

## THE FOUNDERS' CONSTITUTION



# Article 1, Section 2, Clause 1

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## Document 3

### William Blackstone, Commentaries 1:165--66

*on the Laws of England*

1765

1. As to the qualifications of the electors. The true reason of requiring any qualification, with regard to property, in voters, is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own. If these persons had votes, they would be tempted to dispose of them under some undue influence or other. This would give a great, an artful, or a wealthy man, a larger share in elections than is consistent with general liberty. If it were probable that every man would give his vote freely, and without influence of any kind, then, upon the true theory and genuine principles of liberty, every member of the community, however poor, should have a vote in electing those delegates, to whose charge is committed the disposal of his property, his liberty, and his life. But, since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, all popular states have been obliged to establish certain qualifications; whereby some, who are suspected to have no will of their own, are excluded from voting, in order to set other individuals, whose wills may be supposed independent, more thoroughly upon a level with each other.

And this constitution of suffrages is framed upon a wiser principle than either of the methods of voting, by centuries, or by tribes, among the Romans. In the method by centuries, instituted by Servius Tullius, it was principally property, and not numbers that turned the scale: in the method by tribes, gradually introduced by the tribunes of the people, numbers only were regarded and property entirely overlooked. Hence the laws passed by the former method had usually too great a tendency to aggrandize the patricians or rich nobles; and those by the latter had too much of a levelling principle. Our constitution steers between the two extremes. Only such as are entirely excluded, as can have no will of their own: there is hardly a free agent to be found, but what is entitled to a vote in some place or other in the kingdom. Nor is comparative wealth, or property, entirely disregarded in elections; for though the richest man has only one vote at one place, yet if his property be at all diffused, he has probably a right to vote at more places than one, and therefore has many representatives. This is the spirit of our constitution: not that I assert it is in fact quite so perfect as I have here endeavoured to describe it; for, if any alteration might be wished or suggested in the present frame of parliaments, it should be in favour of a more complete representation of the people.

TABLE A.1 Suffrage Requirements: 1776-1790

State	Property or Taxpaying Requirement	Residency	Gender <sup>1</sup>	Race
Connecticut: 1715 (S) <sup>2</sup>	Freehold estate worth 40 shillings per year or 40 pounds personal estate.	—	—	—
Delaware: 1776 (C) and 1734 (S)	"Freeholder . . . and has 50 acres of land or more well seated, and 12 acres or more thereof cleared," or "is otherwise worth 40 pounds money of this government clear estate."	2 years in state.	—	—
Georgia: 1777 (C)	"Possessed in his own right of 10 pounds value, and liable to pay tax in this State, or being of any mechanic trade."	6 months in state.	Male	White
Georgia: 1789 (C)	Paid all taxes for year preceding the election.	6 months in county.	—	—
Maryland: 1776 (C)	Freehold of 50 acres or property above value of 30 pounds.	No requirement if 50-acre freeholder; otherwise, 1 year in county.	Freemen	—
Massachusetts: 1780 (C)	Freehold estate with annual income of 3 pounds, or any estate worth 60 pounds to vote for Senate; property must be owned in same town as residence to vote for House.	No requirement to vote for Senate; 1 year in town to vote for House.	Male	—
New Hampshire: 1784 (C)	Poll tax.	No requirement.	Male	—
New Jersey: 1776 (C)	Worth 50 pounds proclamation money, clear estate in the same.	1 year in county.	—	—
New York: 1777 (C) <sup>3</sup>	For Assembly: "Freeholder, possessing a freehold of the value of 20 pounds, . . . or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to this State." Exceptions for "every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York on or before" 14 October 1775. For Senate: Owners of freeholds valued at "one hundred pounds, over and above all debts charged thereon."	6 months in county.	Male	—
North Carolina: 1776 (C)	Freehold of 50 acres of land owned for 6 months prior to election to vote for Senate; must have paid public taxes to vote for House of Commons.	1 year in county.	Freemen	—
Pennsylvania: 1776 (C)	Paid public taxes in year prior to election (or the sons of freeholders).	1 year in state.	Freemen	—
Pennsylvania: 1790 (C)	Paid state or county tax within 2 years of election, assessed at least 6 months before the election. Exempt if under age 22 and the son of a qualified voter.	2 years in state.	Freemen	—
Rhode Island: 1762 (S)	Freehold worth 40 pounds or 40 shillings per year, or the eldest son of a freeholder.	—	—	—
South Carolina: 1778 (C) <sup>4</sup>	Freehold of 50 acres of land owned for 6 months prior to election, or paid a tax the preceding year, or was taxable the present year, at least 6 months previous to said election, in a sum equal to tax on 50 acres of land.	1 year in state.	Male	White
South Carolina: 1790 (C)	"Freehold of 50 acres of land or a town lot, of which he hath been legally seized and possessed at least six months before such election, or not having such a freehold or town lot, hath been a resident in the election district in which he offers to give his vote 6 months before the said election, and hath paid a tax the preceding year of 3 shillings sterling."	2 years in state.	Male	White
Vermont: 1786 (C) <sup>5,6</sup>	No requirement.	1 year in state.	Freemen	—
Virginia: 1776 (C) and 1762 (S)	"Freehold . . . in at least 50 acres of land, if no settlement be made upon it, or 25 acres, with a plantation and house thereon, at least 12 feet square," or town lot with house "at least 12 feet square."	Must own property 1 year prior to the election, unless received by inheritance, marriage, or marriage settlement.	Male	White

<sup>1</sup>Noted below if gender was expressly mentioned. Only in New Jersey were women permitted to vote.

<sup>2</sup>(S) = statute, (C) = constitution.

<sup>3</sup>Also required all Quakers to pledge allegiance to the state.

<sup>4</sup>Also required that a voter must "acknowledge the being of a God, and believe in a future state of rewards and punishments."

<sup>5</sup>Came into effect with statehood in 1791.

<sup>6</sup>The 1776 constitution also required individuals to be "of a quiet and peaceable behaviour."

## THE FOUNDERS' CONSTITUTION



## 13

## Representation

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**CHAPTER 13 | Document 10****John Adams to James Sullivan**

26 May 1776 *Papers 4:208--12*

Your Favours of May 9th. and 17th. are now before me; and I consider them as the Commencement of a Correspondence, which will not only give me Pleasure, but may be of Service to the public, as, in my present Station I Stand in need of the best Intelligence, and the Advice of every Gentleman of Abilities and public Principles, in the Colony which has seen fit to place me here.

Our worthy Friend, Mr. Gerry has put into my Hand, a Letter from you, of the Sixth of May, in which you consider the Principles of Representation and Legislation, and give us Hints of Some Alterations, which you Seem to think necessary, in the Qualification of Voters.

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I wish, Sir, I could possibly find Time, to accompany you, in your Investigation of the Principles upon which a Representative assembly Stands and ought to Stand, and in your Examination whether the Practice of our Colony, has been conformable to those Principles. But alas! Sir, my Time is So incessantly engrossed by the Business before me that I cannot Spare enough, to go through So large a Field: and as to Books, it is not easy to obtain them here, nor could I find a Moment to look into them, if I had them.

It is certain in Theory, that the only moral Foundation of Government is the Consent of the People. But to what an Extent Shall We carry this Principle? Shall We Say, that every Individual of the Community, old and young, male and female, as well as rich and poor, must consent, expressly to every Act of Legislation? No, you will Say. This is impossible. How then does the Right arise in the Majority to govern the Minority, against their Will? Whence arises the Right of the Men to govern Women, without their Consent? Whence the Right of the old to bind the Young, without theirs.

But let us first Suppose, that the whole Community of every Age, Rank, Sex, and

Condition, has a Right to vote. This Community, is assembled--a Motion is made and carried by a Majority of one Voice. The Minority will not agree to this. Whence arises the Right of the Majority to govern, and the Obligation of the Minority to obey? from Necessity, you will Say, because there can be no other Rule. But why exclude Women? You will Say, because their Delicacy renders them unfit for Practice and Experience, in the great Business of Life, and the hardy Enterprizes of War, as well as the arduous Cares of State. Besides, their attention is So much engaged with the necessary Nurture of their Children, that Nature has made them fittest for domestic Cares. And Children have not Judgment or Will of their own. True. But will not these Reasons apply to others? Is it not equally true, that Men in general in every Society, who are wholly destitute of Property, are also too little acquainted with public Affairs to form a Right Judgment, and too dependent upon other Men to have a Will of their own? If this is a Fact, if you give to every Man, who has no Property, a Vote, will you not make a fine encouraging Provision for Corruption by your fundamental Law? Such is the Frailty of the human Heart, that very few Men, who have no Property, have any Judgment of their own. They talk and vote as they are directed by Some Man of Property, who has attached their Minds to his Interest.

Upon my Word, sir, I have long thought an Army, a Piece of Clock Work and to be governed only by Principles and Maxims, as fixed as any in Mechanicks, and by all that I have read in the History of Mankind, and in Authors, who have Speculated upon Society and Government, I am much inclined to think, a Government must manage a Society in the Same manner; and that this is Machinery too.

Harrington has Shewn that Power always follows Property. This I believe to be as infallible a Maxim, in Politicks, as, that Action and Re-action are equal, is in Mechanicks. Nay I believe We may advance one Step farther and affirm that the Ballance of Power in a Society, accompanies the Ballance of Property in Land. The only possible Way then of preserving the Ballance of Power on the side of equal Liberty and public Virtue, is to make the Acquisition of Land easy to every Member of Society: to make a Division of the Land into Small Quantities, So that the Multitude may be possessed of landed Estates. If the Multitude is possessed of the Ballance of real Estate, the Multitude will have the Ballance of Power, and in that Case the Multitude will take Care of the Liberty, Virtue, and Interest of the Multitude in all Acts of Government.

I believe these Principles have been felt, if not understood in the Massachusetts Bay, from the Beginning: And therefore I Should think that Wisdom and Policy would dictate in these Times, to be very cautious of making Alterations. Our people have never been very rigid in Scrutinizing into the Qualifications of Voters, and I presume they will not now begin to be so. But I would not advise them to make any alteration in the Laws, at present, respecting the Qualifications of Voters.

Your Idea, that those Laws, which affect the Lives and personal Liberty of all, or which inflict corporal Punishment, affect those, who are not qualified to vote, as well as those who are, is just. But, So they do Women, as well as Men, Children as well as Adults. What Reason Should there be, for excluding a Man of Twenty years, Eleven Months and twenty-seven days old, from a Vote when you admit one,

who is twenty one? The Reason is, you must fix upon Some Period in Life, when the Understanding and Will of Men in general is fit to be trusted by the Public. Will not the Same Reason justify the State in fixing upon Some certain Quantity of Property, as a Qualification.

The Same Reasoning, which will induce you to admit all Men, who have no Property, to vote, with those who have, for those Laws, which affect the Person will prove that you ought to admit Women and Children: for generally Speaking, Women and Children, have as good Judgment, and as independent Minds as those Men who are wholly destitute of Property: these last being to all Intents and Purposes as much dependent upon others, who will please to feed, cloath, and employ them, as Women are upon their Husbands, or Children on their Parents.

As to your Idea, of proportioning the Votes of Men in Money Matters, to the Property they hold, it is utterly impracticable. There is no possible Way of Ascertaining, at any one Time, how much every Man in a Community, is worth; and if there was, So fluctuating is Trade and Property, that this State of it, would change in half an Hour. The Property of the whole Community, is Shifting every Hour, and no Record can be kept of the Changes.

Society can be governed only by general Rules. Government cannot accommodate itself to every particular Case, as it happens, nor to the Circumstances of particular Persons. It must establish general, comprehensive Regulations for Cases and Persons. The only Question is, which general Rule, will accommodate most Cases and most Persons.

Depend upon it, sir, it is dangerous to open So fruitfull a Source of Controversy and Altercation, as would be opened by attempting to alter the Qualifications of Voters. There will be no End of it. New Claims will arise. Women will demand a Vote. Lads from 12 to 21 will think their [Volume 1, Page 396] Rights not enough attended to, and every Man, who has not a Farthing, will demand an equal Voice with any other in all Acts of State. It tends to confound and destroy all Distinctions, and prostrate all Ranks, to one common Levell.

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**The Founders' Constitution**

Volume 1, Chapter 13, Document 10

<http://press-pubs.uchicago.edu/founders/documents/v1ch13s10.html>

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## Letter from "The Federal Farmer," Letter VI

*The Federal Farmer was a pseudonym for an Anti-Federalist author concerned that the new proposed Constitution would destroy American liberties by creating a too-powerful centralized government. His letters also include accurate and thoughtful descriptions of the existing political systems in the various states, as in this example.*

December 25, 1787.

Liberty, in its genuine sense, is security to enjoy the effects of our honest industry and labors, in a free and mild government, and personal security from all illegal restraints.

...Of rights, some are natural and inalienable, of which even the people cannot deprive individuals: Some are constitutional or fundamental; these cannot be altered or abolished by the ordinary laws; but the people, by express acts, may alter or abolish them—These, such as the trial by jury, the benefits of the writ of habeas corpus, etc. individuals claim under the solemn compacts of the people, as constitutions, or at least under laws so strengthened by long usage as not to be repealable by the ordinary legislature—and some are common or mere legal rights, that is, such as individuals claim under laws which the ordinary legislature may alter or abolish at pleasure.

...The free inhabitants of one state are entitled to the privileges and immunities of the free citizens of the other states—Credit in each state shall be given to the records and judicial proceedings in the others.

...The following, I think, will be allowed to be inalienable or fundamental rights in the United States:

No man, demeaning himself peaceably, shall be molested on account of his religion or mode of worship—The people have a right to hold and enjoy their property according to known standing laws, and which cannot be taken from them without their consent, or the consent of their representatives; and whenever taken in the pressing urgencies of government, they are to receive a reasonable compensation for it—Individual security consists in having free recourse to the laws—The people are subject to no laws or taxes not assented to by their representatives constitutionally assembled—They are at all times entitled to the benefits of the writ of habeas corpus, the trial by jury in criminal and civil cases—They have a right, when charged, to a speedy trial in the vicinage; to be heard by themselves or counsel, not to be compelled to furnish evidence against themselves, to have witnesses face to face, and to confront their adversaries before the judge—No man is held to answer a crime charged upon him till it be substantially described to him; and he is subject to no unreasonable searches or seizures of his person, papers or effects—The people have a right to assemble in an orderly manner, and petition the government for a redress of wrongs—The freedom of the press ought not to be restrained—No emoluments, except for actual service—No hereditary honors, or orders of nobility, ought to be allowed—The military ought to be subordinate to the civil authority, and no soldier be quartered on the citizens without their consent—The militia ought always to be armed and disciplined, and the usual defense of the country—The supreme power is in the people, and power delegated ought to return to them at stated periods, and frequently—The legislative, executive, and judicial powers, ought always to be kept distinct—others perhaps might be added.

The organization of the state governments—Each state has a legislature, an executive, and a judicial branch—In general legislators are excluded from the important executive and judicial offices—Except in the Carolinas there is no constitutional distinction among Christian sects—The constitution of New York, Delaware, and Virginia, exclude the clergy from offices civil and military—the other states do nearly the same in practice.

Each state has a democratic branch, elected twice a year in Rhode Island and Connecticut, biennially in South Carolina, and annually in the other states—There are about 1500 representatives in all the states, or one to each 1700 inhabitants, reckoning five blacks for three whites—The states do not differ as to the age or moral characters of the electors or elected, nor materially as to their property.

Pennsylvania has lodged all her legislative powers in a single branch, and Georgia has done the same; the other eleven states have each in their legislatures a second or senatorial branch. In forming this they have combined various principles, and aimed at several checks and balances. It is amazing to see how ingenuity has worked in the several states to fix a barrier against popular instability. In Massachusetts the senators are apportioned in districts according to the taxes they pay, nearly according to property. In Connecticut the freemen, in September, vote for twenty counsellors, and return the names of those voted for in the several towns; the legislature takes the twenty who have the most votes, and give them to the people, who, in April, choose twelve of them, who, with the governor and deputy governor, form the senatorial branch. In Maryland the senators are chosen by two electors from each county; these electors are chosen by the freemen, and qualified as the members in the democratic branch are: In these two cases checks are aimed at in the mode of election. Several states have taken into view the periods of service, age, property, etc. In South Carolina a senator is elected for two years, in Delaware three, and in New York and Virginia four, in Maryland five, and in the other states for one. In New York and Virginia one-fourth part go out yearly. In Virginia a senator must be twenty-five years old, in South Carolina thirty. In New York the electors must each have a freehold worth 250 dollars, in North Carolina a freehold of fifty acres of land; in the other states the electors of senators are qualified as electors of representatives are. In Massachusetts a senator must have a freehold in his own right worth 1000 dollars, or any estate worth 2000, in New Jersey any estate worth 2666, in South Carolina worth 1300 dollars, in North Carolina 300 acres of land in fee, etc. The numbers of senators in each state are from ten to thirty-one, about 160 in the eleven states, about one to 14,000 inhabitants.

...Each state has a single executive branch. In the five eastern states the people at large elect their governors; in the other states the legislatures elect them.

...Each state has a judicial branch; each common law courts, superior and inferior; some chancery and admiralty courts: The courts in general sit in different places, in order to accommodate the citizens. The trial by jury is had in all the common law courts, and in some of the admiralty courts. The democratic freemen principally form the juries; men destitute of property, of character, or under age, are excluded as in elections...

*The Federal Farmer*