the convention. Bouck, the foremost Hunker, was no more against the Negro voter than was Michael Hoffman, the Barnburners' champion.<sup>2</sup> It was as straight a party question as one often finds. The charge that the country districts, ignorant of the true nature of the Negro, would unite in his behalf,<sup>3</sup> could not be sustained. Six counties were divided in their delegation—Albany, Greene, Wayne, Dutchess, Onondaga and Schoharie, and in every one the Whig members voted on the one side and the Democrats, if present, on the other. Acquaintance with the black man seemed to count for little. In St. Lawrence, where there were thirty-seven Negroes,<sup>4</sup> it had been "the only issue" and the delegates had been instructed to exclude them altogether. At the election in the autumn their position was maintained in that county by a vote of nearly two to one. Neighboring Franklin county gave equal suffrage a majority of seven hundred and thirty-two.<sup>5</sup> Essex county had forty Negroes; the adjacent Warren, with a population somewhat less, had thirty-five. Essex went for equality; Warren, by nearly the same majority, against.<sup>6</sup> Livingston, with about the same proportion of colored population as Steuben, next to it in the south, went in favor, and Steuben against.<sup>7</sup> The same was true

<sup>1</sup> J. S. Jenkins, *Lives of the Governors of New York State*, Auburn, 1851, p. 705; D. S. Alexander, *op. cit.*, vol. ii, pp. 56-76.

<sup>2</sup> J. S. Hammond, *Political History*, vol. iii, pp. 314, 387. In the partial list published in the *N. Y. Herald*, May 1, 1846, the Hunkers and Barnburners among the Democrats are differentiated. No relation to the vote on suffrage is observable.

<sup>3</sup> H. P. Hastings, *loc. cit.*

<sup>4</sup> Census of the State of New York, 1845, in O. L. Holley, *New York State Register*, 1846, p. 115.

<sup>5</sup> Table in *N. Y. Tribune*, Nov. 19, 1846.

<sup>6</sup> Holley, *op. cit.*, pp. 104, 119.

<sup>7</sup> *Ibid.*, pp. 108, 117.

of Oneida and Herkimer, Cortland and Tioga, and other pairs of counties in the different sections of the state. Yet when one looks at the political complexion of these counties the inference is plain. Whig counties followed the direction of their leaders, and Democratic counties did the same. When Washington gave its vote in favor, Greeley wrote, "This Washington is called a *Federal* county, while the party which has polled ninety-nine hundredths of its vote *against* Equal Rights vaunts itself *Democratic*."<sup>1</sup>

Nor did abolitionism play a considerable part in the opinion on Negro suffrage. St. Lawrence abolitionists, if Mr. Russell is to be credited, were emphatically against all concession in the franchise. Men who did not follow Birney, like Mr. Strong and Dr. Backus,<sup>2</sup> were in favor of equality. It has been said that there was a connection between equal-suffrage sentiment and that which produced the Free-Soil party in 1848.<sup>3</sup> Yet in the convention no man was more steadily opposed to Negro suffrage than Samuel J. Tilden,<sup>4</sup> who became a pillar of that party;<sup>5</sup> and in the test of the ballot box such an hypothesis fails utterly. In 1848 seven counties voted for Van Buren, but only one of these had desired equal suffrage, and the county which by far surpassed all others in affection for Free Soil was none other than St. Lawrence.<sup>6</sup> The ward in New York city most favorable to equal suffrage was the fifteenth, always Whig,<sup>7</sup> which in 1844 had given Birney but twelve votes out of three thousand, and which in 1848 gave Van Buren a lower fraction of its votes than almost any other ward.<sup>8</sup> The sixth, which

<sup>1</sup> *N. Y. Tribune*, Nov. 14, 1847.

<sup>2</sup> Thurlow Weed, *Autobiography*, p. 98.

<sup>3</sup> E. Olbrich, *Negro Suffrage before 1860 etc.*, p. 77.

<sup>4</sup> At least as indicated by his votes; *Debates*, pp. 788, 790, 791.

<sup>5</sup> John Bigelow, *The Life of Samuel J. Tilden*, N. Y., 1908, vol. 1, p. 119. Tilden wrote much of the address called "The Corner Stone of the Free Soil Party."

<sup>6</sup> See returns of election of 1846 in *N. Y. Tribune*, Nov. 14, 1846, and those of 1848 in *Whig Almanac*, N. Y., 1849, p. 54.

<sup>7</sup> Table in *N. Y. Evening Post*, Nov. 7, 1846, and election tables in E. Williams, *New-York Annual Register*, 1832-1840.

<sup>8</sup> *Whig Almanac*, *loc. cit.*

gave the largest vote against the Negro, was the very citadel of Tammany. Horace Greeley, long afterward at a public meeting, recalled that election: "Twenty-five years ago, I stood at the poll of the nineteenth ward of this city all one rainy, chilly November day, peddling ballots for Equal Suffrage. I got many Whigs to take them, but not one Democrat."<sup>1</sup> In this recollection he no doubt was right. It was a party matter in which personalities or the fortunes of slavery in southern states or in the territories had but little bearing.

The traditional alliance between the well-to-do and the Negroes was maintained. This of itself would pique the fear of Tammany and sharpen its attack, but this was not all. The Democratic party in the cities was the party of the little man, the day worker and the mill-hand. The laborers of the forties certainly prized the luxury of feeling themselves better than the Negro; on his subordination hung their pride. And then there was the economic danger of too much encouragement. In Tammany Hall it had been resolved that suffrage for the Negro was "fraught with incalculable evil and mischief, both in a social and political point of view,"<sup>2</sup> but this organization had reasons, based on work and wages, to fear the Negro's rise. It had likewise laid down the doctrine "that the inevitable result of the success of abolitionism would be to create a pinching competition between the labor of the Negro and that of the white man. Thus the aspiration of the blacks for suffrage met with the "steady and determined opposition of Tammany Hall."<sup>3</sup> Reason was supported by race prejudice in the heart of the mechanic. It was in the sixth and fourteenth wards of New York city that the anti-Negro vote was strongest, and here were found the largest number of immigrant citizens.<sup>4</sup>

<sup>1</sup> In a speech at a meeting of welcome after his southern journey of 1871; Mr. Greeley's Record on the Question of Amnesty and Reconstruction (pamphlet), N. Y., 1872, p. 21. As to exactly where he stood, Mr. Greeley's memory must have been at fault, as there was in 1846 no nineteenth ward.

<sup>2</sup> Report of meeting, N. Y. *Evening Post*, Oct. 31, 1846.

<sup>3</sup> *Ibid.*, Oct. 31, 1845.

<sup>4</sup> Greeley claimed this question brought out extra thousands of Tammany votes; *N. Y. Tribune*, Nov. 7, 1846.

The connection of these facts was plain, and it was accepted as a large factor in the explanation of the outcome.<sup>1</sup>

Though the average Negro did not think of the connection, there was doubtless, now and then, a leader to whom these things were clear. Allied by long tradition to the Federalist Whig party, he accepted its direction with docility. As to the charge that the Whigs were low-hearted opportunists on the slavery issue he made no extensive inquiry. In feeling more concern about his own improvement than about the labor system beyond the Mississippi, he presented no exception to the custom of mankind. The Wilmot Proviso was interesting in its way, but Texas was a long way off. Since the leaders of the Free-Soil party had been Democrats, he felt no strong enthusiasm to march behind their banner. In the abolitionists he no doubt felt an interest, but there was little use in casting votes for them.<sup>2</sup> When the Whigs made their transition to the Republican party he of course followed, but he had no hunger for third parties. "For the last five or six years before I left New York," testified a witness in far-away Iowa, "their votes were deposited sometimes for the third-party candidate, but most generally for the old Whig party."<sup>3</sup> They were Whigs because their fathers had been Federalists. If there had never been a Negro south of the Potomac, still the Negro in New York would never have voted the Democratic ticket.

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<sup>1</sup> *N. Y. Tribune*, Nov. 8. Yet Greeley was a steady opponent of nativism.

<sup>2</sup> Compare Birney's total vote in New York city in 1844 with the Negroes' voting strength; *Constitutional Debates*, 1846, p. 790, and Holley, *op. cit.*, 1845, p. 85.

<sup>3</sup> Mr. Clarke in the *Debates of the Constitutional Convention of the State of Iowa*, 1857, Davenport, 1857, vol. ii, p. 671. Mr. Clarke had left New York in 1831; *ibid.*, vol. i, p. 4 (biographical table).



## THE DELEGATION OF LEGISLATIVE POWER TO CITIES

### I. THE REFERENCE OF LAWS TO THE VOTERS

#### *I. Introduction*

**H**OME rule for cities is, by constitutional grant, an accomplished fact in one-quarter of the states of the Union. This method of meeting the fairly reasonable demand of cities for broader powers of self-government by constitutional provision is somewhat heroic. Moreover, it has, both in law and in practice, produced highly complicated and often unsatisfactory results. As the result of many forces, the attitude of state legislatures toward cities has in recent years undergone a marked change for the better. If the legislature could itself make a grant of home-rule powers that would satisfy all reasonable demands, this insistent problem of our politics would be greatly simplified; for the legislature would, of course, retain its power to alter the general grant in the interest of preventing abuses, of perfecting machinery, of unraveling unforeseen complications, and of readjusting from time to time relationships between the cities on the one hand and the state government on the other—relationships which in the light of overlapping activities and of changes in the method of solving governmental problems cannot and should not remain static. If the legislative inclination be conceded, is there any constitutional reason why such a grant may not be made by statute? The answer to this question calls for a statement of the practical problem and an examination of the legal principles involved.

The practical problem arises out of the historical development of legislative practices in the matter of enacting municipal charters. In connection with these practices only two facts of present-day significance need to be noted. In the first place, since powers are commonly conferred not upon the city as such but upon designated corporate authorities, it is impossible