## STATE OF NEW-YORK.

## No. 125.

( G. O. No. 188. )

## IN SENATE,

'March 23, 1847.

[Introduced by Mr. SANFORD referred to the committee on literature, reported on by Mr. SEDGWICK, from said committee read twice and committed to the committee of the whole.]

## AN ACT

Authorising the Board of Education of the city and county of New-York, to establish a Free Academy in said city.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The board of education of the city and county of New-York
- 2 shall have power to establish a free academy in the city of New-York, when-
- 3 ever the said board of education at any regular meeting thereof, by a ma-
- 4 jority of all the members thereof, shall by resolution declare it expedient to No. 125.]

5 do so, for the purpose of extending the benefits of a collegiate education 6 gratuitously, to persons who have been pupils in the common schools of the 7 said city and county of New-York.

§ 2. Upon a decision being made by the said board of education as pro-2 vided in the first section of this act, determining it expedient to establish in 3 the city of New-York such free academy, it shall be lawful for the said board 4 of education at any regular meeting thereof, to proceed in such manner as 5 said board of education shall by resolution prescribe to establish such free 6 academy; and unless a place deemed by said board to be a suitable site 7 therefor be appropriated by the common council of the said city and county 8 to that purpose, to purchase a site therefor, and erect, finish, and fit up a 9 suitable building or buildings, the erecting, finishing, and fitting up of which 10 said building or buildings, shall be done by contract or contracts to be made 11 with the said board of education. The said board of education shall give at 12 least twenty days' notice in three public newspapers published in the said city, 13 that the said board will, on or before a day to be specified in said notice, 14 receive sealed proposals for erecting, and finishing, and filling up the buil-15 ding or buildings provided for in this section, in conformity with plans and 16 specifications to be prepared by the said board prior to publishing said notice; 17 at the expiration of which time the said board shall open said proposals, and 18 enter into a contract or contracts with such person or persons as shall offer 19 or bid to erect, finish and fit up said building or buildings at the least sum, 20 or sums; and he shall give security in a bond to the said board to the satis-21 faction of the said board, for the faithful performance of his or their contract 22 or contracts; but nothing herein contained shall be construed to preclude 23 the said board of education from making such contract or contracts, with

24 any other person or persons than such lowest bidder or bidders, who will 25 contract to erect, finish and fit up said building or buildings, at a less price 26 than such lowest bid or bids, and give security as aforesaid for the faithful 27 performance of such contract or contracts. The board of supervisors of the 28 said city and county of New-York, on the requisition of the said board of 29 education, shall raise and collect by tax upon the inhabitants of said city and 30 county, such sum or sums as shall be necessary to establish such free acad-31 emy, purchase a site therefor, and defray the expense of erecting, furnishing 32 and fitting up a suitable building or buildings as above mentioned, and the 33 cost of procuring the said plans and specifications, and publishing the said 34 notice, at the same time, and in the same manner as the contingent 35 charges of said city and county are raised and collected. The com-36 mon council of the said city and county of New-York, are authorised and 37 directed to raise by loan, in anticipation of the raising and collecting of the 38 same by tax as aforesaid, so much of the said sum of moneys so to be 39 raised, levied and collected as aforesaid, as the said board of education shall 40 by resolution require, to enable the said board of education to perform any 41 contract or contracts which said board may make, as in this section is 42 provided.

§ 3. The board of supervisors of the said city and county of New-York, 2 shall annually raise and collect by tax upon the inhabitants of said city and 3 county, at the same time and in the same manner as the contingent charges 4 of the said city and county are raised and collected, such sum as the said 5 board of education shall by resolution declare to be necessary in addition to 6 other means which may be appropriated to them therefor, for the mainte-7 nance and support of the said free academy, and to keep the said building or

8 buildings in proper condition, and to make all needful repairs of the same.

9 The title to all real property with the building or buildings to be erected

10 thereon, purchased by virtue of this act, shall be vested in the mayor, alder-

11 men and commonalty of the city and county of New-York; and the title to

12 all personal property purchased by virtue of this act for use in said free

13 academy, and in the management of the same, shall be vested in the said

14 board of education.

8 moneys.

- \$ 4. All the moneys required to be raised by virtue of this act, shall on 2 being raised as herein before provided, be deposited for the safe keeping 3 thereof, in such place in the said city as may be designated by the said com4 mon council, to the credit of the said board of education, and shall be drawn 5 out only in pursuance of a resolution or resolutions of the said board, by 6 drafts signed by the president, and countersigned by the clerk of the said 7 board, payable to the order of the person or persons entitled to receive such
- 2 and government of the said board of education. The said board of educa3 tion shall from time to time, make all needful rules and regulations, to fix
  4 the number and compensation of teachers and others to be employed therein;
  5 to prescribe the preliminary examination, and the terms and conditions on
  6 which pupils shall be received and instructed therein, and discharged there7 from; to direct the course of studies therein, and to provide in all things for
  8 the good government and management of the said free academy, and for the
  9 purchase of the books, apparatus, stationery, and other things necessary and
  10 expedient to enable the said free academy to be properly and successfully

11 conducted, and to keep the said building or buildings properly repaired and 12 furnished.

2 mittee of five persons of their own number, who shall, subject to the super3 vision, control and approbation of the said board, constitute an executive
4 committee for the care, management and government of the said free acad5 emy, under the rules and regulations prescribed as aforesaid, whose duty it
6 shall be from time to time to make full and detailed reports to the said board
7 of education, and among other things to recommend the rules and regula8 tions which they deem necessary and proper for the said academy. The
9 board of education may at any regular meeting thereof, by a vote of the
10 majority of all the members of the said board, remove any or all of the
11 members of the said committee, and appoint another person or other persons,
12 in the place of the member or members of the said committee so removed.

- § 7. From and after the time when the said free academy shall be established, and the instruction and education of students therein shall have been commenced, on such facts being certified by the said board of education to the Regents of the University of the State of New-York, the said Regents shall pay annually to the said board of education such portion of the literature fund, as by law then in force they shall be directed to assign to the third, fourth, fifth and sixth Senate districts of this State as now constituted, to be expended and applied by the said board of education for the support and maintenance of the said free academy.
- 1 § 8. The board of education shall annually on or before the first day of 2 February in each year, make and transmit to the clerk of the common [No. 125.]

- 3 council of the said city and county, and also to the secretary of the board of
- 4 "The Regents of the University of the State of New-York," a report signed
- 5 by the president and clerk of the said board of education, bearing date on
- 6 the first Monday of January in the year of its transmission, which report shall
- 7 state,
- The names and ages of all the pupils instructed in such free academy,
- 9 during the preceding year, and the time that each was so instructed.
- 10 2. A particular statement of the studies pursued by each pupil, at the
- 11 commencement of his instruction, and of his subsequent studies, until the
- 12 date of the report, together with the books such student shall have studied in
- 13 whole or in part; and if in part, what portion.
- 14 3. An account or estimate of the cost or value of the library, philosophical
- 15 and chemical apparatus, and mathematical or other scientific instruments,
- 16 belonging to such academy.
- 17 4. The names of the instructers employed in the academy, and the com-
- 18 pensation paid to each.
- 19 5. What amount of moneys the board of advertise has received during
- 20 that year for the support and maintenance of such academy, and from
- 21 what sources; specifying how much from each, and the particular manner
- 22 and specific purposes for which such moneys have been expended.
- 23 6. And such other information in relation to advertise in said academy.
- 24 and the measures of the board in the management thereof, as the said com-
- 25 mon council, or the Regents of the University of the State of New-York,
- 26 may from time to time require.
- 1 § 9. The said board of education shall have the powers and privileges of
- 2 a corporation, so far as to enable it to take and hold, sue for and recover, all

- 3 personal property, and for any wrongful damage done to any and all person-
- 4 al property the title whereof may be vested in it by virtue of this act, or
- 5 which may be entrusted to it, or confided to its care and management, and
- 6 for all moneys deposited to its credit for the support and maintenance of the
- 7 said free academy; and by appropriate suit or action, to enforce the per-
- 8 formance of any contract or contracts lawfully made by it, or to recover
- 9 just and lawful damages for the non-performance thereof.
- § 10. This act shall take effect immediately.