
CHAP. 32.

AN ACT for raising two regiments for the defence of this State on bounties of unappropriated lands.

PASSED the 20th of March, 1781.

WHEREAS the exposed situation of the extensive frontiers of this State renders it necessary that measures should be adopted for their protection

Preamble.

I. *Be it therefore enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That two regiments, upon the present Continental establishment, as to the number of officers and men composing such regiments, be raised for the defence of the frontiers, whenever the congress of the United States shall give assurances that the regiments aforesaid shall be armed, accoutered, clothed, subsisted and paid, at the expence of the United States; and that the troops shall continue in service for three years from their respective inlistment, unless sooner discharged.

Two regiments to be raised.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the person administering the government for the time being, by and with the advice and consent of the council of appointment, to appoint the officers to such regiments; and as often as vacancies shall happen to appoint others. That a lieutenant colonel and a major shall not be commissioned until a number of men equal to two thirds of the regiment shall be mustered.—That it shall be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to appoint the commission officers to such regiments and by and with such advice and consent, to issue warrants in the first instance, to such and to many persons as captains and subalterns, as he shall deem proper and necessary — speedily to inlist the men for the service aforesaid, and under such regulations and restrictions as he shall judge proper. Provided always, that the number of officers so by him warranted as aforesaid shall not exceed in number the Continental establishment.

Officers for appointment and commission of.

Proviso as to number.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government of this State for the time being, to employ and authorize such and so many warrant officers and others as he shall deem proper and necessary to muster and receive

Warrant officers.

If sufficient number be not raised before date named, men may be formed into independent corps.

persons to be inlisted by virtue of this act and to give to such persons certificates of their inlistments thereby to be entitled to the bounty of land intended to be given by this act.—That if a sufficient number of men to compose a regiment as aforesaid shall not be raised on or before the first day of August next, the person administering the government shall be authorized to arrange and form the men then raised into an independent corps, in such manner as the person administering the government of this State for the time being, shall deem proper and that if after one regiment is completed there shall be a number of men enlisted beyond the complement of one regiment and not sufficient to complete another regiment they shall be arranged disposed of and formed into an independent corps, in the manner before prescribed.

Faith of State pledged to grant lands to officers and privates who enlist.

IV. *And be it further enacted by the authority aforesaid,* That the faith of the State be and is hereby pledged to the officers, non-commissioned officers and privates composing such regiments or corps, that the legislature of this State will grant unto such officers who shall be commissioned and to such non-commissioned officers and privates as shall enlist in the said regiments, and who shall continue to serve during the time aforesaid, or until the time they shall respectively be dismissed or discharged, if such dismissal or discharge shall take place before the end of said three years, or to the legal representatives of such officers, non-commissioned officer and privates, as shall die while in service, the following several quantities of unappropriated lands, respectively, to wit, To a lieutenant colonel and major, each four rights; a captain and surgeon each three rights; a lieutenant, ensign and surgeons mate, each two rights, and each non-commissioned officer and private, one right, and that each right shall consist of five hundred acres — That it shall be lawful for any person entitled to any quantity of lands by virtue of this act, to locate the lands which such person shall elect to be granted to him, and that the legislature will as soon after the expiration of the said time of service, as a survey of the said lands can be with safety performed, grant to such person without fee or reward, or quit-rent reserved, the quantity of lands to which he may be entitled out of the lands so located. That whenever any number of persons entitled collectively to sixty one rights, shall join in a location, the lands so located shall be laid out in a township of seven miles square, and granted to the said persons according to their respective rights therein, and that in each such township the remaining right shall be reserved for the support of the gospel, and the remaining three hundred and sixty acres shall be reserved for the use of a school in such township That wherever any of the lands to be granted in pursuance of this act, shall be located in quantities less than a township of seven miles square, the person or persons locating such lands shall defray the expence of the survey thereof, but if a township shall be located, the State shall be at the expence of running the out-lines of such township, Provided that no locations shall be made on lands heretofore granted, or on lands belonging to the Oneida and Tuscarora Indians, and provided that the lands to be granted by each grant shall be laid out as nearly in a square, as the next adjacent appropriated lands will admit of.— That whenever any location shall be made by any person belonging to the said regiment or corps, a description of the lands so located, and the person's name by whom and in whose right such location is made, shall be filed with the surveyor general of this State for the time being, and the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment is hereby authorized and required as soon as may be after the passing of this act

Acreeage to be granted.

Location of, etc.

Proviso as to lands granted to Indians named, etc.

Location, name, description, etc., to be filed with surveyor general.

to appoint a surveyor general for this State, and if it shall appear to the said surveyor general that the lands so located are described with sufficient certainty, that the same have not heretofore been granted, and do not belong to the Oneida and Tuscarora Indians the surveyor general shall approve such location, and cause the same to be filed in the secretary's office of this State, and the person making such location shall immediately after the expiration of his time of service, be entitled to a grant of the lands so located.

V. *And be it further enacted by the authority aforesaid,* That the said regiments or corps to be raised in pursuance of this act shall be subject to the rules and articles of war established for the regulation of the army of the United States, and be under the command of the commander in chief of their army. Provided always that none of the said regiments, or any part or detachment thereof, shall serve out of this State, without the order or consent of the person administering the government of this State for the time being.

Subject to rules and articles of war.

VI. *And be it further enacted by the authority aforesaid,* That any person who shall deliver one or more of his or her able bodied male slaves to any warrant officer as aforesaid, to serve in either of the said regiments or independent corps and produce a certificate thereof signed by any officer or person authorized to muster and receive the men to be raised by virtue of this act, and produce such certificate to the surveyor general shall for every male slave so entered or mustered as aforesaid, be entitled to the location and grant of one right in manner as in and by this act is directed and shall be and hereby is discharged from any future maintenance of such slave any law to the contrary notwithstanding. And such slave, so entered as aforesaid who shall serve for the term of three years or until regularly discharged shall immediately after such service or discharge be and is hereby declared to be a freeman of this State. And to encourage as far possible the speedy completing of the said regiments.

Masters may deliver able bodied slaves to serve, etc.

Slave to be free after discharge.

VII. *Be it further enacted by the authority aforesaid,* That every person who shall engage an able bodied man to enter into either of the said two regiments to serve for the term of three years shall and may take a transfer of the right of such man's right to the bounty of lands intended to be given by this act and on producing to the surveyor general a certificate signed by any officer or person authorized to muster and receive the men to be raised by virtue of this act, shall and may locate and be entitled to receive a grant for the same, as if such person had actually entered, and served in either of the said regiments for the term aforesaid. Provided always that the person receiving such grant shall, either by himself or some other person on his behalf, make an actual settlement on, and improve such lands within three years next after the conclusion of the war, or that the same shall be deemed forfeited and revert to the use of this State.

Persons furnishing substitute to serve three years may locate, etc., under this act.

VIII. *And be it further enacted by the authority aforesaid,* That the said lands hereby directed to be granted to the said officers, non-commissioned officers and privates, shall be deemed and construed to be in lieu of all and every bounty, allowance of half pay or emolument whatsoever, on the part of this State. That the levies to be raised in pursuance of this act, shall be mustered by such person, and in such manner as congress or the commander in chief of the army of the United States shall direct.

Lands to be in lieu of bounty.