

## Maclaine, Archibald <sup>[1]</sup>

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## Maclaine, Archibald

by D. A. Yanchisin, 1991

**9 Dec. 1728–20 Dec. 1790**

Archibald Maclaine, attorney and Patriot legislator, was born in Banbridge, Ireland, where his father, the Reverend Archibald Maclaine (b. 1695), was a Presbyterian minister. The Reverend Mr. Maclaine had immigrated to Ireland from Lochbuie, Scotland. In April 1750, after serving a mercantile apprenticeship, young Archibald departed Ireland for America, arriving in Philadelphia on June 24. In July 1752 he left Philadelphia bound for Charleston, S.C., and Cape Fear, N.C.

Maclaine settled in Wilmington, N.C., where, on November 6, 1752, he married Elizabeth (Polly) Rowan (b. May 8, 1731), the daughter of the late Jerome Rowan and the stepdaughter of [Matthew Rowan](#) <sup>[2]</sup>, president of the Council and acting governor (1753–54). The couple had six children, but only their first son, Jerome (September 27, 1753–1777), and their first daughter, Catherine (Kitty) (b. September 24, 1755), lived beyond infancy. Kitty married [George Hooper](#) <sup>[3]</sup>, one of the [Tory](#) <sup>[4]</sup> brothers of [William Hooper](#) <sup>[5]</sup>. Maclaine's grandchildren were the writer [Archibald \(Archy\) Maclaine Hooper](#) <sup>[6]</sup> (December 7, 1775–September 25, 1853), Spence Hooper (b. January 10, 1779; lived only a few months), and Mary Hooper (b. July 15, 1780).

In Wilmington Maclaine put his former mercantile apprenticeship to good account by becoming a merchant, but the business failed after his partner John Maclaine died. Although he was said to have had only a rudimentary education, Maclaine turned to the study of law and subsequently became one of the preeminent attorneys of the colony and of the state. In 1759 he was appointed a clerk of the supreme court and was reprimanded at least once (in 1764) while in office. Although sympathetic to the old order (he greatly admired Matthew Rowan), he early identified himself with the Patriot cause, standing against the government during the [Stamp Act crisis](#) <sup>[7]</sup>. Maclaine was a member of the [Committee of Safety](#) <sup>[8]</sup> for the Wilmington District from 1774 to 1776. In the summer of 1774 he served on the committee appointed to issue the call for a [Provincial Congress](#) <sup>[9]</sup> by the inhabitants of Wilmington; he was elected to the congress in 1775 and 1776.

In 1776 Maclaine was a member of the committee appointed to draft the [Bill of Rights and the Constitution](#) <sup>[10]</sup>, as well as one of the commissioners elected to revise the statutes and acts for North Carolina. In 1777 he was one of the senators who drafted the law for the court system. He was also chairman of the committee appointed to inquire into the internal security of the state. In 1779 he was nominated to be a judge of the superior court, but he declined to be a candidate. In 1780 and 1781 he was a member of the [General Assembly](#) <sup>[11]</sup>, where he twice refused nomination for election to the [Continental Congress](#) <sup>[12]</sup>. He again served in the General Assembly from 1783 to 1787.

An able legislator and an active committee worker, Maclaine exerted considerable influence among his colleagues. He might have accomplished even more than he did in the political arena if he had not spent so much time looking after the interests of his Tory son-in-law, George Hooper, and other [Loyalists](#) <sup>[13]</sup>. Indeed, he became so identified with Tory interests that he was assaulted during the fall term of 1782, when Captain Robert Raiford of the Continental line incited a riot by breaking into the [Bladen County](#) <sup>[14]</sup> court with thirty armed men and attacking Maclaine with a sword. Maclaine was one of the prime movers among the lawyers who attempted to write the judges off the bench in 1787. His acrimonious feelings towards [Samuel Ashe](#) <sup>[15]</sup> and other justices related to their differences over the settlement of Tory claims in 1782.

Despite his [Revolutionary](#) <sup>[16]</sup> politics, Maclaine was essentially a conservative, firmly committed to the concept of law and order. In 1783 he wrote Hooper that he preferred the men of the old order and would be dealing with them in the legislature "if the late British ministry had had common sense"; only a few months later he claimed that he was a strong supporter of [Alexander Martin](#) <sup>[17]</sup> because of who the governor's opponents were. He supported the state's decision to take part in the constitutional convention. In 1788 he was a delegate to the [Hillsborough convention](#) <sup>[18]</sup>, voting with the minority for adoption. He wrote in support of the Constitution under the pen name, "Publicola," and more than once referred to the opponents of the Constitution "as a set of fools and knaves." Even though he was not a delegate, he influenced the vote for adoption at the [Fayetteville convention](#) <sup>[19]</sup>. Maclaine provided a model for those who would advance the theory of conservative and radical continuity in early American politics. In that tradition, he was one of the [original trustees](#) <sup>[20]</sup> of [The University of North Carolina](#) <sup>[21]</sup>.

According to [Stephen B. Weeks](#) <sup>[22]</sup>, Maclaine was a handsome man with an athletic figure in his youth. He was an individual of righteous character and, like many conservatives, was willing to stand in the minority for his principles. He died at his home in Wilmington, leaving his considerable estate to George and Catherine Hooper, with a bequest for his wife.

## References:

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[George Hooper Papers \(Southern Historical Collection, University of North Carolina, Chapel Hill\)](#).<sup>[23]</sup>

Hugh T. Lefler and Albert R. Newsome, *North Carolina: The History of a Southern State* (1963).

Archibald Maclaine, *An Address to the People of North Carolina with the charges against the Judges in the last Assembly: The Protests in both Houses and other Papers relative to that Business* (1787).

[Archibald Maclaine Book \(Southern Historical Collection, University of North Carolina, Chapel Hill\)](#).<sup>[24]</sup>

[North Carolina University Magazine 4 \(1855\)](#).<sup>[25]</sup>

[Charles Van Noppen Papers \(Manuscript Department, Duke University, Durham\)](#).<sup>[26]</sup>

## Additional Resources:

Archibald Maclaine Memorandum Book, 1728?-1790; 1853 (collection no. 02313-z). The Southern Historical Collection. Louis Round Wilson Special Collections Library. University of North Carolina at Chapel Hill. <http://www2.lib.unc.edu/mss/inv/m/Maclaine,Archibald.html> <sup>[24]</sup> (accessed January 10, 2014).

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## Origin - location:

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[Wilmington](#) <sup>[36]</sup>

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