

The American Ballot Box in the Mid-Nineteenth Century

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CAMBRIDGE
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa
<http://www.cambridge.org>

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First published 2004

Printed in the United States of America

Typeface Sabon 10/12 pt. *System* L^AT_EX 2_ε [TB]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data

Bensel, Richard Franklin, 1949–
The American ballot box in the mid-nineteenth century / Richard Franklin Bensel.
p. cm.

Includes bibliographical references and index.

ISBN 0-521-83101-6 – ISBN 0-521-53786-X (pbk.)

1. Voting – United States – History – 19th century. 2. Elections – United States –
History – 19th century. 3. United States – Politics and government –
19th century. I. Title.

JK1967.B46 2004
324.973/07 – dc22

2003066277

ISBN 0 521 83101 6 hardback
ISBN 0 521 53786 X paperback

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Introduction

Broad economic interests clashed in national politics throughout the middle decades of the nineteenth century. These conflicts were mediated by local and national political institutions, particularly the party system and the federal allocation of power between the national and state governments. In terms of platform declarations and policy implementation, both the party system and government institutions more or less spoke the same language, executing a fairly transparent translation of economic interests into public policy. However, the logic and language of the great struggles dominating national politics were often garbled when transmitted into the electoral settings of the polling place. These settings were constructed out of material very different from that out of which the parties made policy in the state and national capitals. And they marshaled the attention and understandings of ordinary citizens whose concerns often were both different in quality and much more limited in scope. Many of the policy logics and disputes rending state legislatures and the federal Congress were simply beyond the event horizon of the individual voter.

Many elements entered into the construction of the local settings in which individual voters determined the fates of national parties. One of the most important was the sheer physicality of electoral practice, the arrangements through which citizen preferences were recognized and registered as official votes. Another was the social environment of the voter that determined how he aligned himself with others and thus distinguished between friend and foe. A third was the intermittent intrusion of national policy conflicts into the daily lives of citizens. For example, for many northerners, taxes and the draft were the most important ways that the Civil War materialized in their daily lives. Similarly, the tariff and the gold standard, along with the political reconstruction of the South, were at least imagined to be significant factors in the way the life chances of individual citizens played out after Appomattox. However, passions and interests at the polls were often related

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to one another in unusual ways; the typical voter placed himself within the political galaxy of American politics by combining his usually dim perception of national policy decisions with his often more pragmatic understanding of the orientations of local branches of the major parties as social and cultural institutions.¹

Some of the men who approached the polls in the middle of the nineteenth century were, of course, informed citizens who understood the relationship between government policies, the local and national political economy, and the great party organizations that competed in elections. They needed little encouragement to participate in politics; in fact, they often provided the material resources, in the form of money and social prestige, that fed party competition. Other men, those belonging to the larger middle classes of the nation, also comprehended the links between policy making and the processes of democracy. They, too, voluntarily turned out in large numbers. For these men, politics was about interests and parties; party platforms were primarily written to win their approval and support. Widely trumpeted by party newspapers published in the largest and smallest of American cities and towns, these platforms were material commitments connecting the interests of the politically aware and economically well-heeled to one or the other of the party organizations.²

Completing that connection were still other men, such as ward heelers, patronage employees, and saloon keepers, who comprised the bone and tissue of American parties. Because their interests were bound up even more closely and narrowly with the fate of their party, they subordinated personal opinion to the party cause. But they too were well aware of party policy commitments, particularly with respect to the ways in which platform planks could influence the working of an election. These party agents were very pleased when men spontaneously voted the party ticket in large numbers.

The task of these agents was to make certain that men came to the polls and voted for their candidates. And, in the middle of the nineteenth century, many

¹ On the primacy of “perceptions growing out of beliefs, experiences, and memories rooted in their home communities,” even for the orientation of individual voters toward national issues, see Joel H. Silbey, *The Partisan Imperative: The Dynamics of American Politics before the Civil War* (New York: Oxford University Press, 1985), pp. xiv–xv.

² In Michael F. Holt’s words, the antebellum “Whig and Democratic parties advocated specific policies in order to gain office. They attempted to enact those policies once elected. And they expended enormous effort to educate voters about what officeholders had done. Voters knew what the parties stood for in terms of both specific legislation and general goals. They could judge the expected results of those programs because of recent experience with both. And they responded in rational ways to the contrasting programs and party images presented to them.” *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), p. 83. While very well phrased, this description of the relationships among party organizations, public policy, and individual voting behavior applied only to a portion of the American electorate.

adult men simply could not comprehend the broad relationships among party, policy, and their personal stakes in the national political economy. Illiterate, impoverished, and often culturally isolated from that part of American society that we might term the “public sphere,” many men came to the polls with little or no idea of how politics might significantly shape their lives. That they came to the polls at all often reflected the organizational activity of the party organization and, when studied in detail, the utilization of personal networks maintained by individual party agents. In some cases, these agents simply translated the policy commitments of their party into a popular vernacular with which the lumpen proletariat of democracy could resonate. As party agents repeatedly stressed, they were almost entirely indifferent as to which message was sent or received, as long as men went to the polls and voted the party ticket.

Party agents seized on any device or tactic that might strengthen their ticket at the polls. When dealing with the lumpen proletariat of American democracy, these devices and tactics often included deception, petty bribery, and symbolic manipulation. But, most important, party agents relied on the ethnic and religious identities of these voters, both in distinguishing whom to encourage or discourage as voters and in translating party commitments into the common dialect of the masses.³

Party agents who worked the polling place were responding to the material interests of those who funded and otherwise supported their activities. At the same time, and somewhat paradoxically, these same party agents also exploited and thus enhanced the intense ethno-cultural competition and hostility that characterized much of American society. Only by recognizing the “swinging door” roles of these party agents, as both conductors and transformers of material economic interest in and around the ballot box, can we understand the simultaneous existence of both a robust ethno-cultural politics in the street and an equally vigorous preoccupation with economic interests in national and state legislative chambers. Because these party agents

³ What could be considered a typical “policy-related” discussion between a party agent and a voter was reported by Francis Rowley as he described how Rinaldo Craig came to vote for the Republican candidate in the 1866 congressional election in Mount Vernon, Ohio: “He [Craig] said that he didn’t care much who was elected, but that he would vote for Columbus Delano. Said if they would pay him a small sum he would vote for Morgan, provided his mother and step-father didn’t find it out. I told him I wasn’t buying votes myself. I thought that it was his duty to vote for Morgan, and that if he wanted to vote that way I thought he could vote without his mother finding it out. He said he was afraid that his mother would find it out. I told him to do just as he pleased; that it was his privilege. . . . I don’t know as I assigned any reason, particularly [in urging Craig to vote for Morgan]. I told him I thought by voting for Delano he was placing a negro on an equality with a white man.” Ser. Rec. (hereafter S.R.) no. 1313: Contested Congressional Election in the Thirteenth District of Ohio: Mis. Doc. (hereafter M.D.) no. 38, Pt. 2, p. 207. Columbus Delano vs. George W. Morgan, election held on October 9, 1866.

dominated the American polling place, this book focuses almost exclusively on the very last stage of a political campaign: the act of voting on the day of election. This act must be retrieved from the historical record by examining the various temporal and social environments within which people went to the polls and then by reconstructing the ways in which they voted.

ELECTION CASES

The most detailed reports of the motivations and behavior of ordinary voters appear in hearings conducted in connection with contested congressional elections.⁴ Under the Constitution, both chambers of Congress are empowered to judge the qualifications of their members, including whether they were duly elected by their constituencies. Under that power, the House of Representatives heard hundreds of appeals by losing congressional candidates during the nineteenth century. In these appeals, the losing candidate would claim that misconduct of the election had cost him his seat and urged that the House overturn the result, seating him in place of the winner certified by his state. In most of these cases, the House conducted hearings in the congressional district from which the appeal was made. The losing candidate presented witnesses who testified that abuses had occurred; the winner attempted to rebut this testimony with his own witnesses. In all these hearings, the witnesses were sworn. In many of them, a local judge would preside over the proceedings. While there is abundant evidence of fraud and violence in the transcripts, equally relevant descriptions of routine or normal election practices frequently appear as well.⁵

Much of this description cannot be independently confirmed. A few accounts offered by witnesses are probably false, fabrications made of whole cloth intended to support the claims of the seated member or the challenging contender. Other witnesses probably exaggerated the events they recounted, particularly the significance or frequency of abuses in the conduct of elections. But most of the testimony appears to be the honest renderings of common men and, sometimes, women who, from all appearances, were not

⁴ These hearings were printed in the permanent Serial Record of the U.S. Congress as Miscellaneous Documents collected in the annual volumes of Reports to the House of Representatives. These are cited in this book by volume (e.g., "S.R. no. 1269" refers to volume 1269 of the Serial Record set), followed by the title of the contest (e.g., "Contested Congressional Election in the Eighth District of New York"), the number of the document (e.g., "M.D. no. 7"), and the contestants and the date of the election (e.g., "William E. Dodge vs. James Brooks, election held on November 8, 1864").

⁵ For a review of the literature and evidence on election fraud in the nineteenth century, see Howard W. Allen and Kay Warren Allen, "Vote Fraud and Data Validity," in Jerome M. Clubb, William H. Flanigan, and Nancy H. Zingale, eds., *Analyzing Electoral History: A Guide to the Study of American Voting Behavior* (Beverly Hills, Calif. Sage: 1981), pp. 154-83.

equipped to understand the consequences of their testimony; even if they had been willing to twist the truth in favor of one of the contestants, these witnesses would not have known how to do so.

Many witnesses in fact corroborated, directly or indirectly, accounts given by witnesses for the opposition. In other instances, their simple narratives of how they came to be at the polls and what happened once they arrived bore only tangentially, if at all, on allegations of irregular or fraudulent election procedures. For some witnesses, merely reporting their experiences in a way that made sense to themselves, let alone their audience, was a struggle. Others were more aware of the political significance of the practices normally associated with the polling place; their narratives were probably accurate aside from the one possible violation to which their testimony pointed. In almost all cases, these ordinary men and women appear to have been more concerned with how they themselves appeared to the audience attending the hearing than with whether or not their testimony helped or harmed the contestant who had summoned them.

Aside from the testimony itself, there are several possible sources of bias in the hearings. One of these arises out of an imbalance in geographical and temporal coverage. Where elections were not contested, hearings were not held, and, thus, we have no testimony. Between 1850 and 1868, hearings were conducted in forty-eight contested elections (see Table 1.1). When printed as formal reports to the House, these hearings and the evidence associated with them occupy a little over 16,000 pages. In terms of temporal distribution, the evidence is fairly well balanced. The antebellum period, for example, is represented in fourteen contests containing just under 6,000 pages (29 and 37 percent, respectively). The Civil War years from 1861 to 1865 produced seventeen contests and 4,000 pages of testimony (35 and 25 percent). In the postwar period from 1866 to 1868, there were also seventeen contests, but the testimony, taking up over 6,000 pages, was more extensive (35 and 38 percent). Because the number of hearings and the pages of testimony gradually increased over the period, the evidence is slightly tilted toward the later years, particularly after the war ended.

In terms of spatial distribution, thirteen states and territories are represented in the hearings. Missouri led the list with twelve contests and over 3,500 pages of testimony (25 and 22 percent of the total, respectively). Pennsylvania and Kentucky were also overrepresented with Maryland, Ohio, and New York somewhat farther back. New England was seriously underrepresented and no contested elections at all emerged from the Deep South. While these might be serious problems, the balance between the nation's great sections was still fairly representative. Twenty-one of the contests and a little over 8,000 pages of testimony record behavior at polling places in the slave states (44 and 51 percent, respectively); the corresponding totals for the free states are, of course, the inverse (56 and 49 percent). In terms of urban-rural composition, hearings were held for elections in Baltimore, Boston,

Table I.I. *Temporal and Spatial Distribution of Contested Election Hearings*

Temporal distribution		
Year	Number of election contests	Total number of pages in hearings
1851	1	291
1855	1	271
1856	1	175
1857	3	1,261
1858	3	1,487
1859	4	2,405
1860	1	95
1862	8	1,576
1863	2	388
1864	7	2,097
1866	5	2,519
1867	3	365
1868	9	3,391
<i>Summary by period</i>		
Antebellum	14	5,985
Civil War	17	4,061
Reconstruction	17	6,275
Grand total	48	16,321
<i>Spatial distribution (by state or territory)</i>		
Dakota	1	176
Indiana	2	481
Kentucky	5	2,798
Maryland	4	1,930
Massachusetts	1	80
Michigan	2	122
Missouri	12	3,642
Nebraska	2	251
New Mexico	2	497
New York	3	1,396
Ohio	4	1,920
Pennsylvania	9	3,007
Utah	1	21
<i>Summary by section</i>		
Slave	21	8,370
Free	27	7,951
Grand total	48	16,321

Cincinnati, New York, Philadelphia, and St. Louis, as well as rural districts for almost all the states and territories on the list.

Another possible source of bias is that these hearings were, in fact, held when elections were contested. Peaceful, routinely conducted elections have occasioned little comment throughout American history. In this respect, they are like many mundane, familiar aspects of social life; they become important, and thus recorded for posterity, only when they are spectacularly violated in one way or another. Then, and only then, is normal practice set down as a foil against which abuse is demonstrated. The fact that an election was contested usually meant that the challenger (and his allies) felt that he could present enough evidence of fraudulent practices either to overturn the official result or, at least, to embarrass the opposition. However, this selection bias pertains only to the challenger's side in the hearings because the victor usually strove to present voting practices and the conduct of election officials as more or less normal. In some cases, the victor would impeach the results in precincts that the challenger had carried; in such instances, the contestants would trade positions on whether or not the election was routinely conducted.

For the most part, however, we are not interested in the merits of the contest. What is important is how witnesses described what a normal election should look like, the physical and sociological setting in which the polling place was located, and the actual texture of transactions between voters, party agents, and election officials. There is thus little reason to take sides in these contests (e.g., judging whether or not the challenger presented a strong case). But we can and should reject testimony that was effectively refuted by other witnesses. However, because witnesses were under oath, they appear to be quite reliable, at least in the sense that their testimony was not often convincingly challenged by the opposition.

In sum, the evidence that can be drawn from the hearings is neither perfectly distributed spatially or temporally nor entirely free from bias. These flaws, however, are strongly countered by what they do contain: extensive, detailed accounts of the personal experiences of ordinary voters in and around the mid-nineteenth-century polling place. As evidence for a social history of democracy, the testimony contained in these hearings is simply unmatched in the vast archives of American political development.⁶

⁶ Although the hearings also contain hundreds of pages of additional evidence such as the names recorded in poll books and official notices associated with the appearances of witnesses, most of the testimony is narrowly focused on the experiences of ordinary voters as they approached the voting window or loitered in the immediate vicinity of the polling place. Aside from isolated anecdotes in personal memoirs or the rare entry in diaries, there is just no other source of such information in the historical record. For a few of the rare descriptions to appear outside the contested election hearings, see Kate Kelly, *Election Day: An American Holiday, an American History* (New York: Facts on File, 1991), chaps. 7–9, and Robert J. Dinkin, *Election Day: A Documentary History* (Westport, Conn.: Greenwood Press, 2002), sec. IV.

THE PRACTICE OF NINETEENTH-CENTURY
AMERICAN DEMOCRACY

This examination allows the construction of a theoretical framework resting on the actual *practice* of elections, especially the procedures and routines of voting.⁷ Analysis of this practice begins by focusing on three aspects of the polling place. The first is the *physical setting*: the kind of building in which the voting is done, the type of neighborhood in which the polling place is located, and where the ballot boxes are situated with respect to election officials and voters. A second, equally important aspect of the polling place is the *sociological composition* of the community in which the voters reside: the ethnic and racial identities of the residents, the type of economy from which they draw their livelihoods, and whether or not the average voter can read or write. Here we should also include the conditions under which the election is conducted; the most important of these conditions involve social violence in the form of guerrilla raids, civil war, urban riots, racial and ethnic persecution, and military rule. Violence in and around the polls was not rare in the nineteenth century, and this dimension cannot be ignored in setting out our framework.

The third and last element that must find a place in our analytical framework is the *laws* regulating elections.⁸ These include the statutes determining voter eligibility, empowering election judges and clerks, and shaping the way in which voters indicate their choices of candidates. Such laws structured the act of voting by formally defining the boundary between legitimate and illegitimate practice at the polls. For various reasons, however, these laws compelled election officials to exercise broad discretion in the determination of voter eligibility and other aspects of the election process.⁹ The exercise

⁷ By examining the material practice of voting, this book attempts to fill a void in both American political historiography and general democratic theory. In David Grimsted's words, "Interest in what and whom parties represented, or in why particular groups voted as they did, has absorbed historical attention, and almost no consideration has been given to the mechanics of the process." *American Mobbing, 1828-1861: Toward Civil War* (New York: Oxford University Press, 1998), p. 183.

⁸ For an exhaustive survey of electoral laws in this and other periods of American history, see Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000).

⁹ Election officials usually had at least some knowledge of the laws under which voting was to be conducted but tended to skirt formality whenever that seemed to conflict with community custom. At many polling places, however, books or pamphlets containing election laws were available, and those dissenting from the decisions of officials could and did make use of them. Even in these cases, appeal to the letter of the law was not always effective. For an example, drawn from the voting near Fort Randall in the Dakota Territory in 1862, see S.R. no. 1199: Contested Delegate Election from the Territory of Dakota: M.D. no. 27, pp. 64-5. *J. B. S. Todd vs. William Jayne*, election held on September 1, 1862. In addition, some judges of election were illiterate and thus

of this discretion, embedded in the social understandings of the community in which the voting took place and influenced by the partisan interests of the officials themselves, often determined whether and how individual men participated in elections.

THE PHYSICAL SETTING OF THE POLLING PLACE

Almost all polling places in the United States are now located in government buildings, often schools. In the nineteenth century, there were far fewer government buildings than there are today, and for that reason, most elections were held in privately owned structures. The one almost universal exception was the county courthouse, in which was located the polling place for what was usually the largest town in the county. But in the country, where most of the people in the United States lived, voting was conducted in barns, private homes, country stores, and churches – almost anything that could separate voters from the election officials and the ballot boxes they tended. On the frontier, where buildings were even harder to find, votes were sometimes cast in sodhouse saloons, sutler stores near army forts, the front porches of adobe houses, and temporary lean-tos thrown together at desolate desert crossroads. In the larger cities, fire stations, warehouses, and livery stables were commonly used. One of the most common venues was liquor establishments.¹⁰ In some saloons, cloth sheets would be raised around the area in which voting was done so that patrons could drink while the election was held. Such an arrangement made an election noisy and, sometimes, violent.

Most of the polling places in large cities such as St. Louis were public buildings such as stores, factories, engine houses, city halls, or court houses. While private homes were sometimes used, larger structures were preferred (see Table 1.2). These polling places also had more formal names and

incapable of reading the laws under which they were to conduct the voting. In these instances, traditional custom must have exercised a particularly strong influence on the proceedings. See, for example, S.R. no. 1200: Contested Congressional Election in the Third District of Missouri: M.D. no. 43, pp. 21, 23, 88. *James Lindsay vs. John G. Scott*, election held on August 3, 1863. At one Philadelphia precinct, the Republican inspector admitted that he could neither write nor read “writing” but claimed he could read printed tickets. He signed his testimony with his mark. S.R. no. 1431: Contested Congressional Election in the Fifth District of Pennsylvania: M.D. no. 7, p. 89. *Caleb N. Taylor vs. John R. Reading*, election held on October 13, 1868.

¹⁰ Saloons were the most important gathering places for immigrants in the mid-nineteenth century and thus were primary centers for their political mobilization as voters. For this reason, many immigrant political officeholders owned drinking establishments, and, at least in New York, almost nine of every ten polling places in immigrant neighborhoods were saloons. Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992), p. 145.

Table 1.2. *Precinct Locations in St. Louis City and County, August 1859 Election*

1.	St. George's Market-house
2.	Coal scales, at the intersection of Gravois Road and Arsenal Street
3.	Phoenix engine-house
4.	J. Haupt's house, corner of Park and Second Carondelet avenues
5.	Convent Market-house
6.	House opposite Snyder's soap factory
7.	Central House
8.	Politz's House
9.	School-house at Bridgton
10.	William Berry's, in Manchester
11.	City Hall, in the city of Carondelet
12.	Mehl's store
13.	Drienhoefer's
14.	Washington engine-house
15.	Gambel Market-house
16.	Powell Sink's
17.	White's house at Crere Coeur Lake
18.	Court-house, Fifth Ward, city of Saint Louis
19.	Barthold's house
20.	Market Street House
21.	Brown's Store
22.	State tobacco warehouse
23.	House opposite the Olive Street House
24.	Virginia Hotel
25.	School-house
26.	Whitehill's lumber yard
27.	Beehler's meat-house
28.	Wiles' stable
29.	Biddle Market
30.	Mound engine-house
31.	Mills's house
32.	James Horton's house, Gravois mines
33.	The Abbey, on Saint Charles road
34.	George Sappington's
35.	The Harlem House
36.	John Stephens's, Normanby post office

Source: S.R. no. 1062: Contested Congressional Election in First District of Missouri: M.D. no. 8, p. 17. Frank P. Blair, Jr., vs. J. R. Barrett, election held in August 1858.

were probably widely recognized landmarks. In rural areas such as Indiana County, Pennsylvania, most of these kinds of buildings were far less common. In these districts, private residences, schoolhouses, and, in villages and small towns, perhaps a town hall were pressed into service (see Table 1.3). The use of informal names to designate residences and generic labels (e.g., “the schoolhouse”) suggests more tightly organized communities in which neighbors shared a much deeper understanding of the local landscape than did city dwellers.

Regardless of the type of building used, the vast majority of polling places were set up along a common pattern. The most important feature was the voting window through which tickets were received.¹¹ The voting window separated voters from election officials who occupied what was, in most cases, a large room. Voters remained in the street, courtyard, or empty lot adjoining the building. The voting window was usually about five feet or so above the ground, high enough to restrict access to the election officials but not so high as to make it impossible for shorter voters to hand in their tickets. Men presented themselves at this window, handing their ticket to the election judges. The judges deposited the ticket in a ballot box that was out of reach but usually in sight of the voter. Beneath the window there was almost always a small platform, approximately a foot high and maybe a yard wide. To address the voting window and thus attract the attention of election officials, the voter had to ascend this platform. While this physical arrangement protected election officials from the jostling of partisans outside the building, it also exposed voters to the crowd around the polls.¹² The platform became the prime site of contestation as the dominant party attempted to take possession, refusing access to all but those who seemed certain to vote their way.

From a contemporary perspective, the layout of the nineteenth-century polling place may seem rather odd. The major purpose of this arrangement was to separate the public from the election officials. Although policemen sometimes monitored the polling place, arresting those who were particularly violent, the public space outside the voting window was usually

¹¹ By the middle of the nineteenth century, almost all states required voters to use paper tickets to indicate their choices. Keyssar, *Right to Vote*, p. 28.

¹² For descriptions of such arrangements, see, for example, S.R. no. 962: Contested Congressional Election in the Third District of Maryland: M.D. no. 68, pp. 117, 243, 268. William Pinkney Whyte vs. J. Morrison Harris, election held on November 4, 1857; S.R. no. 1060: Contested Congressional Election in the Fourth District of Maryland: M.D. no. 4, pp. 104, 108. William G. Harrison vs. H. Winter Davis, election held on November 2, 1859; and S.R. no. 1199: Contested Congressional Election in the Fifth District of Pennsylvania: M.D. no. 17, pp. 39, 59. Charles W. Carrigan vs. M. Russell Thayer, election held on October 14, 1862. In one Philadelphia precinct, a small panel was cut out of the door to a room in order to create this “window.” Voters then stood outside, in the entryway, and handed their tickets through the opening (p. 66).

Table 1.3. *Precinct Locations in Indiana County, Pennsylvania, November 1868 Election*

Center Township: “the new school-house, near the cross-roads, on the farm of John Barclay”
Washington Township: “the public school-house near Job McCreight’s”
Rayne Township: “the house of Isaac Kinter”
Blacklick Township: “the house of David Ferguson”
Young Township: “school-house No. 5, near Hugh Blakeley’s”
Conemaugh Township: “the house of the late Adam Thompson”
Saltzburg Borough: “the school-house”
Armstrong Township: “the school-house near David Anthony’s”
South Mahoning Township: “the house late of James Hays, in the village of Plumville”
West Mahoning: “the house of Hezekiah Crissman”
Smicksburg Borough: “the school-house”
North Mahoning: “the house of Samuel S. Beck”
East Mahoning: “the house of Widow Ayers”
Green Township: “the house of Lewis B. Shaw”
Cherrytree Borough: “the school-house”
Cherryhill: “the house of Isaac Empfield, in Greenville”
Indiana Borough: “the building lately occupied by George Stadtmiller, on the corner of Clymer and Water streets”
White Township: “the building lately occupied by George Stadtmiller, on the corner of Clymer and Water streets” (same as above)
Shelocta Borough: “the house of Conrad Bley”
West Wheatfield: “the grist mill of Jacob Gamble”
East Wheatfield: “the town hall in Armagh Borough”
Jacksonville Borough: “the school-house”
Canoe Township: “the house of Simon Henry”
Montgomery Township: “the house formerly occupied by Samuel Spicher”
Pine Township: “the public school-house in Strongstown”
Buffington Township: “the old house on the farm of James McKee”
Banks Township: “the school-house in Smithport”
Burrell Township: “school-house No. 9”
Brush Valley: “the school-house in Mechanicsburg”
Mechanicsburg: “the school-house”
Taylorville: “the shop of Jacob Boughter”
Blairsville: “the town hall”
Grant Township: “the house of Samuel Hawk”
Armagh Borough: “the town hall”

Source: S.R. no. 1431: Contested Congressional Election in the Twenty-first District of Pennsylvania: M.D. (no number, bound between nos. 24 and 25), p. 163. John Covode vs. Henry D. Foster, election held on October 13, 1868.

anarchic.¹³ Almost anything was permitted in this public space in terms of speech, electioneering, and, all too often, physical intimidation. Under the law and almost inevitably in practice, election officials had no authority to maintain order outside the voting window. This, in many instances, was for their own protection because the kinds of physical and verbal abuse meted out to potential voters could also be aimed at them.¹⁴ Inside the polling place, the ballot boxes were usually situated on tables at least several feet away from the voting window. The officials, called “judges of election,” would receive tickets from voters who presented themselves at the voting window and deposit them in the boxes. At the same time, “clerks of election” would record the names of the voters, as relayed to them by the judges. The clerks usually sat at the same tables that supported the ballot boxes, but the election judges normally stood up.¹⁵

Because the floor of the building (if it had a floor) was usually higher than the platform outside the window, the election judges looked down on those who presented themselves as voters. This was clearly an advantage in the more boisterous precincts where voters or other bystanders might attempt to grab an official’s arm or punch him in the face. In any case, the height of the window, which was still about three feet or so from the perspective of those inside the room, and the constant moving back and forth between the window and the ballot boxes made standing more or less a necessity for election judges.

To summarize, the voting window, set in the outside wall of a building, separated election officials from voters. Inside the polling place, the election process was usually quiet and orderly, with officials and ballot boxes efficiently arranged within an enclosed room. The public space outside the window, on the other hand, was chaotic with only minimal attempts at law enforcement. Although most elections in the United States during the nineteenth century were peaceful, a very sizable minority were conducted in situations where physical and verbal intimidation shaped the public space outside the voting window. In those cases, election judges usually attempted

¹³ The police often tolerated more abusive behavior from members of their own party than they would accept from the opposition. But there were limits to even that tolerance. See, for example, S.R. no. 1060: M.D. no. 4 (1859): p. 94.

¹⁴ Even so, election judges could be so intimidated by the crowd outside that they would accept fraudulent votes. For an instance from a Philadelphia precinct, see S.R. no. 1402: Contested Congressional Election in the Third District of Pennsylvania: M.D. no. 3, pp. 72–6, 185–6. Leonard Myers vs. John Moffett, election held on October 13, 1868.

¹⁵ The number and names of election officials, of course, varied from state to state. Pennsylvania may have had the greatest number: a judge of election (from the party holding a majority in the precinct), two inspectors, two inspector clerks, two return inspectors, and two return clerks. The latter were equally divided between the two major parties. S.R. no. 1199: M.D. no. 17 (1862): pp. 66–7.

to preserve public order inside the building up to but not beyond the voting window itself.

PARTY TICKETS

Much of the arrangement of the polling place was dictated by just one aspect of elections: the laws and practices regulating “party tickets.” A party ticket listed the candidates offered by one of the political parties in that community. Most tickets were printed on white paper of a quality very similar to newspaper. In fact, many of them were printed in newspapers; voters would clip them out and turn them in to election judges as their votes. Most tickets would list all the candidates offered by a party in that election district in what was sometimes a very long strip. However, some states required separate tickets for every office up for election. In those states, voters would present what were called “bundles” of tickets that the election judges would then distribute among the various ballot boxes. Either way, it was the responsibility of the parties, as private organizations, to provide these tickets to their supporters.¹⁶

This meant that the parties had both to print and to distribute tickets to the public. This responsibility, in turn, compelled parties to station their own partisans at each precinct in order to distribute tickets.¹⁷ These partisans usually mingled with the crowd that gathered outside the voting window and gave out tickets to voters on request.¹⁸ In some cases, where the voting

¹⁶ Once their tickets had been printed, most party organizations depended on individuals to take them to the polls. See, for example, S.R. no. 1431: Contested Congressional Election in the Twenty-first District of Pennsylvania: M.D. (no number, bound between nos. 24 and 25), p. 36. John Covode vs. Henry D. Foster, election held on October 13, 1868.

¹⁷ The San Francisco *Daily Alta California* in 1855 described the duty of a party agent as “to yell at the pitch of his lungs the ticket he espoused and the utter folly of the opponent’s ‘paper.’” In an 1860 election, “every other man” attending the polling place was said to be “holding in his hands big bundles of tickets.” Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850–1900* (New York: Cambridge University Press, 1994), p. 74.

¹⁸ Then, as now, voters made their decisions with varying degrees of commitment and information. The modal pattern for the latter half of the nineteenth century might have been best illustrated by one barely literate naturalized immigrant in 1862 Pennsylvania who offered the following description of how he voted: “very often, if I get my ticket from that man [a Democratic partisan at the polls], I look it over very little, knowing what his politics are. . . . I mostly get the ticket, put it in; sometimes turn away from the polls; more times stop about the porch a bit, but never bother any more about it. . . . I cannot say exactly whether I read the ticket or not; mostly I get the ticket from a man, knowing his politics, and knowing that he feels as I feel myself. Sometimes I do not look much at the ticket.” S.R. no. 1199: M.D. no. 17 (1862): p. 71. In this instance, the voter’s reliance on the distributor was reinforced by the fact that he could have read the names on the ticket with only great difficulty, if at all. For a general discussion

seemed peaceful and the election judges were cooperative, the tickets were left in piles on the window ledge; the voters could then select the appropriate ticket at the same time that they presented themselves to the officials.¹⁹

MAJOR CONSEQUENCES OF THE TICKET SYSTEM

The ticket system profoundly influenced nineteenth-century American politics in several ways. First, although a ticket could be drawn up on a plain piece of paper by the voter himself, almost all tickets were manufactured by the parties. Acting more or less as sovereign private clubs, parties alone determined who would appear on their tickets through procedures entirely unregulated by law. Second, although the ticket system strengthened the hand of major party organizations, it also enabled political insurgents. When the major party organizations met in nineteenth-century conventions, the delegates struggled over issues such as slavery in which compromise was difficult and sometimes impossible. When a party convention failed to find common ground on which all their members could stand, the losers often bolted. The bolting faction would then either fuse with the opposition or field its own independent ticket. If the bolters fused, they would construct a single ticket with candidates drawn from both the bolters and the opposition party. If they fielded their own ticket, the bolters would simply draw up a list of candidates and print tickets to distribute at the polls. Unlike contemporary politics where a new party would have to circulate petitions, pay filing fees, and meet deadlines months before an election takes place, a party faction could become an effective contender at the polls even if it bolted only hours before the voting started.

Thus the ticket system, on the one hand, allowed the major parties, as private clubs, to be as undemocratic in their internal procedures as they wished; on the other, the system punished party organizations if they were unresponsive to their members by making it easy to bolt the party's ticket. In some respects, these features made nineteenth-century American politics far more issue-oriented and responsive to popular sentiment than our contemporary

of voter ignorance of tickets, see Glenn C. Altschuler and Stuart M. Blumin, *Rude Republic: Americans and Their Politics in the Nineteenth Century* (Princeton, N.J.: Princeton University Press, 2000), pp. 77–9, 177, 179.

¹⁹ See, for example, S.R. no. 1062: Contested Congressional Election in the First District of Missouri: M.D. no. 8, p. 739. Frank P. Blair, Jr., vs. J. R. Barrett, election held in August 1858. In one of the precincts in New York City during the 1864 election, each party placed a box of tickets on the street outside the polling place. Voters would select the ticket they wished to vote before proceeding to the polls. S.R. no. 1269: Contested Congressional Election in the Eighth District of New York: M.D. no. 7, Pt. 1, pp. 21, 27. William E. Dodge vs. James Brooks, election held on November 8, 1864.

system, with its government-regulated primaries and strong restrictions on candidacy in general elections.²⁰

The third influence on nineteenth-century politics arose out of the way in which the ticket system shaped the polling place. For example, tickets were recognized by the government only once they had crossed through the voting window into the hands of an election judge. Until then, they were meaningless scraps of paper. This distinction clearly demarcated the boundary between the formal process within the room holding the election officials and the anarchic conditions in the street or public square outside the voting window.

Finally, the ticket system demanded that political parties develop extensive, highly structured organizations. As already noted, it was the party's responsibility to see that tickets were available at every polling place. This required that the tickets be printed in advance. Since the tickets usually listed all the offices contested in an election, the office with the smallest geographical constituency dictated the printing. For example, if the only office contested was the presidency or governorship, the parties would have needed to print only one kind of ticket for the entire state. If members of Congress were also up for election, then there would have to be separate tickets printed for each of the congressional districts. If seats in the state legislature were contested as well, they would require the printing of different tickets in each of the legislative districts. And so forth, until, in many instances, the parties were printing hundreds of different tickets throughout the state, each one appropriate for a small number of polling places. Such a system required an extensive administrative organization within the party in order to arrange the proper manufacturing of these tickets. It also necessitated close cooperation with printers, usually the editors of city and county newspapers that had become publicly aligned with that party.²¹

The ticket system also required the stationing of party workers for the distribution of tickets at the polls on election day.²² Although some of these workers were little more than hired hands, most had a substantial reason

²⁰ This is largely because the party professionals attending conventions were much more aware and responsive to policy issues than the public at large. This fact, plus their direct experience with the conduct of elections under the ticket system, made insurgency both easy and policy-oriented. As a result, the policy stances of the major parties were pulled away from one another by the need to accommodate their respective, policy-oriented activists.

²¹ For an account of how the *Coshocton Age* printed tickets for the Republican party, see S.R. no. 1313; M.D. no. 38, Pt. 2 (1866): pp. 383–5.

²² While the vast majority of tickets were distributed by party agents at the polls, there were exceptions. The most common alternative, as already mentioned, was the printing of tickets in newspapers aligned with one of the parties. Less frequently, party organizations distributed tickets directly to voters at their homes before the election was held. In rare instances, men would also write out their own tickets where none were available at the polls.

to favor their party. Many, for example, enjoyed the patronage of elected party officials by holding government jobs, drawing public pensions, servicing government contracts, or enjoying special licensing privileges of one sort or another. Others were committed to their party for ideological reasons. Whatever their motivation, they were stationed at the polls, where they directly participated in the voting. One of the most common forms of participation was aiding illiterate or semi-literate voters in selecting their tickets. As one illiterate Ohio voter reported, "When I get a ticket from a good democrat I takes 'em."²³ In all these ways, the ticket system shaped the physical setting of the nineteenth-century polling place, providing the context within which the remainder of election laws were interpreted and enforced.

ENFORCEMENT OF LEGAL REQUIREMENTS FOR VOTING

In contemporary elections, voting eligibility is restricted by age, residency, and citizenship. In the nineteenth century, eligibility was similarly restricted but the list was somewhat longer; in addition to age, residency, and citizenship, voting was sometimes or often restricted by race, ethnicity, gender, mental competency, and literacy. During the Civil War and Reconstruction, loyalty to the Union government was a requirement for voting in the border states and the South. While these restrictions are interesting in their own right, the focus here is on how they were enforced. The most important aspects of enforcement are (1) the evidence required to demonstrate voting eligibility and (2) the officials who must evaluate that evidence.

With respect to evidence, it should be remembered that much of the United States during the nineteenth century was a preliterate society; until the turn of the century, in fact, there were many counties in which a quarter or more of adult white men could not read or write.²⁴ This meant that voters were

²³ S.R. no. 1313; M.D. no. 38, Pt. 2 (1866): p. 496. For numerous examples of party agents aiding men who were illiterate, semi-literate, and, in a few instances, simply forgot their glasses, see S.R. no. 1270: Contested Congressional Election in the Seventh District of Indiana: M.D. no. 11, pp. 9-10, 21, 27-9, 32, 35-6, 39, 41, 43, 59, 61, 63. Henry D. Washburn vs. Daniel W. Voorhees, election held in October 1864. These were all Republican voters at the Hamilton Township precinct in Sullivan County or at the Cloverdale polls in Putnam County. There were 242 depositions given by Republican voters at these two polling places; thirty-five of those men signed with their "mark," indicating they could not write their name. As evidence of the level of illiteracy in this township, this should be considered a lower bound; the actual level was probably much higher (pp. 8-45, 53-69).

²⁴ For a brief analysis of literacy rates reported in the 1850 census, including an explanation of why they were probably far too low, see Richard Bense, "The American Ballot Box: Law, Identity, and the Polling Place in the Mid-Nineteenth Century," *Studies in American Political Development* 17 (Spring 2003): 9-10. For a map depicting literacy rates in 1900, including a discussion of that distribution, see Richard Franklin Bense, *The Political Economy of American Industrialization, 1877-1900* (New York: Cambridge University Press, 2000), pp. 34-7.