

AN ACT
AUTHORIZING THE
BOARD OF EDUCATION
OF THE CITY AND COUNTY OF NEW-YORK,
TO ESTABLISH
A FREE ACADEMY
IN SAID CITY.

PASSED MAY 7, 1847,
[PURSUANT TO SECTION 14, ARTICLE 7, OF THE CONSTITUTION.]

NEW-YORK:
GEORGE F. NESBITT, STATIONER AND PRINTER,
CORNER OF WALL AND WATER STREETS.
.....
1847.

AN ACT

BOARD OF EDUCATION

A FREE ACADEMY

PASSED MAY 7, 1841

ASSEMBLY TO SECTION 10 ARTICLE 1 OF THE CONSTITUTION

NEW YORK

GEORGE F. BENTLEY, CLERK AND PRINTER

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 :*

Sec. 1. The Board of Education for the city and county of New-York shall have power to establish a Free Academy in the city of New-York, whenever the said Board of Education at any regular meeting thereof by a majority of all the members thereof shall by resolution declare it expedient to do so for the purpose of extending the benefits of education gratuitously to persons who have been pupils in the common schools of the said city and county of New-York.

Sec. 2. Upon a decision being made by the said Board of Education as provided in the first section of this Act, determining it expedient to establish in the city of New-York, such Free Academy it shall be lawful for the said Board of Education at any regular meeting thereof to proceed in such manner as said Board of Education shall by resolution prescribe to establish such Free Academy ; and unless a place deemed by said board to be a suitable site therefor be appropriated by the Common Council of the said city and county to that purpose, to purchase a site therefor, and erect, finish, and fit up a suitable building or buildings, the erecting, finishing and fitting up of which said building or buildings shall be done by contract or contracts to be made with the said Board of Education. The said Board of Education shall give at least twenty days notice in three public newspapers published in the said city, that the said Board will on or before a

day to be specified in said notice, receive sealed proposals for erecting, finishing and fitting up the building or buildings, provided for in this section, in conformity with the plans and specifications to be prepared by the said Board prior to publishing the said notice, at the expiration of which time the said Board shall open said proposals and enter into a contract or contracts with such person or persons as shall offer or bid to erect, finish and fit up said building or buildings at the least sum or sums, and shall give security in a bond to the said Board to the satisfaction of the said Board for the faithful performance of his or their contract or contracts; but nothing herein contained shall be construed to preclude the said Board of Education from making such contract or contracts with any other person or persons than such lowest bidder or bidders who will contract to erect, finish and fit up said building or buildings at a less price than such lowest bid or bids, and give security as aforesaid for the faithful performance of such contract or contracts. The Board of Supervisors of the said city and county of New-York on the requisition of the said Board of Education shall raise and collect by tax upon the inhabitants of said city and county, such sum or sums as shall be necessary to establish such Free Academy, purchase a site therefor, and defray the expense of erecting, finishing and fitting up a suitable building or buildings as above mentioned, and the cost of procuring the said plans and specifications and publishing the said notice at the same time and in the same manner as the contingent charges of said city and county are raised and collected. The Common Council of the said city and county of New-York are authorized and directed to raise by loan in anticipation of the raising and collecting of the same by tax as aforesaid, so much of the said sum of money so to be raised, levied and collected as aforesaid, as the said Board of Education shall by resolution require to enable the said Board of Education to perform any contract or contracts which said Board may make as in this section is provided.

Sec. 3. The Board of Supervisors of the said city and county of New York, shall annually raise and collect by tax upon the inhabitants of said city and county, at the same time and in the

same manner as the contingent charges of the said city and county are raised and collected, such sum as the said Board of Education shall by resolution declare to be necessary, in addition to other means which may be appropriated to them therefor, for the maintenance and support of the said Free Academy, and to keep the said building or buildings in proper condition, and to make all needful repairs of the same. The title of all real property with the building or buildings to be erected thereon, purchased by virtue of this Act, shall be vested in the Mayor, Aldermen and Commonalty of the city and county of New-York; and the title to all personal property purchased by virtue of this Act for use in said Free Academy, and in the management of the same, shall be vested in the said Board of Education.

Sec. 4. All moneys required to be raised by virtue of this Act, shall, on being raised as hereinbefore provided, be deposited for the safe keeping thereof, in such place in the said city as may be designated by the said Common Council, to the credit of the said Board of Education, and shall be drawn out only in pursuance of a resolution or resolutions of the said Board, by drafts signed by the President and countersigned by the Clerk of the said Board, payable to the order of the person or persons entitled to receive such moneys.

Sec. 5. The said Free Academy shall be under the supervision, management and government of the said Board of Education. The said Board of Education shall from time to time make all needful rules and regulations, to fix the number and compensation of teachers and others to be employed therein; to prescribe the preliminary examination, and the terms and conditions on which pupils shall be received and instructed therein and discharged therefrom; to direct the course of studies therein, and to provide in all things for the good government and management of the said Free Academy, and for the purchase of the books, apparatus, stationary and other things necessary and expedient to enable the said Free Academy to be properly and successfully conducted; and to keep the said building or buildings properly repaired and furnished.

Sec. 6. The said Board of Education shall annually appoint a Standing Committee of five persons of their own number, who shall, subject to the supervision, control and approbation of the said Board, constitute an Executive Committee for the care, management and government of the said Free Academy, under the rules and regulations prescribed as aforesaid; whose duty it shall be from time to time to make full and detailed reports to the said Board of Education, and among other things to recommend the rules and regulations which they deem necessary and proper for the said Academy. The Board of Education may at any regular meeting thereof, by a vote of a majority of all the members of the said Board, remove any or all of the members of the said committee and appoint another person or persons in the place of the member or members of the said committee so removed.

Sec. 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 rateable portion of the Literature Fund, as by law then in force it shall be entitled to receive with the other academies in 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 to the support and maintenance of the said Free Academy.

Sec. 8. The Board of Education shall annually on or before the first day of February in each year, make and transmit to the Clerk of the Common Council of the said city and county, and also to the Secretary of the Board of "The Regents of the University of the State of New-York," a report signed by the President and Clerk of the said Board of Education, bearing date on the first Monday of January in the year of its transmission, which report shall state:

1. The names and ages of all the pupils instructed in such Free Academy, during the preceding year, and the time that each was so instructed.

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

3. An account or estimate of the cost or value of the library, philosophical and chemical apparatus and mathematical or other scientific instruments belonging to such Academy.

4. The names of the instructors employed in the Academy, and the compensation paid to each.

5. What amount of moneys the Board of Education has received during that year for the support and maintenance of such Academy, and from what sources; specifying how much from each, and the particular manner and specific purposes for which such moneys have been expended.

6. And such other information in relation to education in said Academy, and the measures of the Board in the management thereof, as the said Common Council, or the Regents of the University of the State of New York may from time to time require.

Sec. 9. The said Board of Education shall have the powers and privileges of a corporation so far as to enable it to take and hold, sue for and recover all personal property, and for any wrongful damage done to any and all personal property, the title whereof may be vested in it by virtue of this Act, or which may be entrusted to it, or confided to its care and management, and for all moneys deposited to its credit for the support and maintenance of the said Free Academy; and by appropriate suit or action, to enforce the performance of any contract or contracts lawfully made by it, or to recover just and lawful damages for the non-performance thereof.

Sec. 10. Nothing in this Act contained shall be so construed as to authorize the Regents of the University to pay to said Academy any money authorized by this Act, except for such students, as by law and the rules and regulations of said Board of Regents in other Academies shall be entitled to participate in the distribution of the income of the Literature Fund.

Sec. 11. The sum to be expended by the said Board of Education for the erection of the buildings for the said Free Academy shall not exceed Fifty Thousand Dollars, and the sum to be annually expended for the support of the said Free Academy shall not exceed Twenty Thousand Dollars, to be raised by tax on the real and personal property in the city and county of New-York, as hereinbefore provided for.

Sec. 12. At the election to be held on the first Monday of June next, for the election of School Officers, the question whether such Academy shall be established according to the provisions of this Act, shall be submitted to the people. Should there be a majority of votes in its favor, it shall be the duty of the Board of Education forthwith to take measures to carry the provisions of this Act into operation; and should there be a majority of votes against it, then this Act shall be void and of no effect. The form of the ballot and manner of conducting said election, and ascertaining the result, shall be prescribed by the Common Council of the said city and county of New-York.

STATE OF NEW-YORK : }
 Secretary's Office. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

ARCH'D CAMPBELL,

Dep. Sec. of State.

ALBANY, May 7, 1847.