

“Expressly Recognized by Our Election Laws”:  
Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic

On April 27, 1811, three free black men named Balthazer, Jack, and Lewis approached New York supreme court justice William W. Van Ness in Albany, the bustling state capital on the west bank of the Hudson River. Balthazer, Jack, and Lewis knew each other well. Until 1809, they had been owned by a wealthy spinster whose family controlled vast acres of surrounding land. Balthazer and Jack, ages fifty and forty-five, were originally from Greenbush, on the east bank of the river; Lewis, age twenty-three, was born in Albany. Armed with a copy of their joint manumission, they asked Justice Van Ness to give them each a “certificate of freedom,” a document they needed in order to participate in the annual state election. Van Ness obliged.<sup>1</sup>

The 1811 state law stipulating that black voters acquire certificates was controversial. According to one angry Federalist editor, Republican legislators had with “abominable artifice” created difficulties for black men because they “always voted for the federal ticket.”<sup>2</sup> The law permitted election inspectors to ask “any person” to swear he was an adult citizen, had not yet voted in the election, and met property qualifications. But additional clauses required “any black or mulatto person” present a “certificate of his freedom” signed by a judge, mayor, recorder, or alderman. For 35½ cents, the official would record a description of the voter, his age, place of birth, and date of freedom. The applicant then paid a clerk for “filing such proof.”<sup>3</sup>

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<sup>1</sup> Balthazer’s, Jack’s, and Louis’s Certificates of Freedom (hereafter COF), 27 April 1811, Slave Manumission Register, 1800-1829, pp. 93-4, Albany County Hall of Records. It is possible the three men were kin. Their former mistress, Catherine Douw, was the daughter of Petrus and Anna Van Rensselaer Douw.

<sup>2</sup> “Freedom of Election,” *New-York Evening Post*, April 16, 1811 (hereafter *EP*).

<sup>3</sup> *New York Laws*, 34<sup>th</sup> Sess. (1811), ch. 201.

In retrospect, the 1811 law was an early salvo in a long legal campaign to diminish black voting. In 1815, the Republican-led legislature passed a second certificate law demanding additional paperwork from black men in New York City, the state's most conspicuous site of black electoral strength.<sup>4</sup> Eventually, opponents made it nearly impossible for most black men to vote at all; in 1821, a constitutional convention, called to make a wide range of reforms, approved onerous new qualifications for black voters while easing restrictions on white voters.

As vexing as the two certificate laws were, the state's black men made continuous efforts to vote between 1811 and 1821. From fishing villages on Long Island to farm communities on the Hudson to mechanic wards in New York City, they sought out officials to acquire certificates. Although some were first-time voters, many were experienced at the polls. A fair number had been born free, but most were former slaves. A few were noted civic leaders; the majority were regular men, recognizable in their neighborhoods, but otherwise obscure. Most acted with the help of friends, family, and patrons, including women. They all engaged in formal politics. Stitched together, their surviving certificates enrich a familiar story of early republican democracy, while at the same time encouraging refined interpretations of how black citizenship, as a legal, political, and lived status, was constructed and contested in the new nation.

By one measure, certificates of freedom simply serve as a valuable source of evidence to bolster a narrative that historians know well. There is ample literature on black voting, partisan maneuvering, and disfranchisement in New York and elsewhere during this era, a subset of a larger body of work examining the development of American democracy.<sup>5</sup> Paul Polgar's research

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<sup>4</sup> *New York Laws*, 38<sup>th</sup> Sess. (1815), ch. 145.

<sup>5</sup> John Antony Casais, "The New York State Constitutional Convention of 1821 and its Aftermath," (Ph.D. diss., Columbia University, 1967); Dixon Ryan Fox, "The Negro Vote in Old New York," *Political Science Quarterly* (June 1917): 253-75; David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777-1827* (Baton Rouge, 2006); Harvey Strum, "Property Qualifications and Voting Behavior in New York, 1807-1816,"

on black voting in New York City, for example, depicts black political organizing and white partisan reactions in the lead-up to the 1821 convention.<sup>6</sup> John Brooke's article on property and democracy in New York State notes that the 1811 certificate law was predictive of nineteenth-century politics writ large.<sup>7</sup> Andrew Robertson, taking a national view, explores how democratic ideology and practices ebbed and flowed, marking a northern Jeffersonian tendency to expand voting rights for white men while simultaneously disqualifying women and black men.<sup>8</sup>

Robertson is one of many scholars who have used "A New Nation Votes," a broad collection of election returns, to substantiate the regularity of high turnout, strong party loyalty, and contested seats in the first party system.<sup>9</sup> The work of these historians dovetails with, and should be read

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*Journal of the Early Republic* (Winter 1981): 347-371 (hereafter *JER*); Charles H. Wesley, "Negro Suffrage in the Period of Constitution-Making, 1787-1865," *Journal of Negro History* (April 1947): 143-168. For similar phenomena across the United States, see Lacy K. Ford, Jr., "Making the 'White Man's County' White: Race, Slavery, and State Building in the Jacksonian South," *JER* (Winter 1999): 713-737; Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York, 2000); Merrill D. Peterson, *Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820s* (Indianapolis, 1966); Richard C. Rohrs, "Exercising Their Right: African American Voter Turnout in Antebellum Newport, Rhode Island," *New England Quarterly* (September 2011): 402-421; Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York, 2005); Nicholas Wood, "'A Sacrifice on the Altar of Slavery': Doughface Politics and Black Disfranchisement in Pennsylvania, 1837-38," *JER* (Spring 2011): 75-106.

<sup>6</sup> Paul Polgar, "'Whenever They Judge it Expedient': The Politics of Partisanship and Free Black Voting Rights in Early National New York," *American Nineteenth Century History* (March 2011): 1-23. Polgar's analysis is rich, but he states that the 1811 certificate law "went down in defeat" (10). Herman Bloch and Christopher Malone make the same error. Bloch, "The New York Negro's Battle for Political Rights, 1777-1865," *International Review for Social History* (April 1964): 67; Malone, *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North* (New York, 2008), 43.

<sup>7</sup> John L. Brooke, "'King George Has Issued Too Many Patents for Us': Property and Democracy in Jeffersonian New York," *JER* (Summer 2013): 211.

<sup>8</sup> Andrew W. Robertson, "Jeffersonian Parties, Politics, and Participation: The Tortuous Trajectory of American Democracy," in *Practicing Democracy: Popular Politics in the United States from the Constitution to the Civil War*, ed. Daniel Peart and Adam I. P. Smith (Charlottesville, 2015), 99-100.

<sup>9</sup> See articles by Caroline F. Sloat, John L. Brooke, Donald Ratcliffe, Philip J. Lampi, Rosemarie Zagari, and Andrew Robertson in the "A New National Votes" Summer 2013 *JER* roundtable. See also *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, ed. Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher (Chapel Hill, 2004) and *Practicing Democracy*, cited above. I am indebted to these collections, but none includes a study of actual black voters. Given the practical and ideological importance of black suffrage to American political history, this absence is worth addressing.

alongside, influential studies that investigate racialized conceptions and experiences of citizenship in law, ideology, and public culture.<sup>10</sup>

Taken as a whole, the literature on early republican democracy and citizenship observes a moment in the young nation when free black Americans made some gains toward inclusion in their various polities, particularly but not exclusively in the northern states. Within a generation, however, lawmakers and electorates began rolling back rights. The specifics varied state to state, but the general pattern was marked by declension and disfranchisement for black Americans.<sup>11</sup> This meta-narrative is sound, and yet there are crucial aspects of black political practices, routine voting procedures, and the relationship between black voting and the development of citizenship that remain ripe for analysis. When we explore what actual black voters did in the formal political sphere, in diverse locations, we better understand how black citizenship was legitimated and also why specific politicians wanted to take it away.<sup>12</sup>

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<sup>10</sup> A selection includes: Greg Ablavsky, “‘With the Indian Tribes’: Race, Citizenship, and Original Constitutional Meanings,” *Stanford Law Review* (forthcoming, 2018); Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville, 2009); James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill, 1978); William J. Novak, “The Legal Transformation of Citizenship in Nineteenth-Century America,” in Meg Jacobs, William J. Novak, and Julian Zelizer, eds., *The Democratic Experiment: New Directions in American Political History* (Princeton, 2003): 85-119; Nathan Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution* (Cambridge, 2015); Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, 1997); David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill, 1997); Barbara Y. Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (New York, 2010); Shane White, “‘It Was a Proud Day’: African Americans, Festivals, and Parades in the North, 1741-1834,” *Journal of American History* (June 1994): 13-50.

<sup>11</sup> By 1840, black men could vote on an equal basis in four of twenty-six states: Maine, Massachusetts, New Hampshire, and Vermont. In a rare move, Rhode Island re-instated equal suffrage in 1842. See “Appendix: State Suffrage Laws, 1775-1920,” in Keyssar, *Right to Vote*. As far as I know, New York was the only state in the early republic that created special paperwork requirements for black voters.

<sup>12</sup> New studies that also highlight black actors in formal politics are Nicholas P. Wood, “‘A Class of Citizens’: The Earliest Black Petitioners to Congress and Their Quaker Allies,” *William and Mary Quarterly* (January 2017): 109-144; Van Gosse, *We Are Americans: The Origins of Black Politics, 1790-1860* (under contract, UNC Press).

Certificates of freedom, a neglected and misunderstood source, shed new light on black politics in the nineteenth century's most powerful northern state.<sup>13</sup> The documents show us, in remarkable social-history detail, who went to the polls in early New York and how ordinary black citizens navigated the rules and rites of casting ballots.<sup>14</sup> They also demonstrate how important black voting was statewide, not just in New York City. Indeed, certificates, paired with election data, indicate how significant black voting could be in smaller towns and counties where black men held the balance of power. For this reason, even politicians who lived in places with modest black populations cared about what black voters were doing. Certificates re-capture the importance of black political actions in rural areas where black partisan voices are hard to find in print.<sup>15</sup>

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<sup>13</sup> There are several reasons why historians have not studied certificates of freedom. First, some are unaware that the 1811 certificate law passed (see footnote 6). Second, researchers and archivists often mistake certificates for manumissions. However, certificates differ in telltale ways: certificates record the fact of a *previous* manumission or that a man was born free; they are usually dated in late April or early May, when state elections occurred; they are dated from 1811 to 1821, when state law required certificates; they exist only for men 21 and older; they are signed by mayors, judges of courts of common pleas or the supreme court, aldermen, or recorders (manumissions are signed by justices of the peace and overseers of the poor, per state law); and they usually include a physical description (not common on manumissions). For an example of the common confusion between manumissions and certificates, see Graham Russell Hodges's well-researched introduction to Austin Steward, *Twenty-Two Years a Slave and Forty Years a Freeman* (Syracuse, 2002), xviii; Austin Steward's COF, 10 April 1821, Miscellaneous Records, Liber 1, Monroe County Clerk, Rochester. Third, many certificates survive in clerks' "miscellaneous books," "town books," or "deed books." Unlike books with titles like "Record of Children Born to Slaves," these books do not always indicate exactly what is inside. Furthermore, such books are usually located in town and county clerk offices, not in research libraries. When certificates do appear in books titled "Manumissions" (or the like), researchers assume, reasonably, that the certificates are manumissions. *N.B.*: Archival evidence of certificates exists in several formats. Some stand-alone certificates survive; this was the actual document a voter would take to the polls. It is more common, however, to find clerks' or mayors' transcripts of certificates.

<sup>14</sup> With key exceptions, recent scholarship has focused little on voting rites and electioneering. For election practices in New York, see Alan Taylor, "The Art of Hook & Snivey: Political Culture in Upstate New York during the 1790s," *Journal of American History* (March 1993): 1371-1396; John L. Brooke, *Columbia Rising: Civic Life on the Upper Hudson from the Revolution to the Age of Jackson* (Chapel Hill, 2010), ch. 7. Older sources include: Noble E. Cunningham, Jr., *The Jeffersonian Republicans in Power: Party Operations, 1801-1809* (Chapel Hill, 1963); Chilton Williamson, *American Suffrage from Property to Democracy, 1760-1860* (Princeton, 1960); Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill, 1967).

<sup>15</sup> Historians have written extensively about black Americans in New York City. These important studies tend to omit analysis of legislative debates, partisan politics, election procedures, and state law in a state framework. See Leslie Alexander, *African or American? Black Identity and Political Activism in New York City, 1784-1861* (Champaign, 2008); Ira Berlin and Leslie Harris, eds., *Slavery in New York* (New York, 2005); Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago, 2003); Shane White, *Somewhat More*

Moreover, the certificates reveal how black voters' local exertions had the potential to assume broader political meaning. In debating certificate laws and black suffrage for so many years, politicians and editors often acknowledged that black men—black “citizens”—went to the polls because they wanted to combat slavery and to protect their rights. This public conversation structured and influenced state lawmakers' views of national slavery and citizenship, perhaps most dramatically during the Missouri Crisis (1819-21). The vast majority of New York's politicians, divided as they were over the desirability of black suffrage, acknowledged at this pivotal moment that slavery was wrong and that black citizenship, manifested by black voting, was recognized in the state and therefore functioned nationally. There were many factors in the politics of the crisis, but the *de jure* and *de facto* existence of black voters informed the official reaction. Their persistent activities had created a public, political, and legal view of slavery and citizenship that state representatives took to the national stage.<sup>16</sup>

Both the Missouri Crisis and the 1821 New York constitutional convention—political events that shared common participants and themes—ended badly for black citizens. That said, black voters' years of continuous, visible efforts made a mark on state law and politics that

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*Independent: The End of Slavery in New York City, 1770-1810* (Athens, 1991); Craig Steven Wilder, *In the Company of Black Men: The African Influence on African American Culture in New York City* (New York, 2001). For sources exploring social history outside of the city, see Michael E. Groth, *Slavery and Freedom in the Mid-Hudson Valley* (Albany, 2017); Kathryn Grover, *Make a Way Somehow: African-American Life in a Northern Community, 1790-1965* (Syracuse, 1994); Graham Russell Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill, 1999); Natalie A. Naylor, ed., *Exploring African-American History: Long Island and Beyond* (Hempstead, 1995).

<sup>16</sup> “Citizenship” was a recognized legal and political category in the early republic, though not a strictly or uniformly defined one. The individual states controlled access to state citizenship and its attendant rights, including suffrage. In certain cases, aliens could vote. National citizenship existed as a category, but its precise relationship to state citizenship was unclear. Moreover, voting was not a fundamental or automatic right of citizenship—women, unpropertied men, and paupers were citizens, for example, but did not generally vote. Voters formed an exclusive group. Surviving sources make clear that black New Yorkers acted as formal citizens at the ballot box, and also reveal some of the consequences of their recognized political membership. On the value of integrating state concerns with national events, see Matthew Mason's “The Maine and Missouri Crisis: Competing Priorities and Northern Slavery Politics in the Early Republic,” *JER* (Winter 2013): 675-700.

proved impossible to erase fully. By participating in elections, and wrestling with the certificate laws, they, along with their families and friends, convinced judges, editors, lawmakers, officials, and ordinary citizens that black inhabitants were formal members of the state. They succeeded in establishing a fragile but enduring minority conception of political belonging that was critical to ongoing nineteenth-century discussions of equal citizenship regardless of race. The story of black citizenship in the early republic *is* one of declension and erasure, but it is *also* a story of ideals and definitions that endured despite crushing setbacks.<sup>17</sup>

Immersion in the details of black New Yorkers' certificates of freedom reveals anew how citizenship in the early republic was forged—made real—through both individual and collective practices on the ground. There was a dynamic relationship, a feedback loop, between laws on the books and decisions at the polls and in local offices. Each voter who acquired a certificate laid claim to his civic status, but such efforts were made far more powerful by the fact that men throughout the state were making similar choices, in their own neighborhoods, simultaneously. There is little evidence of explicit statewide coordination, and yet, black men's small-scale actions had state, even national, consequences. This observation suggests the importance of weaving local microhistories across wide areas of space; taking seriously how state laws affected and united people living in districts both rural and urban, both long- and newly-formed; and examining how politicians took their own face-to-face experiences into forums where they addressed major state and national problems. Our continued and evolving understandings of the

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<sup>17</sup> William Novak's influential essay argues that citizenship was not the primary means of understanding "inclusion and exclusion in nineteenth-century American public life" before the late 1800s. Wary of anachronism, he notes "a person's actual bundle of total privileges and immunities was dependent not upon a single determination of whether one was a citizen but upon a whole host of differentiated positions." I take his point seriously. However, there is an early republic history of nascent "modern" citizenship. Black voters assumed a vital role in developing the language and practices of equal citizenship. Novak, "Legal Transformation of Citizenship," 85-88, 95.

early republic benefit from such an approach, which unveils how, at times, seemingly obscure people helped forge vital civic tenets and lasting political lodestars. **Image 1a & 1b: Jack Van Bergen's Certificate of Freedom**

In early April 1811, as the fate of New York's first certificate law hung in the balance, the state's Council of Revision tried to block its passage. The Council, an executive-judicial body that vetted bills before they became law, worried about exposing black "citizens whose ancestors have uninterruptedly enjoyed the elective franchise under the colonial as well as State government" to the "humiliating degradation of being challenged" at the polls "on account of their complexion." It was wrong to exclude black men "from voting in common with their fellow-citizens." Pro-certificate legislators overrode the council's veto, but the council was right that New York had long permitted black men to vote if they met the regular requirements.<sup>18</sup>

New York's 1777 constitution had created a two-tier voting system. Residents living in a county for at least six months could vote for assemblymen if they owned a twenty-pound freehold or rented a forty-shilling tenement and paid taxes. Similar rules applied to electing local officials such as town clerks, supervisors, assessors, constables, collectors, and aldermen. A 1789 law gave men who voted for assemblymen the right to vote for congressmen. Voting for state senators and governor required 100 pounds of property. The state's Council of Appointment, composed of four senators elected annually by the assembly, chose supreme court justices, district attorneys, judges of (county) courts of common pleas, justices of the peace, city and

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<sup>18</sup> Minutes of the Council of Revision (Series A0027-78), vol. 3, pp. 206-208, 5 April 1811, New York State Archives, Albany. Republican Chancellor John Lansing, Jr. reviewed the bill and "reported certain objections." A majority agreed to veto the bill, but there was no vote tally.

county clerks, mayors, military officers, and other officials. Although national matters were at times of great interest, state elections often drew the highest turnout.<sup>19</sup>

When the constitution became law in 1777, there were no coherent political parties and the majority of black New Yorkers were slaves. By century's end, things were different. In the 1780s, the legislature banned slave imports and exports and also eased manumission rules. In 1799, lawmakers from the coalescing Republican and Federalist parties joined to pass a gradual abolition act, approved by Federalist governor John Jay, that freed future children born to slave mothers while also requiring they work as servants until adulthood. By virtue of these laws and a surge of manumissions, the population of free blacks in the state grew from 4,682 in 1790, to 10,417 in 1800, to 25,333 in 1810; in New York City alone, the free population jumped from 1,011 to 3,499 to 8,137. By 1810, Albany and Hudson were home to 501 and 194 free blacks, respectively. Slaves and free blacks comprised roughly 5 percent of the state population; in some cities and towns, they were 10 percent.<sup>20</sup> Of course, not every black man could vote. Property requirements were a hurdle, especially for former slaves. Black voters were never more than a single-digit percentage of the state electorate. Nevertheless, as both parties—and the warring,

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<sup>19</sup> N. Y. Const. of 1777, arts. VII, XII, XVII, XXIX. The legislature passed many laws regulating elections, e.g., *New York Laws*, 1<sup>st</sup> Sess. (1777), ch. 16; 10<sup>th</sup> Sess. (1787), chs. 15, 42; 12<sup>th</sup> Sess. (1789) ch. 12; 24<sup>th</sup> Sess. (1801), chs. 61, 78, 137, 168; 25<sup>th</sup> Sess. (1802), ch. 100; 27<sup>th</sup> Sess. (1804), ch. 62; 32<sup>nd</sup> Sess. (1809), ch. 157; 33<sup>rd</sup> Sess. (1810), ch. 188. These laws regulated ballot procedures, delivery of ballot boxes to state authorities, election inspectors, poll locations, election announcements and dates, and voting oaths. In New York City, it was harder to vote for city officers than for state assemblymen before 1804, when the legislature somewhat democratized city elections. On turnout, see Sidney I. Pomerantz, *New York: An American City, 1783-1803* (New York, 1938), 64-75 and footnote 9.

<sup>20</sup> Susan B. Carter et al., eds., *Historical Statistics of the United States, Millennial Edition* (New York, 2006), Series Bb1-98; Rhoda Freeman, "The Free Negro in New York City in the Era Before the Civil War" (Ph.D. diss., Columbia University, 1966), 439; Stefan Bielski, "The Jacksons, Lattimores, and Schuylers: First African-American Families of Early Albany," *New York History* (October 1996): 381; Brooke, *Columbia Rising*, 386; Mark Boonshoft, "The Material Realities of Slavery in Early New York," <https://www.nypl.org/blog/04/12/slavery-early-nyc>. Between 1801 and 1821, two thirds of New York men were eligible to vote for assembly and a third could vote for governor and senators. Franklin B. Hough, ed., *Census of the State of New York, for 1855* (Albany, 1857), ix-x.

shifting factions within the parties—knew, black men valued their suffrage rights.<sup>21</sup>

Black New Yorkers' desire to vote was logical given the stakes. They were in the extraordinary position of electing lawmakers who both routinely debated antislavery bills as well as appointed officials charged with upholding state law in local areas. To be sure, white citizens also cared about government's effect on their daily lives, but for black citizens and slaves, lawmaking during gradual emancipation mattered in the rawest of ways; it affected personal liberty, bodily integrity, and family unity. Black men could legally vote in most states after the Revolution, but black New Yorkers were in a rather unique jurisdiction, a place where slavery remained relatively robust and they could vote in high-enough numbers to sway election outcomes at an especially critical time. These black voters quickly gleaned that there were two groups of white citizens whose efforts were crucial to antislavery lawmaking and enforcement: local Quaker meetings and the New York Manumission Society, a philanthropic association composed of wealthy Quakers and prominent lawyers, judges, and politicians. Although antislavery Republicans existed, the Federalists were more closely associated with antislavery laws, the Manumission Society, and local benevolence.<sup>22</sup>

At the dawn of the first party system, black voting received the most attention in New York City, where a robust partisan press disseminated news and gossip far and wide. Political observers recognized the city's electoral might, but also knew the state was growing. Between 1790 and 1810, the legislature created twenty-eight new counties and incorporated the cities of Hudson and Schenectady. As people moved into new areas, municipal and county governments developed new constituencies. How black voters would fit into the state's burgeoning democracy

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<sup>21</sup> New York's party system was famously complicated. See Jabez D. Hammond, *The History of Political Parties in the State of New-York*, 2 vols. (Albany, 1842).

<sup>22</sup> Gellman, *Emancipating New York*, chs. 4, 6.

and party system was an unsettled question.<sup>23</sup> **Image 2: Map of New York 1813**

When the city press began covering black voting, editors rarely questioned black men's right to vote, but rather celebrated or mocked their political preferences. In 1800, for example, the Federalist *Spectator* noted with glee that a Republican politician drove "an old negro to the poll in the seventh ward" who "turned off from his fellow citizen, and voted for the federal ticket."<sup>24</sup> Republican editors, by contrast, painted black support of Federalists as suspect. In 1801, the *Watch-Tower* accused a Federalist official of plying black voters with "crackers and cheese" and telling "the deluded Africans that Stephen Van Rensselaer had gained them their liberty and that if he became Governor all their race would be made free."<sup>25</sup> The Africans were not, in fact, deluded: Van Rensselaer, while not a member of the Manumission Society like John Jay, had been Jay's lieutenant governor when Jay approved the 1799 abolition act. He had also supported antislavery measures as an assemblyman. No doubt there were some voters susceptible to bribes, but whenever the press mentioned black men supporting a given candidate, he was invariably a politician whose personal or party faction's voting record embraced antislavery.<sup>26</sup>

Although black voters were partial to Federalists, the permanency of this preference was uncertain enough that Republicans at times tried to earn black loyalty. In 1807, for example, Republicans trumpeted the fact that their gubernatorial candidate, Daniel D. Tompkins, had served as a lawyer for the Manumission Society. A Tompkins deputy urged "the people of colour" to elect "a man, by whom the *injured cause of your oppressed brethren* hath been

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<sup>23</sup> On political cultures and partisanship across the growing state, see Brooke, "King George."

<sup>24</sup> "Another Neat Thing, but not so Neat," *Spectator*, May 3, 1800. The Seventh Ward had the second highest population of free blacks (711) of the city's wards in 1800. Freeman, "Free Negro," 439.

<sup>25</sup> "To a Certain Man in Office in this City," *Republican Watch-Tower*, April 29, 1801. On bribery and "vote-making" in general, see Brooke, "King George"; Young, *Democratic Republicans*, 94-98.

<sup>26</sup> On Van Rensselaer's moderate antislavery record as an assemblyman, see *Journal of the Assembly of the State of New-York* (New York, 1790), 12-15, 69-70, 81 (hereafter *JA*). Van Rensselaer's 1801 opponent was former governor George Clinton, who had done little to promote antislavery laws in the past. Clinton won the election.

strenuously advocated.”<sup>27</sup> After Tompkins won, Westchester County supporters toasted “Republican actions, the greatest evidence of republican principles: a speedy emancipation of our African brethren.”<sup>28</sup> There were moments, especially before the first certificate law, when Republicans accepted black voters and “brethren,” embracing their antislavery cause.

By decade’s end, black voters in New York City were publicizing their partisan meetings and views in print. Their organizers were well-known local figures, men as likely to be promoting politics as managing philanthropic groups, teaching school children, planning antislavery parades, inaugurating churches, and collaborating or arguing with the Manumission Society. In 1809, for example, Joseph Sidney—a member of the African Society for Mutual Relief and the Wilberforce Philanthropic Association—gave a speech urging black support for Federalism. Whereas “Hamilton, Jay [and] Adams” were on the side of liberty, he observed, influential Republicans “belong to the South” and “hold our African brethren in bondage.” Sidney also preferred Federalists because they supported the maritime industries in which many black men and boys found work. That April, Sidney presided over a “Meeting of the Electors of Color” that pledged votes to Federalist candidates.<sup>29</sup>

Sidney’s position as a member of multiple and overlapping organizations suggests the degree to which formal politics crept into various spheres of black life. Partisans like Sidney addressed their messages to black voters, but their routine audiences often included non-voting men, women, and children. When Sidney published his 1809 speech, for example, he put it for sale at Hutson’s Intelligence Office, an employment agency where “apprentices, clerks, wet and

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<sup>27</sup> “To the Independent Electors Among the People of Colour,” *Public Advertiser*, April 9, 1807.

<sup>28</sup> “Sparta, July 6, 1807,” *Republican Watch-Tower*, July 10, 1807.

<sup>29</sup> “National Jubilee of the Abolition of the Slave Trade,” *EP*, December 29, 1809; “Democratic Mob,” *Columbian*, May 11, 1810; [No title], *New-York Courier*, May 14, 1816; Joseph Sidney, *An Oration, Commemorative of the Abolition of The Slave Trade* (New York, 1809), 9, 12-14; [No title], *Spirit of ’76*, April 25, 1809.

dry nurses, and servants” found work. This was a prime location to disseminate political news to black laborers of varying ages and sexes, many of whom worked in domestic service.<sup>30</sup>

Although tracing black women and children’s participation in partisan politics in the early 1800s is difficult, there is evidence on the edges that suggests their exposure to and investment in elections. As scholars have noted, women, children and non-voters often took part in public politics before and during the Revolutionary era.<sup>31</sup> In 1807, after a slate of antislavery Federalists lost badly, Republicans sneered that their rivals had secured “nineteen-twentieths of the black votes. In the seventh ward they brought up negro and negress two and two in federal coaches.”<sup>32</sup> Though mocking, the sketch captured the era’s political culture in its transitional, experimental form: on the one hand, non-voters, even slaves, had long participated in political rites and parades; on the other, the polls were generally male spaces, a gender barrier perhaps all the more important as increasing numbers of men voted. The rules and boundaries of American democracy were in flux, being made and remade, on the ground and in the press, by a range of actors whose goals sometimes clashed and sometimes aligned.

Whether a black voter was driven to the polls by partisan interests or not, he still had to face election inspectors before his ballot landed safely in the box. According to state law, in towns, local elected officers doubled as inspectors; in cities, the common council chose inspectors for each ward. Inspectors sometimes betrayed partisan motives when screening black voters. In 1809, the Federalist *Commercial Advertiser* complained that Republican inspectors in

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<sup>30</sup> “Sidney’s Oration,” *EP*, February 2, 1809; “The New-York Register and General Intelligence Office,” *Commercial Advertiser*, June 4, 1807.

<sup>31</sup> Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York, 2010); Waldstreicher, *In the Midst*; Rosemarie Zagari, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia, 2007).

<sup>32</sup> [No title], *American Citizen*, May 2, 1807; “American Ticket,” *Spectator*, April 25, 1807. The Federalist slate included assembly candidates Matthew Clarkson and Egbert Benson, members of the Manumission Society, and Rufus King, who voiced antislavery concerns throughout his career, including at the U.S. Constitutional Convention.

New York City “rejected the vote of a free man of color, on the ground that one of the Inspectors *deemed it convenient to suspect* that he was born in slavery.” Up the river in Hudson, a paper reported that Robin, a black taxpayer who had voted for nine years past, was told “*you have no right to vote*” because he was a Federalist. The *Columbian* called the Federalists hypocrites for complaining about corruption: “[As if Federalists] never do anything of the kind!... No bribery, corruption, or debauchery, or buying votes, or cheating electors!”<sup>33</sup>

At this juncture, the legislature began to address the conflicts and controversies taking place in the press and at the polls. It was increasingly obvious that partisan managers and local powerbrokers were “making” voters, not to mention cajoling these men to vote certain ways. The parties in fact agreed that fraud was a problem; in some counties, turnout had been exceeding 100% of eligible voters.<sup>34</sup> The parties disagreed, however, about the role of black voters within the larger picture, and whether suppression of black voters was equally a problem. In 1810, when the Republican-led senate considered an election reform bill, Federalist Jonas Platt from Oneida, a new western county, proposed an amendment protecting black voters from poll harassment: “persons of colour...shall, in all cases, be considered freemen, unless proof to the contrary is produced.” Of six Federalist senators present, five voted in favor. Not one Republican joined.<sup>35</sup> When the Federalist-led assembly received the bill without Platt’s amendment, they refused to

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<sup>33</sup> “Shameful Violation of the Right of Suffrage,” *Commercial Advertiser*, April 26, 1809; “Charter Election,” *Northern Whig* (Hudson), April 12, 1811; [No title] *Columbian* (New York), May 9, 1810.

<sup>34</sup> Brooke, “King George,” 197, 205, 211; Strum, “Property Qualifications,” 360-366. Party managers and voters found many ways to evade requirements. For example, the *Northern Whig*, bewailing unclear rules as to who was a “freeholder,” cried, “It is true or not, that Perl, a free negro, was permitted to swear that he was a freeholder” on a deed “for *four feet of land*.” “For the Northern Whig,” April 19, 1810. In New York City, Federalists’ complaints about illegal voters often focused on alien voters, particularly the Irish, who routinely preferred the Republicans. Helena Yoo, “The Irish-American Volunteer Militias of New York City, 1796-1815” (Senior Thesis, Columbia University, 2017), 26-28. On alien suffrage more generally, see Keyssar, *Right to Vote*, 27-28, 390.

<sup>35</sup> *Journal of the Senate of the State of New-York* (Albany, 1810), 144, 170 (hereafter *JS*).

consider it. The *Albany Register* accused Platt of trying to “catch the negro votes of New-York, who by the bye are principally federal.”<sup>36</sup>

Platt, who aimed to unseat Daniel Tompkins as governor later that spring, may indeed have been hoping to attract black support. During the same legislative session, Platt also voted for a new antislavery bill. The most robust version empowered county courts to free slaves who were physically abused, compelled visiting masters to free their slaves after nine months of residency, limited lengthy indenture contracts, and required masters to teach black servant children to read. Platt and all of his fellow Federalists voted in favor of this version. Ultimately, the bill passed the senate without the abuse clause, the assembly accepted it, and the bill became law. Platt’s record defending black suffrage and promoting antislavery in 1810 was obvious.<sup>37</sup>

Black voters, it seems, were paying attention. A few weeks after the session ended, Platt lost to Tompkins in the governor’s race by 7,000 votes. A Republican in Hudson noted sarcastically that “almost every negro in this city had the *honor* of voting for” Platt.<sup>38</sup> Although it is impossible to divine exact numbers, and the property requirements to vote for governor were high (to the extent that the rules were followed), the Republican in Hudson was probably right about black voters’ preference for Platt. Tellingly, Platt won in counties where black men voted in noticeable numbers: Albany, Columbia, Rensselaer, New York, Dutchess, and New York.<sup>39</sup>

In 1811, the legislature tackled election reform again. The Republican majority won an important objective right away: a bill first titled “An Act to Prevent Fraud at Elections” became

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<sup>36</sup> “Negro Slave Electioneering,” *Albany Register*, April 10, 1810.

<sup>37</sup> *JS* (Albany, 1810), 79, 94-95, 98, 146. *JA* (Albany, 1810), 289.

<sup>38</sup> “Columbia County,” *Albany Register*, May 11, 1810. See also “Platt and Liberty,” *Columbian*, May 12, 1810.

<sup>39</sup> “Majorities for Governor,” *Cooperstown Federalist*, May 19, 1810; New York 1810 Governor, “A New Nation Votes: American Election Returns, 1787-1825,” <http://elections.lib.tufts.edu>. In 1813, Tone, a former slave of Zephaniah Platt (Jonas’s father and a well-known judge), acquired a certificate. Tone’s COF, 28 April 1813, Record of Roads, 1756-1788, film 285, Dutchess County Clerk’s Office.

“An Act to prevent Frauds and Perjuries at Elections, and to prevent Slaves from Voting.” As both houses quarreled over the bill, a Federalist senator tried to include a clause stating that “no...certificate shall be required of any black person or person of color, who are natural born citizens of the United States.”<sup>40</sup> In the end, not only did the law mandate that black men acquire certificates, but it limited the number of officials who could grant them. Lawmakers could have permitted justices of the peace and town officers to issue certificates—officials available in every town, long authorized to grant manumissions—but instead restricted the power to city officials and to county and state judges. Rural voting, therefore, would become especially difficult.<sup>41</sup>

Federalists’ fury at the 1811 law prompted them to defend equal citizenship regardless of race. When the editor of the *Albany Balance*, per the state’s rules, printed the statute, he included a speech by Federalist assemblyman Thomas Mercein of New York City. Mercein lamented that his colleagues would “disfranchise a considerable number of their constituents,” insisting that “we have no power vested in us, whereby we can *constitutionally* deprive” a free man of his privileges whether he “be black, or white, or yellow.” As “citizens,” black men were “entitled” to vote. What if a man had been “manumitted by will in one of the counties in the Western District, or even in another state?” It would be hard to acquire proof “in time to allow him a vote

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<sup>40</sup> *JA* (Albany, 1811), 243, 310-311, 401, 412; *JS* (Albany, 1811), 144.

<sup>40</sup> “Columbia County,” *Albany Register*, May 11, 1810.

<sup>41</sup> As the reference to manumissions suggests, “certificates of freedom” were hardly novel as a form of legal or print technology meant to regulate black activity and status. Demanding voters obtain certificates fell in line with a tradition of requiring slaves and free black people to use papers to protect or prove themselves. The loss of such paperwork, when it conferred freedom or rights, could be devastating for black individuals and families. Bills of sale and printed descriptions (sale ads, runaway ads) allowed masters and the state to legitimate property in people and to circumscribe the movement of both the enslaved and free. Moreover, before, during, and after the War of 1812, proofs of identity, especially for black citizen sailors, took on particular salience and political meaning. See W. Jeffrey Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, 1998); Perl-Rosenthal, *Citizen Sailors*; Rebecca J. Scott, “Paper Thin: Freedom and Re-enslavement in the Diaspora of the Haitian Revolution,” *Law and History Review* (November 2011): 1061-87; Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York, 2010); David Waldstreicher, “Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth Century Mid-Atlantic,” *William and Mary Quarterly* (April 1999): 243-272.

at the ensuing election.”<sup>42</sup> The *Evening Post*, similarly concerned, hoped black men would “continue to exercise their right of suffrage” and complete the “forms and ceremonies.”<sup>43</sup>

Surviving certificates of freedom show that black men did. **Table 1**

As black voters throughout New York State completed the requirements of the 1811 certificate law, they left evidence of who they were, where they came from, and what their relationships were to each other and to other local residents. These politically-minded men were a varied lot: young and old, rural and urban, illiterate and educated, free-born and recently enslaved, long-time resident and newly-arrived. Their certificates demonstrate that black voting was a geographically-widespread phenomenon and that black participation in formal politics was something that local communities throughout the state saw with their own eyes.

Acquiring certificates meant calling upon family, friends, municipal and county officials, employers, and former masters. For example, two weeks after the 1811 law passed, Nicholas Briggs approached Judge Cornelius Christyance of the Schenectady Court of Common Pleas. Briggs was a “mulatto” who had been free since 1809, when he was manumitted by will. As proof, he provided a document signed by an executor of his master’s estate. The next day, Briggs helped his son, Simon, acquire a certificate. He swore that “his wife was a free woman at the time of the birth of said Simon.” Unable to write, he signed his mark. Five days later, Briggs spoke to Judge Christyance on behalf of Abraham Speck, who was “born of a free mother in the Town of Greenbush.” Five years later, Briggs assisted Nicholas Speck, explaining that Speck was “free born in the county (late town) of Schdy.” Abraham and Nicholas Speck were possibly

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<sup>42</sup> “The New Election Law,” *Balance* (Albany), April 16, 1811. (Italics original.)

<sup>43</sup> “Freedom of Election,” *EP*, April 16, 1811.

related to each other and to Peter Speck, whose 1811 certificate was issued by Schenectady's mayor, John Yates. Catrine Speck, Peter's cousin, told Yates she had known him "from his infancy," "his father and mother were free," and "he was born in Albany."<sup>44</sup>

The Schenectady certificates raise as many questions as they answer. Twenty-four men received certificates from Yates and Christyance in time to vote in the 1811 state election, which took place from April 30 to May 2. Nicholas Briggs, one of thirteen who received a certificate from Christyance before the election started, was evidently a local leader, but facts about his occupation, party beliefs, and popularity are scarce. It is unclear if the voters chose to approach Christyance and Yates specifically. (Both were recent Republican appointees.)<sup>45</sup> Four of the twenty-four black voters did not receive certificates until May 1 and 2, which raises the possibility they had gone to the polls, been turned away, and returned with paperwork in hand. By the same token, some black voters may have encountered sympathetic or partisan inspectors who let them vote *sans* certificate, especially if they had voted legally in the past.

Among the most intriguing details on the Schenectady certificates are the various people who assisted the voters. Suffrage rights were granted to individual men, but in practicing politics, relationships mattered. Black voters' auxiliaries ranged from their former owners, to local patriarchs and patrons, to seemingly politically-powerless relatives. For example, a man named Tom enlisted his former master Robert Slater, who stated that "Tom had bought his time." Perow

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<sup>44</sup> Nicholas Brigg's COF, 24 April 1811, Book 121, p. 42, Schenectady County Clerk, Old Records, typescript by Marie Hall Cormack, Schenectady County Historical Society (hereafter SR); Simon Brigg's COF, 25 April 1811, Book 121, p. 37, *ibid.*; Abraham Speck's COF, 30 April 1811, Book 121, p. 39, *ibid.*; Nicholas Speck's COF, 27 April 1811, Book 119, p. 30; Book 121, p. 45; Peter Speck's COF, 23 April 1811, Book 121, p. 45. Cormack transcribed the records in 1939. I could not find the originals at the Schenectady County Clerk's Office. (*N.B.* The spelling of "Speck" and "Christyance" varies.) The Specks were well-known in Schenectady and Saratoga. Abraham Speck's son, George Speck, better known as George Crum, was famous for inventing the potato chip in the 1840s.

<sup>45</sup> "Appointments and Removals," *Albany Register*, March 20, 1810; "Appointments," *ibid.*, March 8, 1811. Schenectady became a county in 1809. In the 1810s, the county sent both Federalists and Republicans to the assembly. The Council of Appointment gave the City of Schenectady both Republican and Federalist mayors.

Lyons, “born in Africa,” also received aid from “his former owner.” Charles Johnson, a free-born man, took advantage of his connection to local scion Maus Schermerhorn, a Federalist who would soon be appointed mayor; Schermerhorn had known Johnson “since his youth.”<sup>46</sup> Two voters, in addition to Nicholas Speck, brought women. Nicholas Thompson’s mother Nancy swore he was her free-born son; John Jackson “produced his mother a free white woman.” Each supporter no doubt had specific reasons for helping. The point is not that these aides all acted from some pure desire to enable men regardless of color to exercise their constitutional right to elect their own leaders—although some may have heartily believed in this principle—but rather that black voters drew a host of people, “high” and “low,” into the arena of formal politics and electioneering. A diverse set of New Yorkers crafted and acknowledged black citizenship in concrete, actionable form.

Similar patterns, dynamics, and relationships existed among black voters, their intimates, and officials elsewhere in the state. At the same time, the specifics of acquiring certificates varied by geography and political landscape. Men in Albany County, for example, had relatively easy access to state supreme court justices. Days after the 1811 law passed, the six-foot tall and “thin” Stephen Mathews received a certificate from James Kent, one of the most famous jurists and intellectuals in the United States.<sup>47</sup> Both Kent and William W. Van Ness, who were Federalists, granted multiple certificates during the last week of April 1811, as did their Republican colleague Ambrose Spencer.<sup>48</sup>

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<sup>46</sup> Nicholas Thompson’s COF, 2 May 1811, Book 121, p. 43, SR; John Jackson’s COF, 30 April 1811, Book 121, p. 42, *ibid.*; Tom’s COF, 29 April 1812, Book 118, p. 29, *ibid.*; Perow Lyons’s COF, 24 April 1811, Book 121, p. 45, *ibid.*; Charles Johnson’s COF, 24 April 1811, Book 121, p. 41, *ibid.*

<sup>47</sup> Stephen Mathews’ COF, 27 April 1811, *Slave Manumission Register*, pp. 94-95.

<sup>48</sup> Carter and Stone, *Report of the Convention*, 190, 202, 226, 278, 287, 374-377, 557; “The Convention,” *National Advocate*, September 24, 1821 (hereafter *NA*).

In New York City, black men could apply for certificates from aldermen, municipal legislators elected annually in each of the city's ten wards. During a three-day period in December 1812, for instance, fifteen men received certificates from two aldermen. In the Sixth Ward, the aforementioned Joseph Sidney swore an affidavit on behalf of Philip Barclay, explaining to Federalist alderman Isaac Douglass that Barclay had been born free in New York City. Thomas L. Jinnings, another longtime black political leader, swore an affidavit for Henry Parsons, a freeborn man from Virginia. John Nichols assisted William Murry, born enslaved in Poughkeepsie, and Caesar Townsend, born free in North Hempstead.<sup>49</sup> In the Fifth Ward, Thomas Thompson spoke to alderman John Morss, a Republican, and swore affidavits for three voters, including, most notably, John Teasman. Teasman was the respected former headmaster of the African Free School, a renowned school for black children run by the Manumission Society. He was a vocal Republican and noted backer of Governor Daniel Tompkins. The two men may, in fact, have known each other personally.<sup>50</sup> **Image 3: Thomas Jinnings' signature on Certificate**

The timing of the December 1812 certificates is interesting for two reasons. Although voters usually acquired certificates in late April or early May, the men seeking certificates in December may have encountered problems at the recent *city* election in November. (Alderman Douglass crossed out "April" on his pre-printed 1812 certificates, which suggests that he had

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<sup>49</sup> Philip Barclay (or Bartlee) COF, 17 December 1812; Henry Parsons's COF, 16 December 1812; Caesar Townsend's COF, 15 December 1812; William Murry's COF, 15 December 1812; New York City-Indentures, Series III, New-York Historical Society. Thomas L. Jinnings is well-known to historians of abolitionism. A successful tailor, he joined the colored convention moment of the 1830s-40s. Although some historians cite his name as "Jennings," he signed his name with two "is" in the affidavit for Parsons. *N.B.* In New York City, aldermen acted as judges of the court of common pleas.

<sup>50</sup> John Teasman's COF 16 December 1812; Henry Anderson's COF, 16 December 1812; William Thompson's COF, 16 December 1812; New York City-Indentures. On Teasman's politics and activities, see [No title], *American Citizen*, December 16, 1807; John Teasman, *An Address Delivered in the American Episcopal Church* (New York, 1811); "Tompkins Stealeth the Hearts of the People of Colour," *EP*, April 28, 1813; "Committee of Defence," *Columbian*, November 11, 1814.

also assisted voters in the spring.) Just as intriguing, the Manumission Society had recently launched a campaign for a “general abolition” law—an act that would free all slaves, not only children born to slaves. Under these circumstances, black men perhaps felt a particularly pressing need to acquire certificates.<sup>51</sup> **Image 4: John Teasman’s Certificate of Freedom**

As the Schenectady, Albany, and New York City certificates suggest, black men in cities often encouraged each other’s political engagement and approached officials together. In rural areas, voters had fewer peers, and in some instances had to expend more time and energy to find the right officials, who were stationed in county seats. And yet they made the effort. In April 1811, for example, a “pretty dark” free-born man named Joshua Dunbar, resident of Seneca, received a certificate from an Ontario County judge; a local white acquaintance helped Dunbar by swearing he was free.<sup>52</sup> In Greene County, a man named Thomas Miller, resident of Coxsackie, did not receive a certificate until June 3, 1811, hinting he may have gone to his town polls in April, been turned away, and then managed to reach a judge in the county seat of Catskill several weeks later. Men who lived in the county seats likely found the certificate process less arduous, if still annoying. On April 17, 1811, for instance, only eight days after the certificate law passed, a Kingston voter named Philip Smedes obtained a certificate from an Ulster county court judge. A thirty-two-year-old “male black person,” “five feet ten,” born in the nearby “Town of Hurley,” Smedes had been free since 1804.<sup>53</sup>

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<sup>51</sup> New-York Manumission Society Minutes, 25 November 1811, vol. 9, pp. 279-282; 3 January 1812, vol. 9, p. 289; 1 January 1814, vol. 9, p. 359, New-York Historical Society; *JA* (Albany, 1812), 6, 22-23.

<sup>52</sup> Joshua Dunbar’s Certificate of Freedom, April 1811, A book of records for the Town of Seneca [typescript], p. 253, Geneva Historical Society, Geneva, New York. The man stating that Dunbar was free was Nathan Reed, the town supervisor.

<sup>53</sup> Philip Smedes a black Man, Certificate of his freedom, filed 17<sup>th</sup> April 1811, Ulster County Clerk, Archives Division. This is a stand-alone certificate. The clerk’s copy of Smedes’ certificate has also survived. See Deed Book 20-21, p. 218, Ulster County Office Building, Second Floor, Kingston. Philip Smedes, 1810 Federal Census, Kingston, Ulster, New York, p. 757.

The lengths to which some rural men went to vote is remarkable. The case of Joseph Ryers, and his son, Henry, in Castleton, Richmond County, is particularly fascinating. Joseph, listed as a householder in the 1810 census, was the former slave of a local family. At some point, Joseph managed to purchase Henry from an unidentified owner. Joseph formally freed Henry on April 24, 1811. A few days later, when both men approached Judge David Mersereau, a Republican, for certificates, Joseph provided a document from the county surrogate stating he had been free since his master's death. Henry showed the manumission signed by his father the previous week. It seems that Joseph chose to manumit Henry in April 1811 specifically so that Henry could vote. Henry was twenty-two, just north of voting age.<sup>54</sup> All the more tantalizing is the fact that the Ryers probably knew how much their votes could count. The year before, the Republican beat the Federalist in the Richmond County assembly contest by one vote (358 to 357), and Daniel Tompkins bested Jonas Platt for governor by the same margin in the district (255 to 254).<sup>55</sup> In tight elections, even two black voters were significant.

At the same time, there is evidence that black men voted in low-turnout, low-contest counties, as well. One such "quiet" district was Suffolk County on the eastern edge of Long Island, a long-settled region more culturally and geographically associated with coastal Connecticut and Rhode Island than with New York City or the Hudson Valley.<sup>56</sup> In 1800, slaves still lived in 18% of Suffolk's households, working in agriculture, in seafaring, and as

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<sup>54</sup> Town Book Made for Castleton for Entering all the Black Children that are Born of Slaves, pp. 16-18, New-York Historical Society; Joseph, 1810 Federal Census, Castleton, Richmond County, p. 444; Joseph Ryerss [sic], 1820. Federal Census, Castleton, Richmond County, p. 115.

<sup>55</sup> "Richmond County," *Columbian*, May 2, 1810; [No title], *Albany Register*, May 8, 1810; "New-York Election—1800," *ibid.*, May 11, 1810. In Kings County, Tompkins won by 4 votes.

<sup>56</sup> Richard Shannon Moss, "Slavery on Long Island: Its Rise and Decline during the Seventeenth through Nineteenth Centuries" (Ph.D. diss., St. John's University, 1965); Grania Bolton Marcus, "A Forgotten People: Discovering the Black Experience in Suffolk County," *Long Island Historical Journal* (Fall 1988): 17-34.

domestics.<sup>57</sup> As Suffolk's slaves became free during gradual emancipation, they often stayed put, remaining near kin and their familiar churches and communities.

Reuben Reeve's experiences are illustrative. Reeve was born a slave in Southold, one of the county's eight towns, sometime around 1760. He was passed back and forth among various members of the white Reeve family until 1794, when the Court of General Sessions granted him manumission papers.<sup>58</sup> In 1807, Reeve published an advertisement in the *Suffolk Gazette* explaining that he was "a stout able-bodied black man" who "had been set free from slavery by Joseph Reeve" and "would be glad to be hired for six or eight months at any kind of farming business." He had "never had a settlement" of his own. By 1810, however, he had managed to acquire property in Southold.<sup>59</sup>

Nicknamed "Reuben the Lawyer," Reeve was, by all evidence, hard-working and astute, and he wanted to vote.<sup>60</sup> He applied for a certificate on April 26, 1813. Judge Jared Landon confirmed that "Reuben alias dictus Reuben Reeve a black man aged about fifty-six years large built born in the Township of Southold" was free.<sup>61</sup> Reeve certainly knew the two other Southold men, Maltby Goldsmith (aka Maltby Freeman) and Jack Horton, who also filed certificates that month.<sup>62</sup> Like Reeve, Goldsmith and Horton had formerly been enslaved to local families and

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<sup>57</sup> Moss, "Slavery on Long Island," 112.

<sup>58</sup> "Records of the Church in Mattituck," Records, 1715-1959, Reel 1, Vol. 1, Presbyterian Historical Society, Philadelphia; *Collections of the New-York Historical Society for the Year 1901* (New York, 1902), 150-51, 201-202, 278; Magdaline Goodrich, ed., *Southold Town Records, 1683-1856* (Southold, 1971), 88.

<sup>59</sup> "Reuben," *Suffolk Gazette* (Sag Harbor), January 12, 1807; Ruben, 1810 Federal Census, Southold, Suffolk, p. 556; Charles E. Craven, *A History of Mattituck, Long Island, N.Y.* (1906), 206-207.

<sup>60</sup> Clarence Ashton Wood, "Lymas Reeve, Southold Slave," *Long Island Forum*, May 1, 1988, 27.

<sup>61</sup> Reuben Reeves' COF, 26 April 1813, *Southold Records*, 88.

<sup>62</sup> Jack Horton's COF, 20 April 1813; Maltby Goldsmith's COF, 27 April 1813; *Southold Records*, 87, 89.

bought property after becoming free. Goldsmith and Horton may, in fact, have been related by marriage; Goldsmith's wife was a former slave of the white Horton family.<sup>63</sup>

Living in this rather isolated and solidly Republican county, Reeve, Goldsmith and Horton spent their time and money to obtain certificates. Their ballots had no chance of changing district partisan outcomes in state elections. It is possible, however, that they influenced town contests. Moreover, they may simply have liked the idea of being recognized as independent free citizens who could rightfully claim the franchise, to be accorded the same status as the white masters whom they and their predecessors had worked for and alongside for so long.

Although it is probable that most black voters who acquired certificates in the early 1810s were successful in casting ballots once they went to the polls, some faced additional obstacles. The trials and tribulations of Jacob Waldron, a black householder from Hudson, in Columbia County, highlight how resolved some black men were to vote as well as how controversial this determination could be in a fiercely competitive, partisan, and fractious district.

Jacob Waldron's difficulty voting in 1811 was a small but illustrative component of Columbia County's larger political landscape. The 1810 election in the county had been marred by fraud; wealthy and powerful local landlords successfully "made" voters out of their tenants and told them how to vote.<sup>64</sup> In 1811, after the certificate law passed (in part to address such corruption), Waldron went to the polls with a certificate signed by Samuel Edmonds, a Federalist county judge. Waldron, who had been voting without incident for a decade, was turned away by four Republican election inspectors. The officials based their rejection on the claim that

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<sup>63</sup> Jack Horton, 1810 Federal Census, Southold, Suffolk County, p. 564; Maltby Goldsmith, *ibid.*, p. 561. Epher Whitaker, "Dorcas," *The Christian at Work*, March 6, 1879 [clipping], Whitaker Historical Collection, Southold Free Library; J. W. Case, "Kedar and his Family," June 27, 1870 [clipping], *ibid.*; Wayland Jefferson, "Records of the First Church of Southold, Long Island," *New York Genealogical and Biographical Record*, vol. 66 (1935): 56.

<sup>64</sup> Brooke, *Columbia Rising*, ch. 7.

Edmonds was incapable of exercising the powers of his office because the Council of Appointment had recently issued a new commission for his position. Crying foul, Waldron sued the inspectors before a justice of the peace, who awarded Waldron three dollars damages and costs. The inspectors appealed the decision to the state supreme court.<sup>65</sup>

The next year, the appeal pending, Hudson's voters cast their ballots for city officers in the charter election. The majority of positions were won by fewer than ten votes. The Federalist *Northern Whig*, aware of Waldron's predicament the year before, blamed the party's losses on the "pretended non-qualification of ten black men, whose right to vote has never been questioned for ten years, previous to last year [when they] were denied the exercise of the right of suffrage by the Inspectors of the county election on the ground that the *Certificates of their Freedom*" were issued by Judge Edmonds. The editors lambasted the Republican mayor for rejecting certificates despite the fact that Waldron had won his case before the justice of the peace.<sup>66</sup>

The 1811 inspectors eventually won on appeal. Their ambitious Republican lawyer was none other than Columbia's own Martin Van Buren, future Democratic president of the United States and the "Little Magician" behind the modern party system. Van Buren argued successfully that Waldron had received fair treatment. The four officials, Van Buren claimed, had just been doing their job, acting neither "willfully" nor "maliciously." Justice Ambrose Spencer, himself a

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<sup>65</sup> Jenkins v. Waldron, 11 Johns. 114 (N.Y. Sup. Ct. 1814); [No title] *Northern Whig*, April 13, 1812. Waldron, who lived in Hudson, filed his certificate with the town clerk of Livingston, just south of Hudson. The 1811 law allowed a voter to file his certificate with any clerk in the county where he lived. The Hudson clerk in 1811 was the Republican Erastus Pratt, one of the election inspectors who rejected Waldron's vote that year. The Livingston clerk was John Van Deusen, a Federalist (not to be confused with John T. Van Deusen, of Hudson, a Republican). Perhaps Waldron had run into earlier trouble with Pratt. Jacob Waldron, 1810 Federal Census, Hudson, Columbia County, p. 704; Franklin Ellis, *History of Columbia County, New York* (Philadelphia, 1878), 203, 256; New York 1822 Assembly, Columbia County, "A New Nation Votes." The current Town Clerk and Town Historian of Livingston report that no town records survive from the early 1800s; finding Waldron's certificate is unlikely.

<sup>66</sup> [No title], *Northern Whig*, April 13, 1812.

Columbia Republican, wrote the majority opinion, hewing closely to Van Buren’s logic.<sup>67</sup> To Federalists, of course, the situation looked grossly unfair; Republican inspectors had stymied a Federalist voter whose certificate was signed by a Federalist judge.

Waldron’s case not only demonstrated the certificate law’s compounding ability to hinder black voters, but also the importance of the Council of Appointment to citizens’ daily lives. Parties and voters cared about state elections in part because the assembly chose the council, and the council appointed various local officers and judges. Indeed, the council’s very existence was emerging as one of the grievances fueling public demand for a new constitution.<sup>68</sup> Meanwhile, whether citizens liked the council’s choices or not, they routinely encountered its appointees.

For good and bad, black voters were affected by the specifics of this constitutional system. In January 1813, for example, the Federalist-led assembly elected a Federalist-leaning council that included Jonas Platt, rejecting Martin Van Buren and three other Republicans on the alternate slate.<sup>69</sup> Among the dozens of new appointees that winter was Myron Holley—an antislavery advocate who later founded the Liberty Party—to the Ontario County clerkship. During his first weeks in office, Holley filed certificates for Lewis Butler of Baltimore, Cato Shields of Conway, Massachusetts, and Charles Hooker of New York City. The certificates were

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<sup>67</sup> *Jenkins v. Waldron*, 119-121. Unless Waldron could prove the inspectors acted “maliciously,” there was no action to maintain. The Court declined to determine whether Edmonds was a judge at the time he issued the certificate.

<sup>68</sup> “House of Assembly,” *Plattsburgh Republican*, February 28, 1812; “Spirit of ’76,” *Northern Whig*, December 27, 1814.

<sup>69</sup> “Council of Appointment,” *Commercial Advertiser*, January 15, 1813.

signed by a Federalist judge.<sup>70</sup> In the bitter and competitive world of New York politics, the council's potential to be a partisan safeguard or weapon was obvious.<sup>71</sup>

In Columbia County, Ontario County, and beyond, the persistent association between Republicans and racial disfranchisement continued to bolster Federalists' claims that they were the true champions of black rights. In the 1813 legislature, Federalist assemblyman Samuel Jones Jr. of New York City pushed hard, though unsuccessfully, for an amendment "allowing people of colour (having the requisite qualifications) to vote, without producing a certificate of freedom."<sup>72</sup> A few weeks later, as the state election began, a "Free Man of Color" published a letter citing the certificate law as reason to maintain Federalist allegiance. Rejecting the idea that Governor Tompkins was an ally, he alleged that during the debate over the 1811 certificate bill, Tompkins had declared, "*I have heretofore been a friend to the rights of those people, [but] if my vote shall be necessary to carry this law into operation, I shall vote for it.*" Besides, if Republicans were so antislavery, where was an "act for general emancipation of all the slaves"?<sup>73</sup> Local black men seem to have found such calls persuasive. Among the successful certificate applicants in New York City that same week were Henry Sipkins, a noted black abolitionist; Joseph Sidney, the

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<sup>70</sup> "Appointments," *Columbian*, March 13, 1813; Miscellaneous Records, B (Mar. 1804 to Jan. 1814), pp. 252-53, Ontario County Records and Archives Center, Canandaigua (hereafter OCR). Charles F. Milliken, *A History of Ontario County, New York and Its People*, vol. 1 (New York, 1911), 206-7. Ontario County's Federalist press suggested that the 1811 certificate law was a racially-motivated, Republican-backed measure. "Objections of the Council of Revision," *Ontario Repository*, April 23, 1811.

<sup>71</sup> "The Convention Project," *Columbian*, January 25, 1813.

<sup>72</sup> "Legislature of New York," *Albany Register*, March 2, 1813; *JA* (1813), 106-7, 305-7. See also "Election Bill," *Otsego Republican Press*, March 5, 1813.

<sup>73</sup> "Attention! People of Colour," *Herald*, April 28, 1813. Tompkins was running against Stephen Van Rensselaer. The *Herald* accused Van Rensselaer of voting against the 1799 abolition law. This was a (deliberate?) mistake. John I. Van Rensselaer had voted against it. *JA* (Albany, 1799), 77, 80.

omnipresent Federalist spokesman; and a slew of otherwise obscure men like David Sisco, a twenty-one-year-old born in Barbados.<sup>74</sup>

When the state's 1813 votes were tallied, the popular Tompkins won re-election, but the Federalists captured the assembly. Although white voters were of course necessary to precipitate this upset, New York City's black voters were credited with and criticized for the outcome. Republican newspapers in Albany, Utica, and Cooperstown asserted this was "the first instance on record in this country, of the complexion of a house of assembly being decided" by "*negro votes*." The votes "exceeded 500, and were almost exclusively given to our opponents."<sup>75</sup>

Five hundred voters was probably about right. New York City's black Federalists were at the height of their organizational strength. Shortly after the assembly upset, during the annual city election, they mobilized again. On November 8, under the banner "African Liberty Forever," Robert Y. Sidney—a member of the Wilberforce Society and possible relative of Joseph—called for a meeting at Johnson's Tavern, in the Seventh Ward. At the meeting, a delegate was appointed from each nearby ward to a "committee of grievance" that would "support the interests of the Electors of Color." The men vowed to elect candidates dedicated to "Liberty, Peace, and Commerce" (i.e., Federalists). They also arranged a second meeting to share information with black voters in the lower wards. The following evening, additional delegates joined the committee of grievance, including Thomas L. Jinnings.<sup>76</sup>

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<sup>74</sup> Joseph Sidney COF, 28 April 1813; Henry Sipkins, 28 April 1813; David Sisco's COF, 27 April 1813; New York City-Indentures. Sidney lived in the Fifth Ward; he may have left his own ward, with its Republican alderman, to seek a certificate from a Federalist alderman (Isaac Douglass) in the Sixth Ward.

<sup>75</sup> "Black Representation," *Albany Argus*, May 18, 1813; "Black Representation," *Columbian Gazette* (Utica), May 25, 1813; "Black Representation," *Otsego Herald* (Cooperstown), May 29, 1813. There were over 900 black men listed as household heads in the 1810 census. Presumably, many could vote. Alice Einholtz and James M. Rose, *Free Black Heads of Households in the New York State Federal Census, 1790-1830* (Detroit, 1981). The *Courier* also estimated 500-600 black voters. "Oppression," March 25, 1816.

<sup>76</sup> "African Liberty Forever," *EP*, November 8, 1813; [No title], *Commercial Advertiser*, November 9, 1813; [No title], *EP*, November 11, 1813.

When the election results came in, Federalists prevailed in five of ten wards. In two of the tightest races for alderman, Federalists won by single digits. The organized black Federalists made the difference. Among the losing candidates was a Republican named Peter Sharpe, who had run for assistant alderman in the Third Ward. He fell short by forty-one votes.<sup>77</sup> Black voters no doubt contributed to his loss, and he would not forget this. Sharpe is one of a number of little-studied state politicians who moved determinedly to constrict black voting after losing an election in which black men either did, or reasonably could have, ensured his defeat.

In the 1814 state election five months later, Republicans regained a majority in the assembly. Peter Sharpe was among the winners, one of eleven Republicans from New York City who eked out a victory by roughly one percentage point. When the 1815 session began, Sharpe took steps to stem black political influence. He introduced a bill that required New York City's black voters file proof of their property qualifications as well as acquire new certificates; it also demanded the city register provide election inspectors with books listing which black men could vote, and empowered only the mayor or the recorder—not aldermen—to grant certificates.<sup>78</sup> Not only would black voters thereby lose the option of obtaining certificates in their own wards, they would also lose the ability to vote for the officials empowered to grant certificates; the mayor and recorder were selected by the Council of Appointment.

Like the 1811 bill, the 1815 bill provoked debate. Federalist assemblymen, including Jonas Platt, Elisha Williams (of Columbia County), and Peter Jay Munro (John Jay's nephew, of Westchester County), tried to squash the bill but failed. In the senate, Federalist Peter Radcliff (of the Southern District) likewise tried and failed to stop the bill. Among those opposing

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<sup>77</sup> New York 1813 Assistant Alderman, New York, Ward 3, "A New Nation Votes." In 1810, there were over 80 black householders in the Third Ward. Einholtz and Rose, *Free Black Heads of Households*.

<sup>78</sup> *JA* (Albany, 1815), 359, 420-21; *New York Laws*, 35<sup>th</sup> Sess. (1815), ch. 145.

Radcliff were Martin Van Buren and fellow Middle-District Republican Erastus Root, a rising star in state politics and a foe of black suffrage.<sup>79</sup>

In certain respects, the 1815 certificate law backfired for Republicans, at least in terms of public perception. One newspaper predicted that black men would be even more determined to vote now that they were “excited by this system of studied oppression.”<sup>80</sup> White Federalists, rallying support for their gubernatorial candidate, Rufus King, resolved that laws “imposing partial restrictions on the people of colour residing in the city of New-York” were “unjust.”<sup>81</sup> The independent *Courier* wagged its finger at the Republicans’ lack of integrity: “It was not in legislative wisdom, in legislative care, that the restrictions and taxes imposed on coloured voters, originated. It was in the caucuses of party; in the councils of office hunters. It was not for the purpose of honestly regulating the exercise of the right of suffrage.”<sup>82</sup> Even the Republican *Albany Register* called the 1815 law “misguided,” noting that it “offended the free blacks, and their friends in the *Abolition Society*.”<sup>83</sup>

Black voters themselves did not mince words. The “Electors of colour” in New York City declared they would not be “stifled by an arbitrary and unconstitutional law.” It was a “flagrant violation of the rights and immunities of a portion of native citizens,” not to mention a slap in the face to the hundreds of patriotic black men who had volunteered in 1814 to fortify the city during the War of 1812. Of minor consolation were the objections to the law lodged by James Kent and Jonas Platt, recent additions to the Council of Revision. Kent argued, to no avail, that the law

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<sup>79</sup> *JA* (Albany, 1815) 420-21, 469-78; *JS* (Albany, 1815), 327-328. Opponents of the bill managed to insert a clause that punished any official who “willfully or corruptly refuse such certificate” with a \$250 fine.

<sup>80</sup> “Oppression,” *Courier*, March 25, 1816.

<sup>81</sup> “New-York Nomination,” *Albany Daily Advertiser*, April 15, 1816. See also “The constitutionality of the acts,” *EP*, March 30, 1816. King lost to Daniel Tompkins.

<sup>82</sup> “The Letter Continued,” *Courier*, April 10, 1816.

<sup>83</sup> “The Real Truth,” *Albany Register*, April 25, 1815.

was “inconsistent with the spirit of the Constitution and the public good,” both because it made the city’s black voters unequal to white voters and also because it made them unequal to other black voters in the state. It was unjust to prescribe “a different test of property to one class from what is prescribed to another class of citizens.”<sup>84</sup>

The 1815 law was successful in making it harder for black men in New York City to vote. During the April 1816 election, for example, when the indefatigable Joseph Sidney accompanied a would-be voter named Squire Williams to City Hall with the purpose of “getting a new certificate,” Williams ran into trouble. When he arrived, a group of black men outside the mayor’s office warned him, “you cannot get a new certificate unless you swear to vote for the republican ticket.” An assistant alderman named Josiah Hedden told Williams, “if he would swear to vote for the republican ticket, he could get a new certificate without any expense.” Williams refused to say “which party he intended to vote for.” Hedden turned Williams away. Outraged, Williams found a notary public, swore out an affidavit, and sent a copy to the *Evening Post* to publicize Hedden’s malfeasance.<sup>85</sup> For voters like Jacob Waldron in Hudson and Squire Williams in New York City, the certificate rules were burdensome not only because they required them to pay fees, gather paperwork, and waste time finding officials, but because even when they followed the rules, they faced further intimidation.

Despite the obstacles, black men still applied for certificates and still voted in the second half of the 1810s. In New York City, Mayor Jacob Radcliff kept a bound volume of pre-printed certificates that he issued to black voters after the 1815 law. Officials continued to issue

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<sup>84</sup> [No title], *Evening Post*, April 18, 1815; “The Council of Revision,” *Spectator*, April 19, 1815.

<sup>85</sup> “Affidavit,” *EP*, April 27, 1816; [No title], *NA*, April 29, 1816; [No title], *EP*, May 1, 1816; [No title], *NA*, May 2, 1816; [No title], *EP*, May 17, 1816. Hedden was a disaffected Federalist turned Tammany Republican. D. T. Valentine, *Manual of the Corporation of the City of New York* (New York, 1865), 871. Williams’ affidavit was likely related to legal action against Hedden, per the 1815 certificate law. See footnote 79.

certificates elsewhere in the state under the terms of the 1811 law. Black voters in New York City persisted in holding meetings where they discussed politics and declared, in print, who they planned to vote for and why.<sup>86</sup> Furthermore, although the certificate laws certainly disfranchised some men, the hope (or threat) remained that more black voters would appear at the polls because more black men were becoming free, and migrating to New York from elsewhere, as gradual emancipation progressed. For practical, partisan, and ideological reasons, the stakes of black voting remained high. **Table 2**

Between 1817 and 1821, black New Yorkers witnessed and influenced a series of consequential political events. In 1817, the legislature, at Governor Tompkins' urging, finally passed a general abolition law, promising freedom to all slaves in 1827. In 1819, James Tallmadge, Jr., representing the fourth congressional district in the Hudson Valley, provoked a national crisis when he proposed that the national government mandate gradual emancipation in the new state of Missouri. In the following months, two fellow New Yorkers, Congressman John W. Taylor and Senator Rufus King, led the unsuccessful charge against federal lawmakers who supported Missouri's right to maintain slavery and to bar free black settlement. Meanwhile, after much discussion, New York's electorate approved a constitutional convention.

These various events did not occur in isolation. The 1817 abolition act foretold an increase in eligible black voters. The Missouri Crisis forced politicians to think seriously about their commitment to antislavery and black citizenship. The emergent Bucktail faction of the state

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<sup>86</sup> [No title], *Columbian*, May 29, 1816; [No title], *NA*, March 24, 1817.

Republican Party—the faction pushing hardest for a constitutional convention—provided three critical votes in Congress for keeping slavery in Missouri and campaigned hard for the expansion of white suffrage at home. The Bucktails’ leader was Martin Van Buren, who, as the 1814 Jacob Waldron case suggested, was indifferent to black political rights. The Bucktails’ main rivals were DeWitt Clinton, the new governor, and his branch of Republicans. For a host of reasons, the Federalists were on the wane. Any lawmaker, voter, or would-be voter who trained his eyes on the 1817 abolition law, the Missouri Crisis, the constitutional convention, and the breakdown of the first party system saw that the political world was changing—which is not to say the outcomes were pre-determined.<sup>87</sup>

Ontario County’s John C. Spencer was among the cast of prominent New York politicians who sought to define the fraught relationship between state and national conceptions of black citizenship during this critical period. A Clintonian, Spencer was known for his antislavery sympathies (unlike his father, Ambrose).<sup>88</sup> In the fall of 1820, as speaker of the assembly, he drafted resolutions protesting Missouri’s proposed proslavery constitution. Spencer wanted New York’s representatives in Washington to demand the “prohibition of slavery” as a condition of Missouri statehood and to deny Missouri’s efforts to bar free black settlers. The “first duty” of New York lawmakers, Spencer insisted, was “the protection of their citizens in their legitimate rights,” whatever “their colour.”<sup>89</sup> If free black New Yorkers wanted to live in Missouri, it was their federal constitutional right to exercise this privilege under the Article IV

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<sup>87</sup> New York sent 27 congressmen to the 16<sup>th</sup> Congress. Two (one Bucktail, one Federalist) voted for the compromise measure allowing Missouri to keep slavery (but banning slavery north of the 36°30′). Two others (Bucktails) absented themselves during the vote. The measure passed 90-87. None of these four doughfaces won re-election. It is important to emphasize that the other 23 New Yorkers, including Bucktails, voted on the antislavery side.

<sup>88</sup> “Wounded Pigeons,” *NA*, September 14, 1820; “From the Ontario Messenger,” *New-York Statesman* (Albany), September 19, 1820; “State Politics,” *Republican Advocate* (Batavia), November 17, 1820.

<sup>89</sup> “Monday, November 13,” *Albany Gazette*, November 14, 1820

Comity Clause. Emphasizing that black men were state citizens and thereby national citizens, Spencer observed they were “expressly recognized by our election laws.”<sup>90</sup>

It was ironic, perhaps, that Spencer referred to the certificate laws, which hindered the rights of black voters, to prove that they were citizens. However, he had a point: the certificate laws acknowledged black men as formal members of the polity. Excepting a tiny handful of Bucktails, the vast majority of state lawmakers agreed. The assembly adopted resolutions based on Spencer’s suggestions by a vote of 117 to 4.<sup>91</sup> The senate quickly signed on. The final version instructed New York’s national representatives “to use their utmost exertions to prevent the acceptance” of any Missouri constitution that denied “to any citizens of the existing states the privileges and immunities of citizens of such new state.” The resolutions also confirmed New York’s ongoing objection to slavery in Missouri.<sup>92</sup>

The state’s editors rallied in support the legislature’s resolutions. The *American* observed that when a black man became “a citizen of New-York,” he also became “a citizen of the United States. He became one of us; and without regarding his nation, age or complexion, we are bound to protect him and his rights as we would our own.”<sup>93</sup> The phrasing echoed numerous objections to the certificate laws. To be sure, black voting was not the only subject that had prompted articulations of equal citizenship in the previous decades, but black suffrage had been one of the most significant topics to inspire legal and political rhetoric in this vein.

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<sup>90</sup> “Legislature of New-York,” *Albany Gazette*, November 17, 1820. On the relationship between state citizenship and national citizenship, see Kettner, *American Citizenship*, ch. 9. The Missouri Crisis forced lawmakers to confront whether or not black state citizens were considered national citizens. See also Robert Forbes, *The Missouri Crisis and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill, 2007), 110-118.

<sup>91</sup> *JA* (Albany, 1820), 45.

<sup>92</sup> *Ibid.*; *JS* (Albany, 1820), 38-39; *Journal of the Senate of the United States of America* (Washington, 1820), 26-27.

<sup>93</sup> “Constitution of Missouri,” *American*, November 29, 1820.

In November 1820, U.S. Senator Nathan Sanford, a Clintonian from Queens County, presented the New York state legislature's Missouri resolutions to the United States Senate. A few days later, Senator Rufus King re-asserted his belief that the clause in Missouri's constitution barring free black settlers was "repugnant." In the House, James Strong, a Federalist from Hudson, delivered a long speech in defense of black citizenship. "Facts are better than theories," he asserted. "In many of the States they are recognized as citizens, and among other things, are eligible to office, entitled to hold real estate, to vote, to sue and be sued." Strong's main point was that black citizenship deserved constitutional protection because the status existed as a fact on the ground; in various jurisdictions across the nation, black people legally did the things that citizens do. As a resident of Hudson, Strong himself had likely watched black men voting. Sanford, King, and Strong all took a vision of black citizenship to Congress that was informed by the actions of black voters and their allies in their home state.<sup>94</sup>

Black New Yorkers, aware of what was happening in Congress, supported the state's antislavery politicians during the Missouri Crisis. In 1819, when Tallmadge returned home to run for state senate in the Southern District, his friends were optimistic about his chances. One supporter wrote privately that Tallmadge, running as a Clintonian, would "get the Quaker votes, the Manumission Society and the People of Color will generally support him, and he will get a number of Federalist Votes."<sup>95</sup> In New York City, black men held public meetings pledging their support. One friendly paper noted that "*numerous and respectable*" black voters saw Tallmadge

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<sup>94</sup> *Annals of Congress* 1820, 23, 44, 572. Ultimately, in February 1821, Congress agreed to a second compromise written in deliberately unclear language. As a condition of statehood, Missouri could not exclude any state citizen from exercising the privileges and immunities of federal citizenship. The problem was, the resolution neither affirmed nor denied the legitimacy of black state citizenship, leaving both anti- and proslavery readings possible.

<sup>95</sup> Theodor Bailey to Matthias B. Tallmadge, 27 April 1819, Tallmadge Family Papers, New-York Historical Society.

“as the enlightened and humane advocate of their race.”<sup>96</sup> Ultimately, Tallmadge won his home county of Dutchess, fared better in New York City than the other Clintonian candidate (possibly due to black support), but lost the plural district to two Bucktails.<sup>97</sup> The following year, when Governor Clinton ran for re-election, his managers touted his antislavery position during the Missouri Crisis to black voters. One Clintonian, praising the governor as “an enemy to slavery,” reminded his opponents that “the law allows our citizens of colour, qualified by property and paying taxes, to vote, for mercy’s sake don’t abuse them for doing so.”<sup>98</sup>

Black voters’ preference for antislavery Clintonians caused a backlash in the Bucktail press.<sup>99</sup> Mordecai Noah, editor of the *National Advocate*, wrote article after article in 1819 and 1820 defending Missouri’s right to keep slaves, urging a new constitution in New York, bemoaning black suffrage, and mocking Spencer, Tallmadge, and Clinton.<sup>100</sup> Black voting, he ranted, was “a serious evil.”<sup>101</sup> To quell “the fictitious importance” that black New Yorkers had “acquired by the agitations of the Missouri Question,” it was necessary to add a “permanent provision” barring black suffrage in the state constitution. Noah feared that the 1817 general abolition law, in conjunction with New York’s antislavery position during the Missouri Crisis, would create a “vast addition” of black citizens who would vote against Bucktail interests.<sup>102</sup>

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<sup>96</sup> [No title], *Columbian*, April 22, 1819; See also “People of Color,” *Columbian*, April 20, 1819; [No title], *National Advocate*, 1819 (hereafter *NA*); “No novelty,” *Columbian*, April 26, 1819; [No title], *NA*, April 30, 1819.

<sup>97</sup> It did not help Tallmadge that the Federalists also fielded two candidates.

<sup>98</sup> “Buck-tail Hostility to Blacks,” *Columbian*, April 20, 1820.

<sup>99</sup> “People of Colour,” *Columbian*, April 23, 1819.

<sup>100</sup> “People of Colour,” *NA*, April 23, 1819; “The Missouri Question,” *NA*, January 25, 1820; “The Question Settled,” *NA*, March 6, 1820; “The Dissolution of the Union,” *NA*, April 21, 1820; “The Missouri Plot,” *NA*, August 24, 1820; “Slaves,” *NA*, September 6, 1820; “From the Ontario Messenger,” *Republican Advocate*, September 9, 1820; “Wounded Pigeons,” *NA*, September 14, 1820; “Calumny Refuted,” *New-York Statesman*, September 15, 1820; “State Politics,” *Republican Advocate* (Batavia), November 17, 1820; “Missouri Constitution,” *NA*, November 29, 1820. Noah argued that his support for states rights required him to defend slavery in Missouri.

<sup>101</sup> “People of Colour,” *NA*, April 23, 1819.

<sup>102</sup> “Free Blacks,” *NA*, June 29, 1821.

The increasingly loud demands for a constitutional convention, however, did not focus on black suffrage. For reasons both principled and self-interested, the Bucktails wanted to abolish the Council of Appointment and to end the two-tiered voting structure that prevented ordinary property-holders and taxpayers from electing the governor and state senators. Although initially Governor Clinton opposed a full-scale revision, he eventually agreed to hold a popular referendum on the question.<sup>103</sup> In March 1821, the Bucktail-led legislature, with Clinton's cooperation, authorized the vast majority of male citizens to vote for or against a convention at the upcoming state election.<sup>104</sup>

Black voters understood what was at stake. In the spring of 1821, there was an uptick in applications for certificates. In Ontario County, seven black voters registered new certificates with the county clerk (compared to two in 1819 and one in 1820). John C. Spencer himself helped one of the seven, Richard Williams, acquire his certificate.<sup>105</sup> Black men made similar efforts elsewhere. In Rochester, the not-yet-famous abolitionist Austin Steward obtained a certificate on April 21.<sup>106</sup> In Plattsburgh, on Lake Champlain, three men originally from Vermont filed for certificates.<sup>107</sup> In Dutchess County, five men, all born enslaved in New York, received certificates from the Federalist first judge of the county. One of them, Sam Harris—"five feet eight inches high, slim built, active in person, small eyes and a scar on the left side of his neck"—was the former slave of James Tallmadge.<sup>108</sup> Upriver in Troy, at least two men obtained

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<sup>103</sup> Casais, "Constitutional Convention," Introduction, ch. 1.

<sup>104</sup> *New York Laws*, 44<sup>th</sup> Sess. (1821), ch. 90.

<sup>105</sup> Miscellaneous Records, C (Oct. 1813 to July 1828), pp. 275, 376-377; Town of Canandaigua Records, 1791-1846, pp. 313- 315, 318-20, OCR.

<sup>106</sup> Austin Steward's COF.

<sup>107</sup> Sampson Soper's COF, 25 April 1821; Martin Tankard's COF, 25 April 1821; George Tankard's COF, 28 April 1821; Plattsburgh Record Books, 1787-1859 [microfilm], Special Collections, SUNY Plattsburgh.

<sup>108</sup> Sam Harris's COF, 25 April 1821; Peter's COF, 26 April 1821; Craff Martin's COF, 26 April 1821; Griffen Griffen's COF, 26 April 1821; Cesar's COF, 26 April 1821; Record of Roads.

certificates from Recorder William L. Marcy, the future doughface Secretary of War in the Polk administration. Under the terms of the certificate laws and the 1777 constitution, even a pro-slavery sympathizer like Marcy recognized black men's citizenship rights in state.<sup>109</sup>

With multiple motivations in mind, New York's voters agreed overwhelmingly to hold a constitutional convention.<sup>110</sup> The next step was to elect county-based delegates in June 1821. Black men did what they could to shape the composition of the convention. In Schenectady, for example, fifty-two-year-old Peter Dawson acquired what was likely his first certificate. Born a slave in New Jersey, he was later sold in Maryland. After gaining his freedom in Baltimore, he moved to Ulster County. From there, he went "to Catskill, from Catskill to Schodack, from thence to Ballston and from thence to Schenectady in May 1820."<sup>111</sup> It is not surprising that Dawson received his certificate in a city where black men had been voting routinely. As difficult as voting was in New York, the state was far more hospitable to black citizenship than Dawson's former homes of New Jersey and Maryland, and he no doubt wanted to keep it that way.

Unfortunately for black voters, who probably gave most of their support to Clintonians and the few Federalist candidates, 98 of the 126 delegates elected were Bucktail or Bucktail-aligned.<sup>112</sup> Martin Van Buren was among the 98. So were Erastus Root and Peter Sharpe, who

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<sup>109</sup> Prince Williams' COF, 25 April 1821; Frisby Way's COF, 25 April 1821, Albany Institute of History and Art. Both documents bear a note from the county clerk indicating that copies were "recorded...in a book for the purpose in the office of the Clerk of Rensselaer County." I could not find the book in the county's archives in September 2015. The notes suggest there were other black voters in Troy.

<sup>110</sup> Peterson, *Democracy*, 115-130. Interestingly, both John C. Spencer and Myron Holley opposed holding a convention. "From the New-York Statesman," *Republican Advocate*, December 1, 1820.

<sup>111</sup> Peter Dawson's COF, 19 June 1821, Book 121, p. 33, SR. In Albany, nine men registered certificates June 1821. Albany County Register, pp. 191, 201-206. In Oneida County, John Reuben Hicks received a certificate from Federalist judge Morris S. Miller, an ally of Jonas Platt. John Reuben Hick's COF, 20 June 1821 [transcription], *Tree Talks* (September 1995): 156.

<sup>112</sup> Wilentz, *Rise of American Democracy*, 191; "Republican Nominations for Delegates," *Albany Argus*, June 19, 1821. Black voters faced poll harassment when trying to cast ballots for convention delegates. "The Inspectors," *Columbian*, June 20, 1821; "Liberty and Equality," *Spectator*, June 22, 1821.

both had voted for the 1815 certificate law. Among the smattering of Federalists were James Kent, Jonas Platt, Peter Jay Munro, Peter A. Jay (John Jay's son), Rufus King, William W. Van Ness, and Stephen Van Rensselaer, who had all demonstrated support for black voters in the past. Clintonians Ambrose Spencer and James Tallmadge were also present. Former governor Daniel Tompkins was elected president of the convention. In his Bucktail hands lay the power to appoint members to ten committees, each charged with an area of reform.

From the start, black voters in New York City eyed the convention warily and sought to influence the proceedings. Fifty "coloured people" signed a petition "praying that the Convention would incorporate a provision in the constitution preventing the legislature from passing any laws interfering with their rights, by requiring them to be registered, &c previous to being allowed to exercise the right of suffrage"—in short, they wanted a constitutional guarantee against certificate laws. The document reached the convention floor on the same morning that the suffrage committee presented its first proposal, an amendment granting the vote to "every white male citizen" who paid taxes, worked on the public roads, or served in the militia. Peter Jay immediately moved that any discussion of the disturbing proposal include a consideration of the black men's petition. The convention agreed.<sup>113</sup>

Years later, Thomas L. Jinnings, who almost certainly signed the petition, asserted that the he and his peers had "caused [the 1821 convention] to deliberate for the space of twelve days, and thereby secured to use the right of suffrage with certain restrictions."<sup>114</sup> Some delegates did side with the petitioners, including those who had consistently supported, and had been supported by, black voters during their careers. When discussion began on the "white male

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<sup>113</sup> Carter and Stone, *Report of the Convention*, 134-35.

<sup>114</sup> "Eulogy: On the Life and Character of Henry Sipkins," *Colored American*, November 17, 1838.

citizen” clause, Stephen Van Rensselaer—the 1801 and 1813 Federalist gubernatorial candidate—urged the phrase be revised to “every male citizen.”<sup>115</sup> Peter Jay, backing Van Rensselaer, spoke at length in favor of equality before the law. Jay also appealed to the sectional pride stoked by the Missouri Crisis; tampering with black citizenship would elicit “a shout of triumph” from “the southern part of the union.” James Kent, supporting Jay’s efforts, noted, “We did not come to this Convention to *disfranchise* any portion of the community.”<sup>116</sup>

After two days of arguing, the convention decided by a vote of 63 to 59 to extend voting rights to the citizenry on racially equal terms. A win for black men. Jay, Kent, Van Rensselaer, Munro, Van Ness, Platt, Tallmadge, and, somewhat surprisingly, Van Buren, voted with the majority. Root, Sharpe, and Ambrose Spencer voted against them.<sup>117</sup>

The victory was temporary. On September 29, a delegate proposed that a new suffrage committee reconsider the options. In the end, the convention agreed, by a vote of 71 to 33, to a generous extension of the franchise for white men with a proviso that black men could vote only if they possessed a \$250 freehold and also met a three-year residency requirement (white men needed only one year).<sup>118</sup> The requirements for black men, under this “compromise” measure, were far steeper than what existed under the 1777 constitution. Furthermore, the stipulation that the property be “freedhold” specifically hurt the state’s many city-dwelling black voters.

In addition to enacting race-based suffrage rules, the 1821 constitution abolished the Councils of Appointment and Revision, shortened the governor’s term, re-organized the judiciary, and re-apportioned the legislature. A number of Federalists, including Jay, Kent, Platt,

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<sup>115</sup> Carter and Stone, *Report of the Convention*, 180, 183.

<sup>116</sup> *Ibid.*, 134-5, 184, 190. (Italics original.)

<sup>117</sup> *Ibid.*, 201-202.

<sup>118</sup> *Ibid.*, 288-291, 377.

Tallmadge, Van Ness, and Van Rensselaer, refused to sign the revision, as did, more unexpectedly, Daniel Tompkins. When the constitution went to the electorate for ratification—the choice was either yes or no—the state’s voters approved. In January 1822, black men lost equal constitutional voting rights.

Foes of black suffrage and antislavery politics had much to applaud by 1822: the new state constitution, the safety of slavery in Missouri, and the Bucktails’ rising influence in state and national politics. Nonetheless, for a substantial number of New York politicians, completely destroying black suffrage had proved a bridge too far; the constitution continued to recognize black residents as “citizens” with suffrage rights, albeit on a dramatically unequal basis.

Black voters and their local allies had played vital roles in inspiring white antislavery powerbrokers to hold the line, both during the Missouri Crisis and at the 1821 convention. Certificates of freedom, and the discussion and paperwork around them, provided compelling evidence of black men’s citizenship. Black suffrage was not a legal abstraction, nor something that only happened in one place; it was a concrete practice throughout the state. Face-to-face experiences built and buffered the political convictions of black citizens and white lawmakers alike during these critical years. Ordinary black New Yorkers made their mark on state politics and formal conceptions of political rights.

As the second party system took shape, black New Yorkers continued to engage political and legal institutions as they defended their place as citizens and campaigned for a range of antislavery measures, including the return of equal suffrage. In 1846 and 1860, the state’s electorate considered, and rejected, equal suffrage regardless of race. Black men in New York

did not regain equal voting rights until the ratification of the Fifteenth Amendment to the United States Constitution in the aftermath of the Civil War.

We may conclude the story, then, in two ways. On the one hand, this is a story of the means by which a powerful and populous northern state failed to democratize on a racially equal basis—a story of a state that not only constricted democracy for a portion of its population in 1821, but did so by rolling back the rights of men who had practiced and valued their citizenship at the polls for an entire generation. And yet, after pouring over certificates of freedom, the story may require another layer. The ordinary black men in New York who obtained voting documents and trudged persistently to the polls demonstrated, among other principles, that black suffrage augured more freedom for more people in the state, and perhaps even more freedom for more people in the nation at large. Their actions had concrete effects on the elections and politics of their day. Their efforts reverberated well into the nineteenth century, including at the moments when equal citizenship and voting rights became enshrined in the national constitution. These men deserve their place in the complicated story of American democracy.