

same pay and rations as is provided by law for the militia of the United States when called into actual service.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to call into actual service any part, or the whole of said detachment, in all the exigencies provided by the constitution; and the officers, non-commissioned officers, musicians and privates of the said detachment shall be subject to the penalties of the act, entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five;" and if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof, as the President of the United States shall deem proper.

SEC. 5. *And be it further enacted*, That no non-commissioned officer, musician or private belonging to the aforesaid detachment of militia, who shall be ordered into actual service by the President of the United States, shall be subject to corporal punishment by whipping, any thing contained in any act to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That in lieu of whipping, as provided by several of the rules and articles of war, as now used and practised, stoppage of pay, confinement and deprivation of part of the rations shall be substituted in such manner as is herein after provided.

SEC. 7. *And be it further enacted*, That any non-commissioned officer or private belonging to the aforesaid detachment of militia, who shall, while in actual service, be convicted before any court martial of any offence, which before the passing of this act might or could have subjected such person to be whipped, shall, for the first offence, be put under such stoppages of pay as such court martial shall adjudge, not exceeding the one half of one month's pay for any one offence; but such offender may, moreover, at the discretion of such court martial, be confined under guard, on allowance of half rations, any length of time, not exceeding ten days for any one offence, or may, at the discretion of such court martial, be publicly drummed out of the army.

SEC. 8. *And be it further enacted*, That the sum of one million of dollars be, and the same is hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated, towards defraying any expense incurred by virtue of the provisions of this act.

SEC. 9. *And be it further enacted*, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

APPROVED, April 10, 1812.

commissioned officers, &c. &c. their pay, emoluments, &c. &c.

President may call out the whole or part of the detachment into actual service.

1795, ch. 36.

No officer or soldier shall be liable to punishment by whipping.

Whipping abolished, &c. other punishments substituted.

Non-commissioned officers, how punishable.

Stoppage of pay and confinement.

Specific appropriation.

Commencement and termination of this act.

STATUTE I.

CHAP. LVI.—*An Act to prohibit the exportation of specie, goods, wares and merchandise, for a limited time.*(a)

April 14, 1812.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful,

Exportation of specie and

(a) Upon an indictment under the non-intercourse laws for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9th, 1809, the punishment of which offence is a fine of four times the value of the goods; it is not necessary that the jury should find the value of the goods. *United States v. John Tyler*, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel, in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. *The Brig Penobscot v. The United States*, 7 Cranch, 356; 2 Cond. Rep. 523.

Wines, the produce of France, imported into the United States before the non-intercourse act, re-exported to a Danish island, there sold to a merchant of that place, and thence exported to New Orleans during the operation of that act of Congress, were liable to forfeiture under that law. *The Schooner Hoppet v. The United States*, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1st, 1809, was in force between the 2d of February, and 2d of March, 1811, by virtue of the President's proclamation of November 2d, 1810. *Schooner Anne v. The United States*, 7 Cranch, 570; 2 Cond. Rep. 611.

goods of foreign
manufacture
forbidden.

Act of April
4, 1812, ch. 49.

Proviso.

1812, ch. 49.

Any portion
of the land or
naval force of
the United
States may be
employed to
prevent a vio-
lation of the
embargo.

Penalties, &c.
&c. how to be
recovered.

1812, ch. 49.

STATUTE I.

April 14, 1812.

Act of Feb.
15, 1811, ch. 14.

Act of April
8, 1812, ch. 50.

Limits of the
state enlarged.

during the continuance of the act, entitled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States, for a limited time," to export from the United States or the territories thereof, in any manner whatever, any specie, nor any goods, wares or merchandise of foreign or domestic growth or manufacture; and if any person shall, with intent to evade this law, export or attempt to export any specie, goods, wares or merchandise from the United States or the territories thereof, either by land or water, such specie, goods, wares and merchandise, together with the vessel, boat, raft, cart, wagon, sleigh or other carriage in which the same shall have been exported or attempted to be exported, shall, together with the tackle, apparel, horses, mules and oxen, be forfeited, and the owner or owners of such specie, goods, wares or merchandise, and every other person knowingly concerned in such prohibited exportation, on conviction thereof, shall each respectively forfeit and pay a sum not exceeding ten thousand dollars for every such offence: *Provided however*, that nothing in this section contained, shall be construed to prevent the departure of vessels, which according to the act last above mentioned, are or may be permitted to depart in the manner and under the restrictions provided by the said act.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ any part of the land or naval forces, or militia of the United States or of the territories thereof, as may be judged necessary, for the purpose of preventing the illegal departure of any ship or vessel, or the illegal exportation of any specie, or of any goods, wares or merchandise, contrary to the provisions of this, or of the last above mentioned act, and for the purpose of detaining, taking possession of, and keeping in custody, any such ship or vessel, specie, goods, wares or merchandise.

SEC. 3. *And be it further enacted*, That all penalties and forfeitures, incurred by virtue of this act, shall and may be prosecuted, sued for, recovered and distributed, and may be mitigated and remitted in the manner provided by the act, entitled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States for a limited time," and also, that the penalties and forfeitures incurred by virtue of this act may be recovered subsequently to the expiration thereof, in the same manner as if this act had continued in full force and virtue.

APPROVED, April 14, 1812.

CHAP. LVII.—*An Act to enlarge the limits of the state of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case the legislature of the state of Louisiana shall consent thereto, all that tract of country comprehended within the following bounds, to wit: Beginning at the junction of the Iberville, with the river Mississippi; thence along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain to the eastern mouth of the Pearl river; thence up the

The non-intercourse act of the 28th of June, 1809, which requires a vessel bound to a permitted port to give bond in double the amount of vessel and cargo not to go to a prohibited port, is applicable to a vessel sailing in ballast. *The Ship Richmond v. The United States*, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay off the coast of the United States, to receive instructions from her owners in New York; and, if necessary, to drop anchor: and, in case of a storm, to make a harbor: and if prevented by a mutiny of her crew, from putting out to sea again, she might wait in the waters of the United States, for orders. *The United States v. The Cargo of the Ship Fanny*; Jennings, Master, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the third section of the act of Congress of the 28th of June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. *The Edward*; Scott, Claimant, 1 Wheat. 261; 3 Cond. Rep. 565.