



MARSHAL'S CHAMBERS.

MATTHEW F. MULVIHILL,  
MARSHAL  
CITY OF NEW YORK  
FOR ALL COURTS IN GREATER NEW YORK  
149 EAST 121ST STREET  
N. E. COR. LEXINGTON AVENUE  
NEW YORK.

*file*

Dear Sir:-

You have no doubt noticed the agitation now going on in the public press in reference to "Fake City Marshals" and as you probably have had occasion to employ a City Marshal occasionally in dispossess proceedings, you can no doubt realize how much it is to your advantage to have a regularly appointed Marshal of the City of New York to attend to your business, especially when my charges are no more than the "Fakers" for the same work.

My specialty is the drawing of petitions in difficult cases, for which purpose I have a force of thoroughly competent clerks whose work is looked over by one of the most able Landlord and Tenant Lawyers, who personally draws the petitions which are most difficult and who also answers the cases in court, for which no extra charge is made.

Having been a City Marshal for many years past, it goes without saying that I am more likely to be able to give better service than is commonly the case. I therefore earnestly solicit your business, assuring you of the most prompt and careful attention.

The favor of an interview will be appreciated and should you desire, I am at your disposal at all times through cases sent me over the telephone.

Very truly yours,

*Matthew F. Mulvihill*

Section 302 of the Municipal Court Act provides that

"Every summons, precept, order of arrest, attachment, writ of replevin or other process issued by or out of the municipal court, and every summons or precept issued by the clerk of the court in any district, and every summons issued by any justice thereof, shall be served and executed by a marshal, except as prescribed in section 36 of this act."

Section 36 therein referred to permits service of a summons, and in a proper case a copy of the complaint or a precept in summary proceedings by any person not a party to the action who is over the age of eighteen years.

We do not think that it will be denied that a warrant in a summary proceeding comes under the designation of "other process" mentioned in section 302, and we note, and call attention to the fact, that while section 36 specifically permits the service of a precept by a person not a marshal no exception is made of a warrant in a summary proceeding.

It could never have been intended that so important a document as a warrant for possession, bearing the signature of a justice, specifically addressed to the sheriff of a county or any marshal of the city of New York, authorizing and directing such drastic measures as removing a person from lands and tenements in pursuance of a judgment of the court, should by any construction or juggling of laws be placed in the hands of an unofficial, unsworn, unbonded and irresponsible person, for execution.

Respectfully submitted,

Dated New York, August 8, 1910.

*J. H. Patchin*  
*George J. ...*

8/8/1910

MEMORANDUM.

The question is raised as to the power of a marshal to delegate the functions of his office to a party not a marshal, particularly in the execution of a warrant for possession in a summary proceeding.

A marshal is a peace officer (Sec. 154 Code of Criminal Procedure) vested with certain powers and charged with specific duties prescribed by the charter and the municipal court act. The office being statutory a marshal has no powers except such as are <sup>specifically</sup> ~~specially~~ vested in him by law and we do not find in the statutes any authorization whatsoever for him to appoint a person to perform an official act for him or in his name. Indeed chapter 1430 of the charter seems to forbid him to delegate his powers and duties to a person not a marshal. This section was framed for the express purpose of accomplishing what we have been trying to do, namely, drive the impostors who represent themselves as marshals and assume to exercise the functions of marshals out of business. This section was introduced at the instance of a committee of marshals and became a law in 1904. Although crudely drawn the purpose and intent of the section is evident. In part it reads as follows:

"No city (sic.) marshal shall knowingly permit any person not a city (sic.) marshal to perform any act in his name, or sign or use his name in the performance of any act which can only be performed by a city (sic.) marshal in person."

In the Matter  
of  
Marshals.

Memorandum on delegation  
of his powers by  
a marshal

D. H. Patchin  
G. Steen

COMMISSIONERS OF ACCOUNTS  
280 BROADWAY  
NEW YORK CITY

S. L. PEYSER  
CITY MARSHAL

111 NASSAU STREET

TELEPHONE, CORTLANDT 446

NEW YORK April 21, 1910.

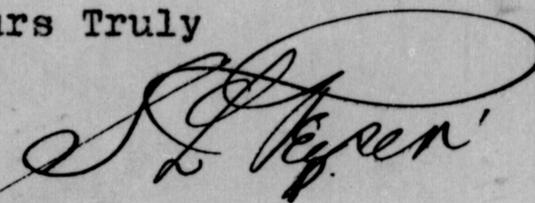
Mr. Adamson,

Dear Sir,

Kindly give bearer two subpoenas one on  
Jacob Biermant and the other on Moses Cohen, both Attorneys-at Law.

Thanking you for the same, I remain

Yours Truly



CITY MARSHAL

**S. L. PEYSER  
CITY MARSHAL**

**111 NASSAU STREET**

**TELEPHONE, CORTLANDT 446**

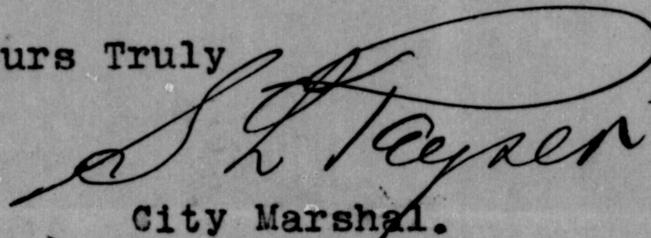
NEW YORK April 19, 1910.

Mr. Adamson,

Dear Sir,

Kindly give bearer subpoenas One original and  
five copies in the matter of O.A. Whitney vs. S.L. Peyser. By doing  
so you will greatly oblige,

Yours Truly

  
City Marshal.

# United Auctioneers & Speculators Ass'n

Meets First and Third Thursdays of Each Month

At 123 2d Avenue

Near 7th Street

LOUIS COOPER, Pres.  
514 E. 6th Street

C. KORNBLUM, Secy  
55 E. 117th St.

New York ..... 191

Dear Sir:

We wish to call your attention to the fact that the law only allows a Licensed & Bonded Auctioneer to hold Auction Sales in New York City. We will for the future enforce this law and compel all City Marshals to employ a Licensed Auctioneer for their Sales.

Respectfully

U. A. & S. A.

C. KORNBLUM Secretary  
55 E. 117th St.

Mr. Brownell  
for reply

EDMUND P. HOLAHAN

CITY MARSHAL

1976 LEXINGTON AVENUE  
NEAR 121ST STREET

NEW YORK

TELEPHONE 3326 HARLEM

March 4, 1910

Dear William J. Gay  
Dear Sir



As one of the members of the  
City of New York for the Boroughs of  
Manhattan and Bronx, I would  
most respectfully ask for an  
opinion regarding the enclosed  
Circular received by me this morning  
wherein property has come into  
my possession by reason of  
the execution of other proceeds  
of the Municipal Court, if subject  
to levy and sale. I have always  
sold it myself as Marshal at  
Public sale, believing that I had  
that right. Now in view of the  
contention of these Auctioneers, I may  
ask that the Corporation Council  
be requested to render an opinion  
so that we Marshals may proceed in an  
orderly and legal manner.  
Respectfully submitted, Edmund P. Holahan  
City Marshal

**BOX**

**011**

**FOLDER**

**095**

**City Marshal, Office of The**

**1910**