

James Iredell and the Marcus Essays, 20 February- 19 March 1788

“Marcus,” a response to George Mason’s objections to the Constitution, was written by James Iredell (1751–1799), a resident of Edenton and one of the leading lawyers in North Carolina. Born in England, he went to Edenton, N.C., in 1768 as a customs official. Iredell studied law with Samuel Johnston, whose sister he married in 1773. He was a state judge in 1777 and 1778, attorney general from 1779 to 1781, and a member of the Council of State in 1788. In 1787 the state Assembly authorized him to compile and revise the state’s laws, a task he completed in 1791 (Evans 23641). Throughout the 1780s, Iredell, Johnston, Archibald Maclaine, and several others opposed the issuance of paper money, the banishment of Loyalists and confiscation and sale of their property, and the refusal of the state to honor the provisions of the Treaty of Peace concerning debts owed to British citizens and Loyalists.

Iredell was an ardent supporter of the Constitution. In November 1787 Iredell had written the resolutions of the Chowan and Edenton meeting and the presentment of the Edenton grand jury. In July 1789 he described some of the feelings that motivated his writings on the Constitution, including “Marcus”: “My Zeal I fear far outran my discretion, for I was fully convinced in my own mind that the fate of America depended on the adoption of the Constitution in that particular period, and I had long been ashamed of the disgraceful light in which we appeared, not only to every other Country in the world, but even to ourselves” (to Baron de Poellnitz, 25 July 1789, Iredell Papers, NcD). In all likelihood, this feeling led him to accept his only elective office—delegate to the Hillsborough Convention—where, along with Maclaine and Governor Johnston, he led the Federalist forces in their unsuccessful attempt to ratify the Constitution in July and August 1788. Iredell was an associate justice of the U.S. Supreme Court from 1790 until his death.

George Mason’s objections to the Constitution, based on his criticisms in the Constitutional Convention, were originally published in the *Massachusetts Centinel* and *Virginia Journal* in mid-November of 1787. They were widely reprinted in newspapers, in a magazine, in two pamphlet anthologies, and as a broadside. The *Massachusetts Centinel* version, which had a wider circulation and was used by “Marcus,” omitted Mason’s objection to the constitutional provision allowing a simple majority of Congress to enact commercial legislation. The omission was noted in some newspapers, but “Marcus” never mentioned or answered this objection.

On 13 February John M’Lean, printer of the weekly *Norfolk and Portsmouth Journal*, received Iredell’s manuscript. Two days later M’Lean received “some material omissions respecting it.” These omissions were “strictly attended to and inserted in their proper place.” The manuscript, dated “January 1788,” was accompanied by “an half Joe for four Books of the Federalist” and for a subsidy for printing the manuscript. (The New York City firm of John and Archibald M’Lean published *The Federalist*. An advertisement in the *Norfolk and Portsmouth Journal*, published in January, announced that the printer was taking subscriptions for *The Federalist* at a cost of one dollar. A “half Joe” was equal

to eight dollars. Thus, Iredell paid M'Lean four dollars for *The Federalist* and four dollars to publish "Marcus.") M'Lean informed Iredell that the length of the manuscript would force him to omit some advertising, and that he was publishing "Marcus" in preference to "Several other political pieces [that] have been sent for Appearance in my next, but defective of Marcus' Merit and Argument...." Because of these factors, M'Lean had "no doubt" that Iredell would make further payments to compensate him for "the Attention and pecuniary disadvantages" of publication.

M'Lean published the first of five unnumbered installments of "Marcus" in the *Norfolk and Portsmouth Journal* on 20 February; the subsequent installments appeared on 27 February, 5, 12, and 19 March. The essay was reprinted in at least one North Carolina newspaper, but no copies are extant. The essay, without the author's preface, was reprinted as a pamphlet by Hodge and Wills of Newbern. On 27 March the printers advertised the sale of the pamphlet for two-and-a-half shillings in their newspaper, the *State Gazette of North Carolina*. (Earlier advertisements might have appeared in no-longer-extant issues.) The twelve-page pamphlet, also containing "Publicola" by Archibald Maclaine, is entitled: *Answers to Mr. Mason's Objections to the New Constitution Recommended by the Late Convention at Philadelphia. By Marcus. To Which Is Added, An Address to the Freemen of North-Carolina By Publicola*. There are no significant differences between the newspaper and pamphlet versions. A copy of the pamphlet at Harvard University, is annotated and corrected by James Iredell. Significant annotations have been footnoted.

David Witherspoon, a Newbern lawyer, praised the essay in a letter to Iredell on 3 April: "I have read with very great pleasure your answers to Mr. Masons objections, and surely every man who reads them & on whom Mr. Masons observations or indeed the arguments of those in opposition in general have had any effect, must be convinced that the objections to the constitution are without foundation.... Your publication has been made, I believe very correctly by Mr. Hodge I was sorry that my business called me out of town while it was in hand You were very soon known to be the author by what means I do not know."

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