

An Act to amend the Act passed February seventeenth eighteen hundred and fifty seven, entitled "An Act to enable Peter Cooper to found a Scientific Institution in the City of New York," and also to amend the Act passed March twenty first eighteen hundred and fifty seven entitled "An Act to amend the Act entitled "An act to enable Peter Cooper to found a Scientific Institution in the City of New York," passed February seventeenth eighteen hundred and fifty seven."

Passed

1859.

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

Section 1. The Act passed February seventeenth eighteen hundred and fifty seven, entitled "An Act to enable Peter Cooper to found a Scientific Institution in the City of New York," and also the Act passed March twenty first eighteen hundred and fifty seven entitled "An Act to amend the Act entitled "An Act to enable Peter Cooper to found a Scientific Institution in the City of New York," passed February seventeenth eighteen hundred and fifty seven," are hereby amended so that the same shall read as follows:

§ 2. Peter Cooper of the City of New York, is hereby authorized to convey to the body corporate hereinafter created that certain block of land situate in the said City and bounded Northerly by Astor Place, Easterly by the Third Avenue, Southerly by Seventh Street, and Westerly by the Fourth Avenue, with the edifice thereon erected, and all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining for the purpose of founding and establishing a public Institution in said City for the advancement of ^{science} ~~science~~, art, philosophy, and letters, for procuring and maintaining scientific and historical collections, collections of chemical and philosophical apparatus, mechanical and artistic models, books, drawings pictures and statues, and for cultivating other means of instruction, to, for and upon the uses, intents and purposes, and upon the trusts, and subject to the conditions and restrictions, contained in a deed which shall correspond in form to the following: -

This Indenture made and entered into the _____ day of _____ in the year one thousand eight hundred and fifty nine, by and Between Peter Cooper of the City, County and State of New York, and Sarah his wife, parties hereto, of the

first part, and "The ~~Act~~ Cooper Union for
the advancement of Science and Art," a
corporation created by and existing under the
Laws of the State of New York, party hereto of
the second part, Witnesseth; that the parties
hereto of the first part, for and in consideration
of the sum of One dollar lawful money of
the United States to them in hand paid by
the said party hereto of the second part at
or before the sealing and delivery of these
presents, the receipt whereof is hereby acknow-
ledged, and of other good considerations them-
thereunto moving, have granted, bargained,
sold, aliened, remised, released, and for
ever conveyed and confirmed, and by these
presents do grant, bargain, sell, alien, remise
release, convey and confirm unto the said
party of the second part, and to its successors
for ever, All and singular the block of
ground, situate, lying and being in the City,
County, and State aforesaid, and bounded
Northerly by Astor Place, Easterly by Third
Avenue, Southerly by Seventh Street
and Westerly by the Fourth Avenue;
together with the building thereon erected
and all and singular the tenements, heredit-
aments and appurtenances thereunto be-
longing or in anywise appertaining, and
the reversion and reversions, remainder,

amend the act passed March twenty
first eighteen hundred and fifty seven,
entitled "An Act to amend the act entitled
"An act to enable Peter Cooper to found a
Scientific Institution in the City of
New York"; passed February seventeenth
eighteen hundred and fifty seven."

or as shall be permitted thereby, and
by any acts amendatory thereof, provided
only that such other uses, intents and
purposes shall not contravene, or in any
way be inconsistent with or opposed to
the following specially enumerated restric-
tions and conditions, uses, intents and
purposes, to, for and upon which this
conveyance is specially made; that is to
say: -

First: that the above mentioned and
described premises, together with the ap-
purtenances, and the rents, issues, income
and profits thereof shall be for ever de-
voted to the instruction and improvement
of the Inhabitants of the ^{United States} ~~City of New York~~
in practical Science and Art.

Second: That the management and
control of the abovementioned and describ-
ed premises together with the appurten-
ances, and of any other property or

money at any time to belong to the party of the second part, and the receipt and expenditure of the rents, issues, income and profits thereof, shall be forever committed, subject to the conditions and restrictions herein contained, and to such other conditions and restrictions as are or shall be contained in the aforesaid Act of Incorporation of the party hereto of the second part or in any Acts amendatory thereof, to a Board of Trustees which shall consist at the first, of the following persons, to wit: Peter Cooper, Edward Cooper, Abram S. Hewitt, Daniel F. Tieman, Wilson G. Hunt, and John E. Parsons; - that upon the death of that one of the aforesaid Trustees who shall first die, the vacancy in the said Board occasioned by his death, shall not be filled but that for ever after except as herein especially provided the said Board of Trustees hereinabove and in the said Act of Incorporation provided for, and to whom shall be committed the control and management of the above mentioned and described premises with the appurtenances and other property or money

and the receipt and expenditure of the rents, issues, income and profits thereof shall consist of five male persons; that the five survivors of the said six Trustees above named shall constitute the first Board of Trustees, consisting of five members; that every succeeding vacancy in said Board of Trustees shall be filled by the surviving or remaining Trustees by ballot; that to elect any person a Trustee shall require the vote of at least three Trustees for such person, and that the oldest lineal male descendant of Peter Cooper shall be a Trustee ex gratia, unless he be a Trustee by virtue of original appointment herein made, or by election as herein provided; if such oldest lineal male descendant of said Peter Cooper be a Trustee by virtue of original appointment made herein or by election as such Trustee as herein provided, the number of Trustees constituting said Board of Trustees shall be five; but if such oldest lineal male descendant of Peter Cooper be not a Trustee by virtue of such original appointment or subsequent election, then and in such case and until another vacancy shall occur in the said Board of Trustees

such objects and purposes being left discretionary with the Board of Trustees provided for as aforesaid. and it being left discretionary with such Board when, and to what extent they shall carry out any of such objects and purposes; ~~being~~^{being} and ~~accepting~~^{or} ~~of~~ the

X
Course of instruction
on social and
political science
hereinafter provided
for shall have the
preference over
all the other
~~branches~~^{objects} of expenditure
specified herein,
in case there shall
not be means
adequate ^{there} for all of
them - and shall ^{forever} stand
preeminent among them.

I. To regular courses of instruction at night free to all who shall attend the same under the general regulations of the Trustees on the application of science to the useful occupations of life, on social and political science, and on such other branches of knowledge as in the opinion of the Board of Trustees will tend to improve and elevate the working classes in the City of New York.

II. To the support and maintenance of a free reading room; of galleries of art; and of scientific collections designed in the opinion of the Board of Trustees to improve and instruct those classes of the inhabitants of the City of New York whose occupations are such as to be calculated in the opinion of the said Board of Trustees to deprive them of ^{proper} ~~other~~

*meaning thereby not merely the science of political economy but the science and philosophy of a just and equitable form of government.
Keeping always in view the development of the principles of justice and equity between nations and individuals, based upon the ^{great fundamental law} ~~law~~ of nature, and men should do unto each other ^{as they would be done by.} ~~as they would be done by.~~

recreation and instruction.

① of the Board of Trustees
and in their discretion
to afford to respectable
females, instruction in
such other art or trade
as will be calculated
to furnish them
suitable employment.

III. To provide and maintain a school
for the instruction of respectable fe-
males in the arts of design ^{and the Trustees may offer} ~~or in such~~
~~other art or trade as will furnish suitable~~
~~employment for females.~~

IV. As soon as in the opinion of the
Board of Trustees, the funds which
shall from time to time be at their
disposal will warrant such an
expenditure, such funds shall be
appropriated to the establishment
and maintenance of a thorough poly-
technic School, the requirements for
admission to which shall be left to
the discretion of the said Board of
Trustees, and shall be specifically
determined by them from time to
time, and which school shall as
far as possible, and as soon as possi-
ble be made equal to the best techno-
logical Schools now established or
hereafter to be established.

Until the funds at the dispo-
sal of the Board of Trustees shall
be sufficient in the opinion of the
said Board of Trustees for the
establishment of such polytechnic

School, the said Board of Trustees may furnish with rooms and accommodation for such School, and may assist in the maintenance thereof, the Department of public instruction of the City of New York, the Trustees of any college or University, or any other body, individual or individuals.

V. To provide rooms in the judgment of the Board of Trustees suitable for the Offices of a Society to be organized as provided in the Act herein before specially referred to and to be called "The Union for the ^{of the Cooper} ~~advancement & securing and~~ ^{ment} ~~encouragement of Arts, Manu-
factures and Commerce"; and fur-~~ nish to such Society for its general meetings on one evening of each week, the Great Hall of the Building, if the Council of the said Society shall require it so often.

Fifth: The above mentioned and described premises shall be forever subject to the visitation and examination at all reasonable hours of the Council of the said Society, so to be organized and to be called the "Union for the ^{Association of the Cooper} Advancement

of Arts, ^{Science and art.} ~~Manufactures and Commerce~~."

The terms and conditions of membership of which shall from time to time be prescribed by the Board of Trustees of the party of the second part; which said Society shall make all rules and regulations for its own conduct and government subject however to the approval of the Board of Trustees of the party hereto of the second part, and shall pay to the said Board of Trustees for the general uses, intents and purposes of the Corporation hereby created, hereby and in the said act and any acts amendatory thereof, provided or to be provided, all fees received on the initiation into said Society of the members thereof. And the said Board of Trustees shall consider ~~and~~ ~~adopt~~ such suggestions of the Council of the said Society as from time to time shall be communicated to them, ^{shall adopt such of them} and as ^{may be} in their judgment ^{and expedient} are practicable and calculated to increase the usefulness of the institution herein Contemplated.

Sixth: Upon the happening of any vacancy in the Board of Trustees above provided for, which is above provided to be filled by election, unless

such vacancy shall be filled as herein provided within one year of the time when such vacancy shall occur, the same may be filled at any time before it shall be actually filled by the Board of Trustees by the said Council of the said "The ^{Association of the Cooper} Union for the advancement of ~~Arts, Manufactures, and Commerce~~ ^{Science and Art};" by election, in such manner as may be provided by the bye laws of the said Society.

Seventh: Whenever a vacancy shall occur in the said Board of Trustees to be ^{by them} filled, by election as above provided such election shall be held at a meeting of the said Board of Trustees on and only on previous notice given at and entered in the minutes of at least one preceding regular meeting of such Board, stating the meeting at which such election shall be held, and at such meeting, or at any regularly adjourned meeting from that meeting, such election shall be held by ballot, and the person first having three of the votes cast shall be the Trustee to fill such vacancy provided that if such person so elected shall decline to act as such Trustee by so declining, the vacancy filled by his election shall be deemed to be again created.

Eighth: Neglect by a Trustee of his duties as such indicated by his absence without excuse or permission of the Board of Trustees from three successive regular meetings of the Board shall always be a sufficient cause among others for the removal of a Trustee.

Ninth: In the event of the partial destruction of the Building now erected upon the above mentioned, and described premises, the injury thereby occasioned shall be repaired by the Board of Trustees. In the event of the entire destruction of said building, the Board of Trustees shall unless, as next hereinafter provided re-erect a Building suitable for the objects and purposes herein above enumerated with any funds at their disposal whenever such funds shall be sufficient in their opinion for that purpose, and until the funds at their disposal shall be sufficient for that purpose, such funds shall be securely invested in the name of the party hereto of the second part, and the above mentioned and described premises may be used or disposed of by the Board of Trustees for any temporary purpose calculated

the ~~largest~~ largest
to yield ~~an~~ income.

Tenth: In the event of the entire destruction of the building erected upon the above mentioned and described premises, the Board of Trustees may at their option with the consent of the Supreme Court, sell and convey and they are hereby empowered to sell and convey the said premises, and with the proceeds of such sale and conveyance and any other funds at their disposal the said party hereto of the second part shall purchase such other premises as shall in their judgment be suitable and shall thereon erect a building suitable for the objects and purposes hereinabove enumerated, and to such premises, all the restrictions, provisions, and conditions hereof shall apply with like effect as if said premises were the premises herein granted and conveyed as aforesaid.

Eleventh: - The party hereto of the second part is hereby expressly forbidden ever to mortgage the above mentioned and described premises or any part thereof.

Twelfth: The Board of Trustees shall not contract any pecuniary obligations for any current year save such as the revenues, rents and income of such year to be at their disposal with Five Thousand

dollars added thereto will suffice to pay it being the express intention of the provisions of the said part of the record that shall never be or be held to be a debt exceeding more than five thousand dollars and for any debt beyond the sum of five thousand dollars the said corporation shall not be liable but the said trustees shall be personally liable and the said corporation shall not be liable therefor.

or such smaller sum as may be the difference between Five thousand dollars and any existing indebtedness at the commencement of each year if there be such existing indebtedness

As to capital or indebtedness incurred for any year in anticipation of the revenue, not more than income of such year

Twelfth: Every Trustee of the party hereto of the second part, shall be personally liable on all the debts incurred by the said party of the second part, to meet which at the time any such debt is incurred there shall not be on hand sufficient funds to the amount of the excess of such debt so incurred over such funds so on hand to meet the same at the time the same is incurred, and five thousand dollars added to the amount of such funds, provided that no Trustee shall ever be responsible for or upon any debt against incurring which he shall have voted when the Board of Trustees shall have determined to incur the same, or against incurring which he shall have made to the Board of Trustees and filed with them a written remonstrance to incurring such debt at

anytime before the
contract is made by
which the same is to
be incurred.

Thirteenth: Every Trustee of the party of the second part shall be at all times at liberty in his discretion freely to publish any matter within his knowledge relating to the Institution herein contemplated or to its management in any respect including any discussions in the Board of Trustees; and shall fully disclose the same whenever required either by the Supreme Court or by either Branch of the Legislature. Full minutes shall be kept by the said Board of all their proceedings and the ayes and noes shall be recorded on any vote on the request of any member. Neither the said Board of Trustees nor any member thereof shall in any way take into account any religious tenet or opinion of any professor or teacher or of any candidate for any office in said Institution on any appointment to or removal from such office; nor of any student applying for admission into said Institution or competing for any of ^{its} the honors or advantages, nor shall they permit any professor or teacher in said Institution to make any discrimination among its students on account of their religious tenets or opinions. And the Board of Trustees and each member

thereof shall at all times furnish any information in respect to their funds, revenues and proceedings which the Legislature ^{may require} ~~to the Regents of the University may require~~.

In Witness Whereof the said parties hereto of the ^{first} ~~second~~ part have hereunto set their hands and seals the day and year first above written.

In presence of

and to for and upon such other uses, intents and purposes, and upon such other trusts and subject to such other conditions and restrictions as are hereinafter mentioned.

§ 3. Peter Cooper with Edward Cooper, Abram S. Hewitt, Daniel F. Treiman, Wilson G. Hunt and John E. Parsons and their successors shall be and hereby are created and constituted a body corporate by the name and title of "The ~~Peter~~ Cooper Union for the Advancement of Science and Art." the corporate existence of which shall commence when the said Peter Cooper shall convey to it the block of land and Edifice above mentioned and shall continue for ever.

§ 4. The said body corporate shall possess all the powers and privileges of a corporation as conferred by the Laws of the State of New York, and as granted by this Act.

§ 5. The corporate powers and privileges conferred upon and granted and to be granted to the corporation hereby created shall be exercised by a Board of Trustees which shall consist at the first of the aforesaid Peter Cooper, Edward Cooper, Abram S. Hewitt, Daniel F. Tiemann ^{Wells} and ^{Hunt} John E. Parsons. The term of Office of such Trustees, the manner of filling vacancies in the Board of Trustees, the manner and cause of removal and the resignation of Trustees, and the liability of Trustees shall be as provided in the aforesaid Deed mentioned in Section Two of this Act. No member of said Board shall receive any pecuniary compensation for his services.

§ 6. The corporation hereby created is hereby authorized and empowered to execute the Trusts and powers mentioned in and intended to be created by the aforesaid Deed set forth in Section Two of this

act, to accept such deed, and to hold the premises and property therein mentioned including all endowments at any time to be made to the said Corporation, subject to the conditions and restrictions created in said Deed, and to, for and upon the uses, intents and purposes therein provided, and for the purposes and to the extent provided in the said Deed the said trusts, powers, conditions, restrictions, uses, intents and purposes are and shall be valid and effectual and shall attach to the said premises and property.

§ 7. The Corporation hereby created and the Board of Trustees thereof are hereby authorized and empowered to do and perform all and every act and thing whatever, and to carry out and accomplish all and every trust, intent and purpose provided to be done, carried out or accomplished in and by the aforesaid Deed, in respect to the said Corporation or Board of Trustees and the said Corporation is hereby ^{so} authorized and empowered to receive all and every endowments made to it, ^{and} to appropriate the same to the uses, intents and purposes, contemplated herein and in the said deed.

§ 8. The Trustees of the Corporation hereby created may at any time associate with themselves such persons as they shall see fit and with such persons organize a Society with the style and Title of ^{the Associates of the Corporation herein for the advancement} ~~The Union for the encouragement of Arts, Manufactures and Commerce~~, the objects and purposes of which shall be the encouragement of ^{Science} Arts, Manufactures and Commerce; the bestowal of rewards for such productions, inventions and improvements as tend to the useful employment of the poor, the increase of trade, and the riches and honor of the Country; for meritorious works, in the various departments of the Fine Arts, for Discoveries, Inventions and Improvements, and ^{by lectures, papers and discussing things and other suitable means} generally, to assist in the advancement, development and practical application of every department of Science in connection with the arts, Manufactures and Commerce of the Country. The said Society shall consist of ^{the graduates of the said Institution hereby incorporated when they shall have completed their course of study and may be admitted as members of the said Society.} the said associates, and of such other persons as from time to time shall be elected members thereof always including the members of the Board of Trustees of the ^{Corporation herein for} ~~the advancement of Science and Art~~ ^{and all} ~~Second part~~. The said Board of Trustees shall from time to time prescribe the conditions of membership of the said Society, ^{and things} which subject to the approval of said Board

of the said Society
the members shall
while members thereof
be members of
the Corporation
hereby created

of Trustees shall make all rules and regulations for its own conduct and government pass its own bye laws and prescribe the duties and powers ^{and annual dues} of its members and officers, and which said Society shall elect its own members and Officers, ^{and} shall from its members annually elect a Council consisting of at least ^{twenty four} members of said Society, which said Council is hereby authorized and empowered to do and perform all and every act and thing whatsoever by it provided to be done and performed in and by the said Deed. The said Society shall be inseparably connected with the ^{Cooper Union} party hereto of the ~~second part~~ ^{for the advancement of science and art} which shall be entitled to receive and in ^{which} shall vest all property whatsoever which shall in any way be acquired by or at any time be granted, conveyed, assigned devised or bequeathed to the said Society, save only the current receipts thereof, which property shall be held by the ^{said Trustees} party hereto of the ~~second part~~ ^{said Trustees} but in trust however for the ^{corporation hereby created} said Society ~~as long~~ as the same shall remain in such connection with the party hereto of the ~~second part~~ as shall be by the Board of Trustees thereof from time to time provided, and which said property so long as the same shall be so held in Trust may at any time be sold or disposed of by

the said Corporation on the Consent of the
Council of the said Society and of the ^{Trustees of the} said Corporation

§ 9. The ^{Trustees of the} Corporation hereby created may confer degrees and diplomas for proficiency in science, arts, philosophy or letters.

§ 10. The Trustees of the Corporation hereby created shall in the month of January render an annual account under oath of all their receipts and expenditures to the Common Council of the City of New York, the ^{Associates of the Corporation} "Union for the Encouragement ^{advancement of Science and Art} of Arts, Manufactures and Commerce," and to the Regents of the University, and to the Legislature of the State.

§ 11. The premises and property mentioned in the said Deed and which shall at any time belong to or be held in trust by the Corporation hereby created ^{or the Trustees thereof} including all endorsements made to it, shall not, nor shall any part thereof be subject to taxation while the same shall be appropriated to the uses, intents and purposes hereby ^{and} in the said Deed provided for.

§ 12. The Supreme Court shall possess and exercise a supervisory power over the Corporation hereby created and may at any time on reasonable notice of application ^{thereby} to the Board of Trustees, compel from the Trustees

collectively or individually a full account of the execution of their Trust. And the Trustees shall at any time render a like full account of the execution of their Trust on the request of either branch of the Legislature. ~~On any vote of the Board of Trustees of said Corporation the ayes and noes shall be recorded on the request of any Trustee.~~

§ 13. All provisions of the act hereby amended not hereby re-enacted are hereby repealed.

§ 14. This act shall take effect immediately.

— An Act —
Incorporating

The Peter Cooper
Union for the advance-
ment of Science & Art.