

To the people of North-Carolina.

**I**N an act of your assembly, passed at Hillsborough, in 1784, for granting the five per cent. duty to Congress, there is the following paragraph—“And be it enacted, &c. that the United States in Congress shall have, and they are hereby invested with full power and authority to levy and collect the said duties, under such regulations as they shall direct—provided, that such regulations shall not subject any person to be carried out of this state, nor to be sued in any other manner than the laws and constitution direct,” &c.

This limitation of the powers granted to Congress by the above law, was never complained of, that I have heard, as likely to confine or impede the levying of the impost, and yet, in those days it was deemed a necessary security to the liberty of the citizen; from which my inference is, that there are restrictions absolutely necessary in the adoption of the new constitution (if you will adopt it) as to some points that you should never give up, and that they may be introduced without disturbing, in the least, the operation of it, to every good purpose. There is a distinction to be taken as to those amendments which are essential and practicable, and those which are not. If North-Carolina were to insist, for instance, that there should be three senators from each state, or that the president should be elected for one year only, or the like, it might either produce disorder in the federal government, or amount to a rejection on the part of this state; but it fortunately happens, that some of the most essential rights, which the people ought at every hazard, to secure, may be established without any difficulty, by inserting proper provisos; such as, that no citizen of this state shall be deprived of his property, without a trial by jury—that the liberty of the press shall not be restrained, and a few more of the same nature. If any person, disapproving of any limitation of the general government, should alledge, that it cannot be executed, unless the rights and duties of every state under it are exactly the same, I say, that however necessary it may be for all the states to agree as to the plan or form of the government, the assertion will not hold as to the rights of individual states or persons. The practice of every country is palpably against it; our own may serve as an instance; before the war, the king and parliament had the government of the thirteen provinces as the Congress is to have of the states, but no two of them were subject to that government in the same manner: its dominion over them was various,

according to the nature of their several characters, and yet it was not thereby hampered in the exercise of any proper authority over them. In England too, and in most governments, almost every province, county, and considerable town, has privileges peculiar to itself, which affect the operation of general law, in various manners and degrees; but still many of them go on well enough, as our's may do, even though it should happen, that some states may lose the trial by jury, and North-Carolina remain for ever secure in it.

COMMON SENSE.



To the Electors of the town of Wilmington.

Fellow-Citizens,

**F**OR some years past, I have been honoured with your confidence, and unsolicited, you have trusted me with your best interests. Though I have been opposed by different persons, and under different pretences, by your uniform conduct in my favour, opposition had at last ceased, and its existence seemed to be no more.

The public business interfered so much with my professional duty, as well as with my private interest, that I was induced to decline all further thoughts of accepting a seat in the legislature; but the approaching convention being fixed at a time favourable to my private pursuits, a bare intimation was sufficient to ensure me your unanimous suffrages, to the most important of all trusts; yet as I knew that a continuance in office would be incompatible with my professional concerns, it became necessary to look forward to a proper representative for the town of Wilmington, in case Mr. Potts should decline the trust. Several gentlemen who would otherwise be well qualified, and probably acceptable to you, are under legal or constitutional disabilities. Some time ago, I took the liberty of suggesting to Mr. Jones, that if Mr. Potts should decline, which I then had some reason to believe, the former might probably be acceptable. Under this presumption, I have since understood, that Mr. Jones made his intentions known, and conditionally offered his services.

As to Major Walker, whatever may be his merits in other respects, as a person holding a public office, the emoluments of which may depend upon his own vote, and his own influence in the assembly, I look upon him altogether as improper for a member of assembly, as a collector of public money, or a clerk of a court; for though a naval-officer is not within the letter of the law, he is as much within the spirit of it as any officer who is expressly excluded. People who are not accustomed to reason upon the subject of government, are apt to think lightly of such a circumstance, as a matter of little consequence; but when they are acquainted with the case of Mr. Coor, the naval-officer of port Beaufort, they may possibly be of a different opinion. That gentleman was a member of the senate, in the first assembly held under the present government; and owing to some contention between the two houses, he escaped being excluded with the delegates to Congress. He has found means to hold his election ever since, and subsequent to that; and whilst he was a member in the general assembly, he has held five different offices, most of them of profit, and three or four of them at one time; in two of them he was a receiver of public monies. At one assembly his seat was unsuccessfully disputed on account of some of those offices. During the session of 1785, three different bills were introduced into the house of commons, all tending directly, or indirectly, to exclude the naval-officers from seats in the legislature. By the address and dexterity of Mr. Coor, although the bills passed the commons without opposition, they were rejected in the senate. Such has been the consequence of having an interested officer in the legislature!—Almost every session, Mr. Coor has introduced a new bill to regulate the duty of naval-officers, every one of them calculated to increase his own power, and the emoluments of his office; although that office appears to be of no other use than to lay a tax upon trade.

As I have not hitherto presumed to interfere with my advice or opinion, in the choice of a member for Wilmington, it is probable I should have continued silent, had I not discovered something, with respect to the ensuing election, which it is not easy to account for in a satisfactory manner, not only as there is an opposition which appears to be very inconsistent with professions, but as I understand I am myself the object of it.—During the term of the last Wilmington superior court, Mr. Potts having been explicit, it became publicly known that Mr. Jones was a candidate for the representation—that I favoured his intentions—and that a considerable number of the electors had agreed to support him. The very gentleman to whom this was communicated by Mr. Jones, proposed Mr. Mackenzie, and persuaded the latter to declare himself, or suffer himself to be declared a candidate for the representation. Had this gentleman's name been mentioned at an earlier period, instead of opposing, I certainly should have supported him; but so far from conceiving that he would accept of the trust, I believed that he would, as he had formerly done, decline it. I did not then consider that his situation, with respect to his private affairs, was materially changed. Whatever motives influenced the gentlemen who first patronized Mr. Mackenzie, it is astonishing to consider, that they should thus endeavour to create a division which will give the only chance to that candidate whom they profess to oppose in all events. That they should oppose the man with whom they live in terms of intimacy and apparent friendship, so as to leave the only opening for him whom they acknowledge to be altogether improper, is not a little mysterious.—“There is something in this more than natural, if philosophy could find it out.” It will not, however, be very difficult. The gentlemen have saved me the trouble of conjecture. They have very honestly avowed, as a reason that Mr. Mackenzie will be elected, that the people would no longer bear Mr. MacClaine's usurpations. Some apology might be made for attachments, for prejudices, or for passion; but what can be said to extenuate deliberate and conscious slander? for those who are guilty of it know it to be such. It would have been more just to have

acknowledged (but that would frustrate their intentions) that Mr. MacClaine acted upon principles, and would not countenance those who avow in conduct what they conceal under specious pretences, that their own aggrandisement is the spring of all their actions. What power have I assumed?—of what usurpations have I been guilty?—what honor or profit have I fought or obtained, either for myself or connections?—whose ox or whose ass have I taken?—whose right have I invaded?—as a professional man, have I oppressed the widow or the orphan? have I taken advantages of the distresses of my fellow-citizens to accumulate wealth?—have I enriched myself by the spoils of the public or by private speculation?—have I even solicited your votes that I might be your representative?—I have indeed of late years been obliged to encounter a host of enemies—ambition, avarice, and persecution have been let loose upon me.—What has been the consequence of this formidable combination? Has malice been able to fix one stigma upon me, either in public or private life? Has ingratitude, with all his industry, and in his zeal to obliterate the debts he was unwilling to discharge, left the slightest stain upon my character?

If any one person has an accusation against me, let him produce it in open day, and avow it like a man. A generous mind disdains the invidious arts of a coward, and the concealed attack of an assassin. I might be qualified in saying, that my accusers have consulted their own hearts, and, in attempting to draw my character, have very fairly drawn their own.

Among those who have had an opportunity of forming any judgment of my character, I have no enemies but such as are the enemies of virtue; and among my friends, I can boast the first characters in the state. This is no vain boast. It is the honest effusions of conscious rectitude, indignant of ingratitude, and undeserved reproach: and justly proud of friendships which would do honour to the most exalted characters.

To the charge of usurping upon your rights, you are told (what amounts to the same thing) that neither me nor my connections are to dictate to you in the choice of a member. This is an insidious implication (that we do dictate). How far the charge is true, must be left to yourselves to determine. But admitting the facts, I beg leave to ask a simple question, which perhaps will carry its own answer with it. Whether, if you must receive your political rule of conduct from any, which to me appears highly improper, will you receive it from me and my connections, or from the gentlemen who have started the opposition?

Nothing will so effectually contradict what has been thrown out on this occasion, as a simple narrative of facts. Almost as soon as I was informed, that a third candidate was proposed for the town, though then hurried in the hurry of a court, I separately proposed to two or three gentlemen, who I conceived were in favour of Mr. Mackenzie, that, to avoid a casting of interests, and to obtain a representative who would be agreeable to a majority of the votes, that Mr. Jones and Mr. Mackenzie, with a few of their respective friends, should meet and number their several adherents, and that whoever appeared to have the weakest interest, should decline in favour of the other. This was unilaterally approved, and afterwards, upon application, by Mr. Mackenzie himself. But I soon found, that this apparent acquiescence in my proposal was not real, and that time was only wanted to pervert and bring over those who had engaged to vote for Mr. Jones. This was confirmed soon afterwards, by Mr. Mackenzie refusing, upon Mr. Jones's application, to adopt that expedient. The grand stroke of policy to effect the purpose of the opposition, was this—a positive and warm assertion, bearing all the appearance of truth, that Mr. Jones had no chance of succeeding, and that the contest would lie between Major Walker and Mr. Mackenzie. The reverse of this is the fact. But if Mr. Jones's interest is so weak, why is so much trouble taken to convince us of it? It cannot be Mr. Mackenzie; but should he decline, certainly would, as many of Mr. Jones's votes, if he were out of the question, would undoubtedly vote for Major Walker.

I gladly embrace this opportunity to declare, that I never have endeavoured to influence the vote of any elector, not even any of those whom I esteem as my firmest friends; nor did I mention Mr. Jones's intention to more than two or three of my friends, who casually fell in my way. Had I been more disengaged from business, it is probable that I should have acquainted others with it. This might have been attended with good consequences, as one of the gentlemen who oppose Mr. Jones, gives as his reason for so doing, that he was not consulted in the business.—In plain language, it amounts to this—“I will oppose Mr. Jones, not that I have any real objection to him, but because he and Mr. Mackenzie have the presumption to propose him for a member of assembly, in direct respect to my opinion, which my station and own demands.” It is unlucky that we are not apprised how very necessary it is, in all public concerns, to have recourse to a great man.—May I be permitted to name the person who dictates and usurps?

Mr. Jones would at any time have been able to influence the vote of any one that offers; and understanding the nature of the contest, is greatly superior to any man I am acquainted with, in a considerable degree, and he has at least such understanding, and is so well informed, as either of his opponents; and his merit in his character which I esteem—his temper is calm and free from duplicity. But, agreeably to my known principles, I think every man should vote as his judgment shall direct. All I intended by this address was, to remove the effects of any gross and very unjustifiable misrepresentations; to express my contempt for those who have meanly and unjustly attempted to vilify my character; to convince them that they had been deceived; and to make my grateful acknowledgments to the electors of Wilmington, for the unreserved support which they have repeatedly honoured me.

A. MACCLAINÉ.

Wilmington, July 13, 1783.



Messrs. Bowen & Howard,

**A**S you have published in your last paper, a very fine account about public marks of joy, shewn in this town on account of the adoption of the constitution by Virginia, I wish you would tell who it was that illuminated, &c. because I believe there were only three houses so decorated, and I do not understand that three or four people should be called the town.

An Inhabitant of Wilmington.