

Publicola: Address to the Freemen of North Carolina, *State Gazette of North Carolina*, 27 March 1788

(Continued from our last.)

There is an objection made to the new constitution, which I believe originated in this state, as I have never seen it in print.—It is I believe a very powerful reason with many among us, for opposing any alterations in the federal government; in some from mistaken zeal, in others from interested motives.—The objection is this—that if the new government takes place, the debts due to British subjects will be recoverable, and the argument to shew the injustice of this, is, “That our citizens bore the expences of the war, and had their property torn from them for the support of it, whilst the subjects of Britain remained entirely at their ease, or were employed in attempting to rob and enslave us. It would therefore, it is said, be manifest injustice that we should, out of the little pittance which we have left, or from the fruit of our labours, pay debts to those who have contributed to oppress, and reduce us to poverty.” Perhaps in some instances, these reasons may be applicable; but we are to remember, that if any of us have been reduced to poverty by the war, nothing can be recovered of us, and the law will discharge us if we are insolvent.—The treaty of peace leaves the British subject open to recover his money, if the debtor is possessed of property; and it is shameless on our part, that it has not been executed with good faith.—This has given a plausible pretext for one breach on the part of the British, and for not making compensations for another.² These are the favourite reasons of a learned Judge, which as he has used them publicly, as well as privately, are no secrets. With what propriety they come from one in his station, the public will determine. If it should appear hereafter, that any one who uses these arguments against adopting the new constitution, should be found to be deeply indebted to British subjects, what shall we think of his patriotism? we shall be apt to conclude that private interest is at the bottom of his objections. But if we should be told that such a one acquired the most valuable part of his property, by contracting debts with British subjects, and that the same property remains at this day entire, and even considerably improved (the loss of a tame deer excepted) shall we not be convinced that his resentment against our late enemies is excited by the love of wealth, to the attainment of which he sacrifices the national faith. I have been thus particular in order to warn you against those who would endeavour to rekindle your resentment for their own particular purposes. You should never forget that the treaty of peace will one day be enforced; if not by ourselves, it certainly will by our enemies. Few of you owe debts to British subjects, and therefore I presume you will not readily consent to pay the debts of others. But if the courts are not speedily open for their recovery, you will either be taxed for the payment, or which is more probable they will be collected with much more certainty than federal taxes, and that too at the point of the bayonet.

Some of the most important considerations are yet to come. The states are now so feeble, that they are, by the confession of all, without any effective government—In case of attempts upon our independency, are Congress able to raise a regiment, or fit out a single ship of war? Can we in such an exigency, expect foreign assistance, while we are unwilling, or unable, to observe the treaties we have made, or to pay the monies we have borrowed? Six states have already

adopted the new constitution, and there is every probability that three more, at the least, will come into the measure. What will become of North Carolina if we should refuse our assent? No man of the least knowledge in government will be so wild as to assert, that we can support ourselves. We shall unquestionably be deserted by South-Carolina, and most probably by Virginia; but if the latter should also refuse the new constitution, what would her strength avail us. Can we jointly repel a powerful enemy? Look back to the late war, and answer the question—Should we reject the new government we shall be the most contemptible state on the face of the earth—despised and ridiculed by all the nations in the world, and sunk even beneath the political character of Rhode-Island. The United States will treat us as foreigners, and will either preclude us from all commerce with them, or lay our trade under such severe restrictions, that the little we have now left will be totally annihilated; and in the end we shall be reduced to the mortification, of suing for admission into the union. Remember, my fellow citizens, it was by the strictest union we became independent. Our zeal during the war supplied the want of good government—Nothing but union can preserve us from destruction. Let every man make it his boast, that he continues a citizen of the United States—That was once a respectable appellation—Do not change it to be called a citizen of a single state however respectable. Whoever advises you to a measure so destructive, does not consider your honour, or your interest, but pursues his own selfish motives, and the gratification of a paltry and vicious ambition—The greatest part of you will, in such an event, remain obscure and unknown, whilst your advisers will exalt themselves upon the ruin of their country.

In some of the eastern states, those who oppose the new constitution, are branded as the emissaries of the British government; and accused of now endeavouring to bring about a reconciliation with our ancient masters. If the charge is just, a better scheme could not have been adopted, than to keep us divided and feeble. But the case appears to be different here. Those among us who are the most industrious to prevent a reform, have been some of the warmest opposers of the British government—Their zeal has been little short of persecution; but if we look around us, we shall discover, that a considerable number of them are such as were unknown or as persons of no consequence, previous to the war—They have arisen by accident into power, and influence, and now dread the loss of it. They make a merit of their uniform attachment to the American cause, though in fact many of them had nothing to lose, and consequently ran no risk in the contest; and since the peace has taken place, most of them have been equally uniform in opposing such measures as were best adapted to allay the animosities of parties, and restore the community to order and tranquillity—To this opposition, throughout all the states, it is owing, that a reform in government becomes necessary.

If we look on the other hand, to those who appear favourable to the new constitution, we can scarcely suppose the bulk of them to be actuated by any improper motives. Few, very few of them, indeed, can expect to be individually benefited. The honour of sitting in Congress, will be confined to seven at present—The number cannot be augmented until the population of the country is considerably increased. The profits attending a seat in the national Councils, can be no temptation; for the allowance must necessarily be moderate. In all events it cannot be such as to be a compensation to those who must, in a great measure, abandon the care of their private affairs. The officers of Congress in the state will be very few. The Collectors of the

imposts at the different ports, and such as may be necessary to the administration of justice in the federal courts, will be almost the whole that will be necessary. The great number of respectable persons who are in favour of the new government, and the impossibility that the greatest part of them can derive any partial benefit from it, are irrefragable proofs that they act from conviction.

The enemies of the new form of government endeavour to persuade others, what I can scarcely think they believe themselves; that the President of the United States is only another name for King, and that we shall be subject to all the evils of a monarchical government. How a magistrate, who is removeable at a short period, can be compared to an hereditary monarch, whose family, to all succeeding generations, as well as himself must be maintained in pomp and splendour, at an enormous expence to the nation; and whose power and influence will be proportionably great, these honest guardians of the rights of the people would do well to inform us—It needs no argument to prove that a government is the more forcible when the Executive department is in the hands of one, or a few. There can be no danger, where that one is liable to be removed every four years, and will be at all times responsible—It is a maxim in the British government that *the King can do no wrong*; that is, he is not amenable to the courts of justice, as the law has not provided any punishment for his misconduct; but the President of the United States will be liable to be impeached by the representatives of the people, and to be tried for his crimes—Yet we may remember that it was not the British form of government of which we complained; but the refusal on the part of the Legislature of that country, to let us participate of the rights which their other subjects enjoyed. Instead of the protectors of our privileges; King, Lords and Commons became our tyrants; and, animated by liberty, we spurned at their usurped authority, and threw off the yoke. Will our situation under the new government be similar? Can common sense, and common honesty view it in the same light? Exercise your own understandings, read and judge for yourselves; and you must necessarily be convinced, that those who would insidiously, under pretence of imaginary dangers, whisper you out of your senses, do not mean you well—The President, the Senators and Representatives in Congress, will be as much your own choice, and as much in your own power, as your Representatives in the General Assembly; with this difference, that they are not chosen so frequently. This became necessary to give stability to government—But they will be more in your power, if any of them abuse their trust,—you can impeach, and try them; but you cannot try a person impeached by your own Assembly. You have no constitutional provision for it; and your Judges have raised such a clamour about your ears, that no law can be obtained for the purpose. Yet I will do them justice. I verily believe that they would not object to a law for regulating trials upon impeachment, if the Assembly would graciously please to exempt their Honours from such trials.³

If after all you should be averse from receiving the new constitution, apprehending some danger to the liberties of the people, there is one certain rule, which cannot fail to point out the conduct which you ought to pursue. Attend to the conduct of the Judges on this great national question. If you find, as I am persuaded you will, that they are opposed to an alteration, your choice is made. All their maxims and all their actions, uniformly tend to encrease their own power. To avert the loss of that, they are now aiming at seats in the ensuing Convention—In

opposing them, you can scarcely be wrong. If the present federal government remains, they will continue, as usual, to domineer over you. Should the new form be adopted, they will sink into their original insignificance. They have nothing now to support them but that degree of respectability which people are apt to annex to their persons, though it properly belongs to their station. When that comes to be lessened, they will once more become, Tom, Dick and Harry.

If, in the course of these remarks, I have discovered any asperity, it should be considered, that it has arisen from facts within my own observation. I have not the most distant idea of censuring those who upon principle differ from me in opinion, whatever I may think of the futility of their reasons for so doing. I am sensible that while human beings exist, there must be various and contradictory sentiments upon every speculative subject; and even upon such as are in appearance purely practical. I am therefore ready to shew that indulgence to the errors, and mistakes of others, which I am sensible my own require.

2 Article IV of the Treaty of Peace provided that “Creditors on either Side shall meet no lawful Impediment to the Recovery of the full Value in Sterling Money, of all bona fide Debts heretofore contracted.” Article V called on Congress to recommend to the states that confiscated property of British subjects and Loyalists be returned. Article VII provided that the British would withdraw from all their posts on American soil and would not carry away the slaves in their possession when they evacuated. After the war, British citizens and Loyalists often found it impossible to collect their debts or have their confiscated property returned. This served as a pretext for the British to retain their western posts and to refuse to compensate Americans for the slaves that had been carried off when they evacuated.

3 Although Article XXIII of the North Carolina constitution provided for impeachment of state officeholders by the legislature (Thorpe, V, 2792), no procedures for impeachment had been enacted into law. In 1785 a bill was presented in the House of Commons to provide for “the trial of Judges of the Superior Courts of Law and Equity within this State for misdemeanor, or misbehaviour in office.” Maclaine was a member of the committee to which the bill was sent. The committee reported a bill providing for impeachment of all officers including the Superior Court judges, but the bill was laid over to the next Assembly. In 1786 Maclaine reintroduced the bill, and once more it was not enacted (NCSR, XVII, 374, 389–91; XVIII, 340).

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