

## *A Legal Scholar Opposes Spreading the Vote, 1821*

---

*One of the foremost legal scholars of his day, James Kent was the first professor of law at Columbia College in 1794, and often referred to as "the American Blackstone." As America struggled with the issue of who could vote in the early 19th century, Kent, like many, opposed broadening voting rights and desired to restrict the electoral rights to property holders. Kent opposed universal suffrage at the 1821 New York constitutional convention, his tenet is reproduced here.*

SOURCE: Reports of the Proceedings and Debates of the Convention of 1821, Assembled for the Purpose of Amending the Constitution of the State of New York (Albany: E. and E. Hosford, 1821).

---

These are some of the fruits of our present government; and yet we seem to be dissatisfied with our present condition, and we are engaged in the bold and hazardous experiment of remodelling the constitution. Is it not fit and discreet: I speak as to wise men; is it not fit and proper that we should pause in our career, and reflect well on the immensity of the innovation in contemplation? Discontent in the midst of so much prosperity, and with such abundant means of happiness, looks like ingratitude, and as if we were disposed to arraign the goodness of Providence. Do we not expose ourselves to the danger of being deprived of the blessings we have enjoyed?...

The senate has hitherto been elected by the farmers of the state—by the free and independent lords of the soil, worth at least \$250 in freehold estate, over and above all debts charged thereon. The governor has been chosen by the same electors, and we have hitherto elected citizens of elevated rank and character. Our assembly has been chosen by freeholders, possessing a freehold of the value of \$50, or by persons renting a tenement of the yearly value of \$5, and who have been rated and actually paid taxes to the state. By the report before us, we propose to annihilate, at one stroke, all those property distinctions and to bow before the idol of universal suffrage. That extreme democratic principle, when applied to the legislative and executive departments of the government, has been regarded with terror, by the wise men of every age, because in every European republic, ancient and modern, in which it has been tried, it has terminated disastrously, and been productive of corruption, injustice, violence, and tyranny. And dare we flatter ourselves that we are a peculiar people, who can run the career of history, exempted from the passions which have disturbed and corrupted the rest of mankind. If we are like other races of men, with similar follies and vices, then I greatly fear that our posterity will have reason to deplore in sackcloth and ashes, the delusion of the day....

Now, sir, I wish to preserve our senate as the representative of the landed interest. I wish those who have an interest in the soil, to retain the exclusive possession of a branch in the legislature, as a strong hold in which they may find safety through all the vicissitudes which the state may be destined, in the course of Providence, to experience. I wish them to be always enabled to say that their freeholds cannot be taxed without their consent. The men of no property, together with the crowds of dependents connected with great manufacturing and commercial establishments, and the motley and undefinable population of crowded ports, may, per-

haps, at some future day, under skilful management predominate in the assembly, and yet we should be perfectly safe if no laws could pass without the free consent of the owners of the soil. That security we at present enjoy; and it is that security which I wish to retain.

The apprehended danger from the experiment of universal suffrage applied to the whole legislative department, is no dream of the imagination. It is too mighty an excitement for the moral constitution of men to endure. The tendency of universal suffrage, is to jeopardize the rights of property, and the principles of liberty. There is a constant tendency in human society, and the history of every age proves it; there is a tendency in the poor to cover a share in the plunder of the rich; in the debtor to relax or avoid the obligation of contracts; in the majority to tyrannize over the minority, and trample down their rights; in the indolent and profligate, to cast the whole burthens of society upon the industrious and the virtuous; and *there is a tendency in ambitious and wicked men, to inflame these combustible materials*. It requires a vigilant government, and a firm administration of justice, to counteract that tendency. Thou shalt not covet; thou shalt not steal; are divine injunctions induced by this miserable depravity of our nature. Who can undertake to calculate with any precision, how many millions of people, this great state will contain in the course of this and the next century, and who can estimate the future extent and magnitude of our commercial ports? The disproportion between the men of property, and the men of no property, will be in every society in a ratio to its commerce, wealth, and population. We are no longer to remain plain and simple republics of farmers, like the New-England colonists, or the Dutch settlements on the Hudson. We are fast becoming a great nation, with great commerce, manufactures, population, wealth, luxuries, and with the vices and miseries that they engender. One seventh of the population of the city of Paris at this day subsists on charity, and one third of the inhabitants of that city die in the hospitals; what would become of such a city with universal suffrage? France has upwards of four, and England upwards of five millions of manufacturing and commercial labourers without property. Could these Kingdoms sustain the weight of universal suffrage? The radicals in England, with the force of that mighty engine, would at once sweep away the property, the laws, and the liberties of that island like a deluge.

The growth of the city of New-York is enough to startle and awaken those who are pursuing the *IGNUS FATUUS* of universal suffrage.