

## Joseph M'Dowall, Speech in the Ratifying Convention, 30 July 1788

Mr. J. M'DOWALL. Mr. Chairman, I was in hopes that amendments would have been brought forward to the Constitution before the idea of adopting it had been thought of or proposed. From the best information, there is a great proportion of the people in the adopting states averse to it as it stands. I collect my information from respectable authority. I know the necessity of a federal government. I therefore wish this was one in which our liberties and privileges were secured; for I consider the Union as the rock of our political salvation. I am for the strongest federal government. A bill of rights ought to have been inserted, to ascertain our most valuable and unalienable rights.

The 1st clause of the 4th section gives the Congress an unlimited power over elections. This matter was not cleared up to my satisfaction. They have full power to alter it from one time of the year to another, so as that it shall be impossible for the people to attend. They may fix the time in winter, and the place at Edenton, when the weather will be so bad that the people cannot attend. The state governments will be mere boards of election. The clause of elections gives the Congress power over the time and manner of choosing the Senate. I wish to know why reservation was made of the place of choosing senators, and not also of electing representatives. It points to the time when the states shall be all consolidated into one empire. Trial by jury is not secured. The objections against this want of security have not been cleared up in a satisfactory manner. It is neither secured in civil nor criminal cases. The federal appellate cognizance of law and fact puts it in the power of the wealthy to recover unjustly of the poor man, who is not able to attend at such extreme distance, and bear such enormous expense as it must produce. It ought to be limited so as to prevent such oppressions.

I say the trial by jury is not sufficiently secured in criminal cases. The very retention of the trial by jury is, that the accused may be tried by persons who come from the vicinage or neighborhood, who may be acquainted with his character. The substance, therefore, of this privilege is taken away.

By the power of taxation, every article capable of being taxed may be so heavily taxed that the people cannot bear the taxes necessary to be raised for the support of their state governments. Whatever law we may make, may be repealed by their laws. All these things, with others, tend to make us one general empire. Such a government cannot be well regulated. When we are connected with the Northern States, who have a majority in their favor, laws maybe made which will answer their convenience, but will be oppressive to the last degree upon the Southern States. They differ in climate, soil, customs, manners, &c. A large majority of the people of this country are against this Constitution, because they think it replete with dangerous defects. They ought to be satisfied with it before it is adopted; otherwise it cannot operate happily. Without the affections of the people, it will not have sufficient energy. To enforce its execution, recourse must be had to arms and bloodshed. How much better would it be if the people were satisfied with it! From all these considerations, I now rise to oppose its adoption; for I never will agree to a government that tends to the destruction of the liberty of the people.

Jonathan Elliot, ed., *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, Vol. 4, Philadelphia: J.B. Lippincott and Company, pp. 210-212.