

STATE OF NEW-YORK.

No. 381.

IN ASSEMBLY,

April 29, 1847.

(G. O. No. 388.)

[Brought in by Mr. DEVELIN, on notice—read twice and referred to the committee on colleges, academies and common schools; reported on favorably by Mr. BURCHARD from said committee, and committed to a committee of the whole.]

AN ACT

Authorizing 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 for 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

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, finishing
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 common
36 council of the said city and county of New-York, are authorized and di-
37 rected 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 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 pro-
42 vided.

1 § 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.

1 § 4. All moneys required to be raised by virtue of this act, shall on
2 being raised as hereinbefore provided, be deposited for the safe keeping
3 thereof, in such place in the said city as may be designated by the said com-
4 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
8 moneys.

1 § 5. The said free academy shall be under the supervision, management
2 and government of the said board of education. The said board of educa-
3 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 there-
7 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 fur-
 12 nished.

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

1 § 7. From and after the time when the said free academy shall be estab-
 2 lished, and the instruction and education of students therein shall have been
 3 commenced, on such facts being certified by the said board of education to the
 4 Regents of the University of the State of New-York, the said Regents shall pay
 5 annually to the said board of education such portion of the literature fund, as
 6 by law then in force they shall be directed to assign to the third, fourth, fifth
 7 and sixth Senate districts of this State as now constituted, to be expended and
 8 applied by the said board of education to the support and maintenance of the
 9 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 council

3 of the said city and county, and also to the secretary of the board of "The
4 Regents of the University of the State of New-York," a report signed by the
5 president and clerk of the said board of education, bearing date on the first
6 Monday of January, in the year of its transmission, which report shall state,

7 1. The names and ages of all the pupils instructed in such free academy,
8 during the preceding year, and the time that each was so instructed.

9 2. A particular statement of the studies pursued by each pupil, at the
10 commencement of his instruction, and of his subsequent studies, until the date
11 of the report, together with the books such student shall have studied in whole
12 or in part; and if in part, what portion.

13 3. An account or estimate of the cost or value of the library, philosophical
14 and chemical apparatus, and mathematical or other scientific instruments, be-
15 longing to such academy.

16 4. The names of the instructors employed in the academy, and the com-
17 pensation paid to each.

18 5. What amount of moneys the board of education has received during
19 that year for the support and maintenance of such academy, and from what
20 sources; specifying how much from each, and the particular manner and spe-
21 cific purposes for which such moneys have been expended.

22 6. And such other information in relation to education in said academy,
23 and the measures of the board in the management thereof, as the said com-
24 mon council, or the Regents of the University of the State of New-York, may
25 from time to time require.

1 § 9. The said board of education shall have the powers and privileges of a
2 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 personal
4 property, the title whereof may be vested in it by virtue of this act, or which

