

Articles of Incorporation



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LAWS of 1902—(New York State)

AN ACT to incorporate the Brooklyn Public Library and to permit libraries in the Borough of Brooklyn of the city of New York to convey their property thereto, and limiting and defining the powers thereof.

Accepted by the City of New York

Became a law, April 15, 1902, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1.

The following named persons, to wit: The mayor, comptroller, and president of the borough of Brooklyn, of the city of New York, by virtue of their offices, together with twenty-two additional persons, eleven to be appointed by the mayor of the city of New York from the trustees of the corporation of the Brooklyn library, in the borough of Brooklyn, in said city, and eleven to be appointed in like manner from the directors of the Brooklyn Public Library, in the said Borough of Brooklyn are hereby constituted a body politic and corporate under and by the name of "the Brooklyn public library," for the purpose of constructing and maintaining libraries and a free public library system in the borough of Brooklyn of the city of New York. The said corporation shall have and exercise all the powers now possessed by membership and library corporations under the general laws of the State of New York and such other laws of this state as may at any time be applicable thereto and may by its by-laws fix and determine a quorum of its membership for the transaction of business. It shall be capable of taking and holding for its uses and purposes, by purchase, gift, grant or devise, any property and estate, both real and personal without limit as to the value and amount thereof.

Section 2.

Upon the designation and appointment of members of the said corporation by the mayor of the city of New York, as above provided, the said corporation shall organize by adoption of by-laws and the election of officers, and it shall proceed to divide the membership thereof, other than the city officials who are members ex officio, by lot into three classes as nearly equal as may be. The term of office of the first of said classes shall expire one year from and after the date fixed by the by-laws of said corporation for its annual meeting in the year nineteen hundred and three; the term of office of the second of said classes shall expire two years from said date, and the term of office of the third of said classes shall expire three years from said date. Beginning with the annual meeting in nineteen hundred and three, the term of office for which a member shall be elected shall not exceed three years, but any member shall be eligible for re-election. The said corporation shall have power to fill all vacancies arising in its membership. Any member elected to fill a vacancy arising otherwise than by expiration of term of office shall hold office for the unexpired term of the member to succeed whom he is

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elected. The said corporation shall make and publish an annual report in detail of its proceedings and transactions for each year, including a full and detailed statement of its revenues and expenses, and it shall furnish copies thereof to the board of estimate and apportionment of the city of New York.

Section 3.

The said corporation is hereby declared to be a corporation with which the city of New York may contract for the construction and maintenance of free libraries within the meaning of chapter five hundred and eighty of the laws of nineteen hundred and one, and the said corporation may, with the consent of Andrew Carnegie, or of his legal representatives and of the persons heretofore designated by him as his personal representatives for the construction of free libraries in the said borough of Brooklyn of the city of New York, and with the consent of the board of estimate and apportionment of the city of New York, be substituted in any contract heretofore made between the said personal representatives of said Andrew Carnegie and the said City of New York for the construction of public libraries, as successor to and in place of the persons named in such contract as personal representatives of said Andrew Carnegie to contract with said city; and thereupon the said corporation shall succeed to and possess all powers and be subject to all responsibilities theretofore appertaining to the said designated representative of Andrew Carnegie, under and by virtue of any such contract.

Section 4.

The board of estimate and apportionment of the said city of New York is further authorized and empowered to contract with the said corporation for the maintenance of the free public library system in the Borough of Brooklyn of said city, including therein the maintenance of all of the free public library system in the Borough of Brooklyn are now maintained in whole or in part by the public funds of the city. The amounts required for such maintenance shall constitute a city charge to be provided for in the annual budget and tax levy of said city. The said city of New York is further authorized and empowered to transfer and convey to the said corporation to be held and used by it for free public library purposes in the said Borough of Brooklyn, all books, furniture, and other property owned and held by the said city of New York in the several free public libraries now maintained by it and administered by the board of directors of the Brooklyn Public Library.

Section 5.

In the event of the execution of a contract between the city of New York and the corporation hereby created for the control and direction of the free library system in the borough of Brooklyn, any sum or sums of money, or the unexpended portion thereof, appropriated prior to the passage of this act by the board of estimate and apportionment of the said city of New York, for the maintenance and support for the year nineteen hundred and two of free public libraries in the said Borough of Brooklyn of said city, which libraries are now or have heretofore been administered by the said board of directors of the Brooklyn Public Library in said city, are hereby declared to be applica-

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ble to the support of the free public library system to be controlled and directed by the corporation hereby created. The entire amount of any annual appropriation made by the Board of estimate and apportionment of the said city of New York for the conduct and maintenance of free public libraries in the borough of Brooklyn shall be disbursed and paid over from time to time to the corporation hereby created, by the comptroller of the said city of New York, upon submission to him of proper vouchers, in form to be approved by the said comptroller, for obligations incurred or moneys expended for the uses and purposes of the said free library system, such as the corporation hereby created is authorized by law to incur or expend.

Section 6.

Upon the completion of the organization of the said corporation hereby created, by the appointment of its membership and the election of its officers, and upon the making and execution of a contract by the board of estimate and apportionment of the city of New York with the said corporation, for the direction and maintenance by it of the free public libraries of the borough of Brooklyn aforesaid, the powers and duties heretofore exercised by the board of directors of the Brooklyn public library as constituted by chapter four hundred and forty-one of the laws of eighteen hundred and ninety-two and by chapter four hundred and ninety-seven of the laws of eighteen hundred and ninety-seven, and by any other acts amendatory or supplemental thereto, together with the officers of the said directors, shall cease and determine. All power and authority heretofore given by said acts to the said board of directors of the Brooklyn Public Library shall thereafter vest in the corporation hereby created. All acts authorized by the said city of Brooklyn or by the city of New York as successor thereto, in respect to the issuance, of public library bonds of the city of Brooklyn for purposes specified in said acts of eighteen hundred and ninety-two and of eighteen hundred and ninety-seven, are hereby continued and confirmed in the City of New York for the purposes of the public library system of said Borough of Brooklyn, as conducted by the corporation hereby created.

Section 7.

Any corporation now or hereafter organized under the laws of the state of New York, whether incorporated by general or special act, or by the regents of the university of the state of New York, or otherwise, and maintaining or carrying on a library in the borough of Brooklyn, is hereby authorized and empowered to grant, convey, assign, and transfer any or all real and personal property of which it may be seized or possessed, to the corporation hereby created, upon such terms, conditions or limitations as may be agreed upon between the two corporations.

Section 8.

Upon the transfer and conveyance by any corporation maintaining or carrying on a library in the borough of Brooklyn of its entire property and estate to the corporation hereby created as hereinbefore provided, and upon the making and filing in the office of the clerk of the county of Kings of a certificate signed by a majority of the

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directors or trustees of such corporation and sworn to by the president or vice-president and secretary thereof, setting forth the facts of such transfer and conveyance, a copy of which certificate shall be filed in the office of the secretary of state of the state of New York and, in the case of a corporation created by act of the regents of the university of the state of New York, in the office of the said regents of the university, such corporation so transferring its entire property and estate shall be dissolved and its corporate existence terminated.

Section 9.

This act shall take effect immediately.

LAWS of 1993—(New York State)

AN ACT to amend chapter 606 of the laws of 1902, relating to the incorporation of the Brooklyn public library and limiting and defining the powers thereof, in relation to the manner of appointing members of the corporation and the reclassification thereof; and to repeal chapter 82 of the laws of 1992, relating to the manner of filling vacancies in membership as they arise and the terms of office of members, relating thereto

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

Section 1.

Legislative findings and declaration of intent.

- a. The legislature finds that due to an inadvertent oversight, section 2 of chapter 606 of the laws of 1902, relating to the incorporation of the Brooklyn public library and limiting and defining the powers thereof, as printed in chapter 82 of the laws of 1992 for the purpose of making an amendment to such section, failed to include in the print of such chapter 82 the amendments to such section 2 made by chapter 500 of the laws of 1903 and by chapter 272 of the laws of 1910. Accordingly, the legislature hereby declares its intent to treat chapter 82 of the laws of 1992 as a nullity by repealing it retroactively, and in this act to amend instead section 2 of chapter 606 of the laws of 1902, as last amended by chapter 272 of the laws of 1910, and in doing so, have the purpose, in part, of correcting the inadvertent oversight described hereinabove.
- b. The legislature further finds that notwithstanding the provisions of sections 1 and 2 of chapter 606 of the laws of 1902 which specify a procedure for the filling of vacancies in the twenty-two non-ex officio members of the corporation named "the Brooklyn public library", and which require that there be five classes of members with the five year terms of each class staggered to expire annually, over the many years of the corporation's existence and for a variety of reasons, the classes to which many of the twenty-two non-ex officio members of the corporation are assigned cannot be determined, thereby impeding the ability to fill vacancies in such membership, and the status of members whose terms may have expired in their respective classes and who nevertheless continue to serve, possibly, as holdover members, is also problematical.

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c. The legislature finds that the existing state-of-affairs respecting the corporate non-ex officio membership of the Brooklyn public library, as described hereinabove in subdivision b of this section, cannot continue without impeding the future ability of the corporation to function as intended in the act of the legislature incorporating the said library. Accordingly, the legislature declares its intent that the existing situation be remedied by this act, in order for the library to serve the public purposes for which it was incorporated by the legislature.

Section 2.

The terms of office of all the membership of said corporation, other than the public officers who are members ex officio, and irrespective of former classification, shall hereby expire on June 1, 1993 when upon such date the amendments made by sections three, four and five of this act will apply. Persons who are serving as members on such date may continue their service in such capacity until their successors are appointed and have assumed office pursuant to this act and such persons shall be eligible for reappointment hereunder.

Section 3.

Section 1 of chapter 606 of the laws of 1902, relating to the incorporation of the Brooklyn public library and limiting and defining the powers thereof, is amended to read as follows: Section 1. The following named persons, to wit: The mayor, comptroller, and president of the borough of Brooklyn, of the city of New York, by virtue of their offices, together with twenty-two additional persons, eleven to be appointed by the mayor of the city of New York [from the trustees of the corporation of the Brooklyn library, in the borough of Brooklyn, in said city], and eleven to be appointed [in like manner from the directors of the Brooklyn public library, in] BY the PRESIDENT OF said borough of Brooklyn, are hereby constituted AND CONTINUED AS a body politic and corporate under and by the name of "the Brooklyn public library," for the purpose of constructing and maintaining libraries and a free public library system in the borough of Brooklyn of the city of New York. The said corporation shall have and exercise all the powers now possessed by membership and library corporations under the general laws of the state of New York and such other laws of this state as may at any time be applicable thereto, and may by its by-laws fix and determine a quorum of its membership for the transaction of business. It shall be capable of taking and holding for its uses and purposes, by purchase, gift, grant or devise, any property and estate, both real and personal, without limit as to the value and amount thereof.

Section 4.

Section 2 of chapter 606 of the laws of 1902, relating to the incorporation of the Brooklyn Public Library and limiting and defining the powers thereof, as amended by chapter 272 of the laws of 1910, is amended to read as follows

S 2. Upon the designation and appointment of members of the said corporation by the mayor of the city of New York AND THE PRESIDENT OF THE BOROUGH OF BROOKLYN, as above provided, the said corporation shall organize by the

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adoption of by-laws and the election of officers. The membership thereof, other than the [city officials] PUBLIC OFFICERS who are members ex officio, shall be divided by lot into five classes as nearly equal as may be, so that the term of office of one of said classes shall expire upon the first day of February in each of the next succeeding five years. After such division the term of office for which a member of the corporation shall be appointed [or elected] shall be five years, except that in case of a vacancy occurring otherwise than by the expiration of a term, such vacancy shall be filled for the unexpired term only. Any member shall, however, be eligible for reappointment [or reelection]. Vacancies occurring in cases of those originally appointed pursuant to A CHAPTER OF THE LAWS OF 1993 WHICH AMENDS section one of this act, from the directors of the Brooklyn Public Library CORPORATION APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK and in cases of their successors, shall be filled by appointment by the mayor of the city of New York AND VACANCIES OCCURRING IN CASES OF THOSE ORIGINALLY APPOINTED PURSUANT TO SUCH CHAPTER OF THE LAWS OF 1993 WHICH AMENDS SECTION ONE OF THIS ACT, FROM THE DIRECTORS OF THE BROOKLYN PUBLIC LIBRARY CORPORATION APPOINTED BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN AND IN CASES OF THEIR SUCCESSORS, SHALL BE FILLED BY APPOINTMENT BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN, on the first day of February in each year or within thirty days thereafter, or in cases of a vacancy existing otherwise than by expiration of a term, SHALL BE FILLED BY APPOINTMENT BY THE EX OFFICIO MEMBER (OR BY HIS OR HER SUCCESSOR IN OFFICE) WHO HAD LAST APPOINTED THE NON-EX OFFICIO MEMBER WHOSE OFFICE HAS BEEN VACATED AND IS TO BE FILLED, within thirty days after its occurrence. [Vacancies occurring in cases of members originally appointed pursuant to section one of this act, from the trustees of the corporation of the Brooklyn library, and in cases of their successors, shall, until January first, nineteen hundred and twenty-nine, be filled by election by the remaining members so originally appointed and their successors, who shall separately convene for such purpose, a majority being a quorum, on the first day of February in each year or within thirty days thereafter, or for the purpose of filling a vacancy existing otherwise than by expiration of a term within thirty days after its occurrence; and after January first, nineteen hundred and twenty-nine, such vacancies shall be filled by appointment by the mayor unless otherwise provided by the legislature.] Membership in the said corporation shall not operate to vacate any nonsalaried city office. The said corporation shall make and publish an annual report in detail of its proceedings and transactions for each year, including a full and detailed statement of its revenues and expenses, and it shall furnish copies thereof to the [board of estimate and apportionment] MAYOR, THE COUNCIL, THE COMPTROLLER of the city of New York AND TO THE PRESIDENT OF THE BOROUGH OF BROOKLYN.

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Section 5.

At the next regular meeting of said Brooklyn Public Library corporation following the appointments of all of its members pursuant to section 1 of chapter 606 of the laws of 1902 as amended by section three of this act, the said corporation shall proceed to redivide the membership thereof, other than the public officers who are members ex officio, by lot into five classes as nearly equal as may be. Notwithstanding the terms for which the several members of said corporation may have been heretofore appointed, the term of office of the first of said classes shall expire one year after the first day of February, 1993; the term of office of the second of said classes shall expire two years after said date; the term of office of the third of said classes shall expire three years after said date; the term of office of the fourth of said classes shall expire four years after said date; and the term of office of the fifth of said classes shall expire five years after said date. After such redivision of the membership of said corporation the appointment of members shall be made as provided in section 2 of chapter 606 of the laws of 1902 as amended by this act.

Section 6.

Chapter 82 of the laws of 1992, relating to the manner of filling vacancies in membership of the Brooklyn public library corporation as they arise hereafter and the terms of office of members of said corporation, is REPEALED.

Section 7.

This act shall take effect immediately, except that sections three, four and five of this act shall take effect on June 1, 1993 provided, however, that appointments of members of the Brooklyn public library corporation pursuant to section 1 of chapter 606 of the laws of 1902 as amended by section three of this act shall be made on or before such date in order to be effective on such date, and except that section six of this act shall be deemed to have been in full force and effect on, from and after May 10, 1992.

