

A

PROPOSED MEMORIAL

TO THE

CONGRESS OF THE UNITED STATES.

ADVERTISEMENT.

THE following Proposed Memorial is respectfully submitted to the consideration of the freemen of the United States, with a desire that its object may receive that share of attention which its importance demands,—that men of intelligence and philanthropy may exert their influence to extend the circulation of the Memorial throughout the country, and to obtain, in one form or another, a general expression of public sentiment to be presented to Congress in the course of their next session.

It is not necessary, and perhaps not desirable, that this should be the only form of Memorial relating to the same object. Such a form as shall be preferred may be signed by any number of individuals; or by town officers where the consent of the town can be properly obtained; and, on the same condition, it might be subscribed by the officers of any Benevolent Institution, any Ecclesiastical Body, or any Legislature which shall approve the design. It is believed that there is now light and virtue enough in this country to consign to its proper place *one* atrocious “remnant of the ancient piracy.”

May 1819.

MEMORIAL.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF
THE UNITED STATES IN CONGRESS ASSEMBLED:—

THE Memorial of the undersigned citizens of the United States respectfully represents, that while they have rejoiced in the privileges of a free people, they have been deeply affected with the multiplied instances of criminal prosecutions, imprisonments, capital convictions, and public executions, which have recently occurred in several states. Your Memorialists are far from imputing to defects in the government of their country all the crimes of their fellow citizens,—and as far from a disposition to attribute the defects of government to base and criminal intentions on the part of Legislators or Magistrates. They believe that the best informed men are but partially enlightened, and that men of the best hearts are necessarily liable to the influence of hereditary opinions, prejudices, and customs. But while crimes of the deepest die abound in the land—while our courts of justice and our prisons are thronged with malefactors, your Memorialists conceive it to be the duty of all well informed men to search out the causes of these evils, and, when discovered, to represent them for the consideration of their Legislators. They also regard it as the duty of Legislators to seek the virtue and welfare of their fellow citizens, and to do all in their power to prevent crimes—not merely by providing for the punishment of criminals, but by the abolition of those customs or practices by which men are naturally led into the paths of vice and ruin. Among the many atrocious offences of the present day, highway robbery, piracy, and murder frequently occur. The melancholy scenes of public executions, which have been witnessed in several of the United States, have justly excited

reflection and inquiry: and in searching for the causes of those crimes for which so many fellow beings have been sentenced to the gallows, your Memorialists have been impressed with a belief, that much may justly be imputed to the *practice of privateering in time of war*.* They are aware that this practice has long been sanctioned by all the maritime powers of Christendom; but they cannot on that account regard it as the less to be deplored, or the less to be abhorred. It is in their view of the same character with the practice of the states of Barbary, for which the people of those regions are reproached as piratical barbarians.

In the course of the late war between Great Britain and the United States, many thousands of people were licensed by the two governments to commit just such acts of injustice, depredation and violence, as those for which pirates are hanged in time of peace. They were commissioned to capture, rob, or destroy the property of innocent merchants,—and in case of resistance, to maim or murder innocent seamen, while pursuing their lawful occupations. In this way hundreds of merchants in the two countries were unjustly despoiled of their property—many of them ruined, and their families reduced to poverty, wretchedness and despair. The number of seamen who lost their lives in consequence of these licensed depredations was doubtless very considerable.

It is impossible for your Memorialists to conceive how such deeds of rapine and violence can be reconciled to the principles of justice or humanity, when done by privateersmen, any more than when done by unauthorized pirates. The injustice and injury to the innocent sufferers are the same in both cases; and in both the motives and dispositions of the perpetrators may be the same.

As in the business of privateering all the odious passions of human nature are licensed—as the youth of our country become

* If we may credit the narratives of the four pirates who were executed in Boston, Feb. 18, 1819, they had all been concerned in privateering, or *state piracy*;—not all however by license from our government.

associated with desperate and unprincipled men, let loose from every moral restraint; what better can reasonably be expected, than that many of them will, after the close of a war, follow the trade to which they had been educated? When *thousands* of our citizens have served an apprenticeship in such an employment, can it be wonderful if *hundreds* of them become pirates or highway robbers? And if they become hardened in iniquity, inured to crime, and ruined by the education which they thus receive, at whose hands will their blood be required? This is a question which, in the opinion of your Memorialists, deserves the serious consideration of every Legislator, every Magistrate, and every citizen of the United States. However necessary it may be, in the present state of society, to inflict capital punishments on piratical offenders, still philanthropy must weep and humanity recoil at the thought of taking the lives of men for crimes to which they have been trained up by the government, and by the authorized customs of their country.

In this age of improvement it will generally be admitted in theory, that rulers should ever exercise a tender and parental care towards their subjects,—do all in their power to cause them to be educated in the paths of benevolence and virtue, and to preserve them from the snares of vice and the influence of contaminating customs. Punishments are not the only nor the most effectual means of preventing crimes or saving men from vice. A virtuous education is infinitely preferable to sanguinary laws, as a means of preserving men from those crimes which are usually punished with death; and no laws, however severe, can reasonably be expected to prevent crimes, while such schools of depravity and licentiousness, as those of privateering, are sanctioned by public authority. It is therefore believed by your Memorialists, that the principles of justice, humanity, religion, and sound policy, all unite in demanding the abolition of such seminaries of crime.

It is a gratifying fact, that, in the infancy of the American government, an attempt was made by our rulers to effect by treaties the very object of the present Memorial. As early as 1785 the celebrated philosopher, Dr. Franklin, in a letter to a

friend,* observed,—that “the United States—though better situated than any other nation to profit by privateering—are as far as in them lies endeavouring to abolish the practice, by offering in all their treaties with other powers an article engaging solemnly that in case of a future war, no privateer shall be commissioned on either side, and that unarmed merchant ships on both sides shall pursue their voyages unmolested.” This humane effort on the part of the American government, at so early a period, affords encouragement to your Memorialists, that Congress will listen with pleasure to a proposition for abolishing a practice, which has justly been termed “a remnant of the ancient piracy,”—and which has for ages been a disgrace to civilized nations, and the abhorrence of good men.

Though the magnanimous proposition formerly made was not generally adopted by other governments, yet your Memorialists are of opinion that the people of Europe are more enlightened than they were thirty-five years ago, and that there is much reason to believe, that a similar proposition at this period would meet the approbation of nearly all the powers of Christendom. To repeat or renew a proposition so philanthropic and humane, will not, by enlightened men, be regarded as beneath the dignity of any government on earth; and as the proposition probably originated in the United States, your Memorialists have a strong desire that their own government should have the honour of reviving it, and of pursuing the object till it shall have been completely accomplished.

Barbarians and unprincipled politicians might find a motive for continuing the practice in the circumstance mentioned by Dr. Franklin—that “the United States are better situated than any other nation to profit by privateering.” But can the enlightened Legislators of this country deem it proper to “do evil that good may come?” Can any considerations of profit induce them to continue a practice so palpably unjust in its nature and operations, so ruinous to the morals of their fellow citizens, and which furnishes such a multitude of convicts for State Prisons and the gallows?

* Benjamin Vaughan Esq.

During a time of general peace, it may naturally be expected that the rulers of Christendom will more impartially examine the subject, if proposed to them, than in a time when their passions are excited by war. The present state of the world is therefore deemed favourable for accomplishing the object of this Memorial.

In regard to the best course for abolishing the practice in question, your Memorialists would not undertake to prescribe, but confide in the wisdom of their Representatives in Congress. They have no fear that any method will be adopted to effect the abolition of privateering, which can more endanger the best interests of the country, than a continuance of the custom. They however most respectfully and most fervently pray, that Congress would devise and adopt some plan which shall free our nation from the reproach of being supporters of a practice which every enlightened mind must deprecate and abhor.

The undersigned beg leave to close their Memorial to the Honorable Legislature of the United States in the words of Dr. Franklin, on the same subject—“This will be a happy improvement in the law of nations. The humane and the just cannot but wish success to the proposition.”