

BOX

014

FOLDER

130

**Courts: Municipal Court
New York City**

1910



Justice's Chambers.

Leopold Prince, Justice.

Municipal Court of the City of New York,
BOROUGH OF MANHATTAN.



Eighth District,
440 East 121st Street,

February 1st

1910

Hon. Board of Estimate and Apportionment,

Gentlemen:

I respectfully request that Your Honorable Board transfer the sum of Nineteen 20/100 dollars from the Appropriation for Contingencies Board of Justices of the Municipal Court of the City of New York, 1909, which is not required, to the Account of Contingencies for the Municipal Court of the City of New York, Borough of Manhattan, Eighth District, ¹⁹⁰⁹ the appropriation therefor being insufficient to meet the requirements of said Court.

Consent to the above transfer has been filed with the Secretary of the Board of Estimate and Apportionment.

Respectfully yours,

Leopold Prince

Justice.

To the Honorable William J. Gaynor,

President Board of Estimate and Apportionment.



Municipal Court OF THE City of New York,
BOROUGH OF QUEENS.

Second District
Elmhurst.



February 11th, 1910 190

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~
JOHN M. CRAGEN,
Justice.

Z

Hon. William J. Gaynor,
Mayor, City of New York.

Dear Sir:-

In reply to your communication of February 9th, relative to Luke J. Connorton, Clerk of the Second District Municipal Court, Borough of Queens, I beg to advise you that Mr. Connorton was superseded as Clerk, by Mr. John Francis Ryan, of Flushing, whom I appointed on February 2nd, 1910, eight days previous to the receipt of your letter.

Very truly yours,

John M. Cragen

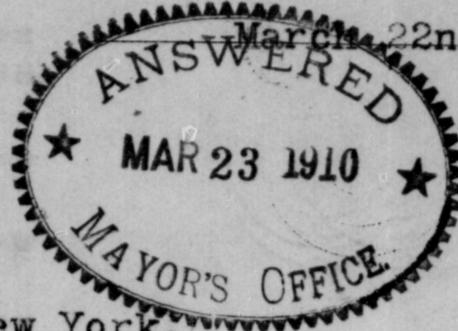
Justice, Municipal Court,
Borough of Queens, Second District.



Municipal Court OF THE *City of New York*,
BOROUGH OF BROOKLYN,
Seventh District,
31 Pennsylvania Ave.

Edward A. Richards, Justice.

71 (1)



March 22nd, 1910.

190

Hon. William J. Gaynor,
Mayor of the City of New York.

Sir:-

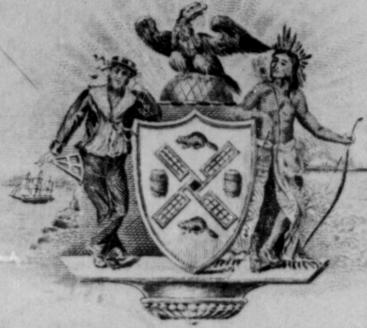
You have under advisement, I understand, the appointment of a City Marshall in Brooklyn. As one of the Justices of the Municipal Court I am interested in having a good man appointed, and wish to recommend Mr. Bernard J. Reilly of No. 109 Arlington avenue, Brooklyn. He was formerly a marshall but failed of reappointment because of change of administration. He knows the work, is an honest and careful man of family, and possessed of much common sense. He has long lived in East New York and is well and favorably known there.

This is a personal and not political recommendation. Mr. Reilly is not of my political faith.

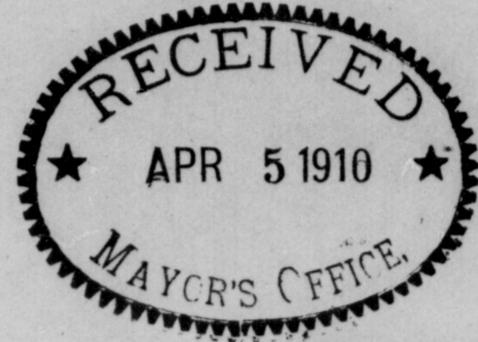
Respectfully yours,

Edward A. Richards

JOHN M. TIERNEY
JUSTICE
THOMAS A. MAHER
CLERK



MUNICIPAL COURT
OF THE CITY OF NEW YORK
BOROUGH OF THE BRONX
SECOND DISTRICT
WASHINGTON AVENUE & 162ND STREET



John M. Tierney
Tenement House
4/13/10

April 4th, 1910.

Hon. Wm. J. Gaynor, Mayor,
City Hall, City.

Dear Sir :-

I beg leave to inclose herewith copy of a decision filed by me in the action of the Tenement House Department against Altieri Company. While I appreciate fully the difficulty of taking up the multitude of matters that your Honor is burdened with I felt that if this matter which is the subject of my decision were called to the attention of the Tenement House Commissioner by your Honor it would be remedied.

I made a similar action the subject of an expression of opinion by me several years ago and transmitted a copy of it to the then Corporation Counsel. So many tenement houses are being erected in this Borough and similar actions have been so frequently brought that I feel it would be for the interest of both the builders and the City if the Commissioner would discontinue these actions when the law was complied with, especially when there was no intentional violation or evasion by the builder.

Respectfully,

John M. Tierney

This is another letter from Justice John M. Tierney, asking your Honor to approve of a bill which has been introduced in the Senate by Senator Schulz. Mr. Tierney says that Senator Schulz has written to him that an endorsement of the bill by the City authorities would be very helpful towards its passage.

This bill gives to the Board of Justices of the Municipal Court jurisdiction to hear and determine charges against its clerks, assistant clerks and deputy clerks, taking such proceedings away from the Appellate Division of the Supreme Court. Justice Tierney says he knows of no other court lacking such jurisdiction, except the Magistrates' Court which has not the power of removal of its Chief Clerks. He says that the Board of Justices has unanimously approved the bill. He says that he is informed that some of the clerks oppose the bill, although they should favor it because under the present scheme of things when the charges are preferred before the Appellate Division the matter usually goes to a referee and that this system makes it most expensive for the clerk even if he should be exonerated, and is particularly expensive for the City.

He points to the clerks who are now under clouds as a result of recent reports of the Commissioner of Accounts, and says that the present system prevents an early determination of their cases.

A copy of the bill is attached.

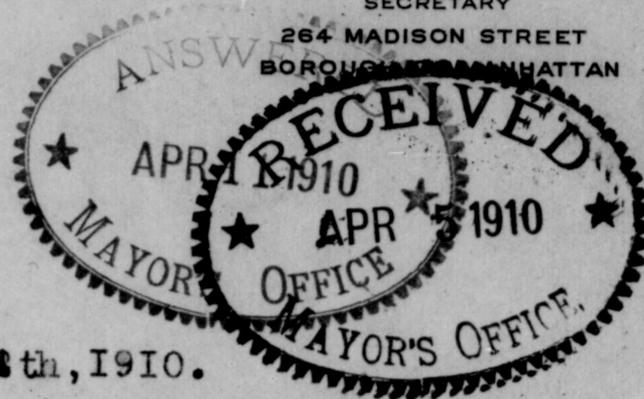
W.B.M.

JOHN M. TIERNEY
PRESIDENT



MUNICIPAL COURT
OF THE CITY OF NEW YORK
BOARD OF JUSTICES

JAMES J. DEVLIN
SECRETARY
264 MADISON STREET
BOROUGH OF MANHATTAN



April 8th, 1910.

Hon. Wm. J. Gaynor, Mayor.,
City Hall, City.

Dear Sir:-

I beg leave to inclose to you copy of a Bill introduced in the Senate, which is now pending, on the subject of the amendment of section 1383 of the Charter, affecting the hearing of charges against Clerks in the Municipal Court. My reason for sending this copy is that Senator Schulz the introducer has written to me that an endorsement of the bill by the City authorities would be very helpful toward its passage. You will see that the purpose of this Act is to confer upon the Board of Justices of this Court jurisdiction to hear and determine charges against its Clerks, Assistant Clerks and Deputy Clerks. At present the only tribunal having jurisdiction of the matter is the Appellate Division of the Supreme Court. I know of no other Court lacking such jurisdiction except the Magistrates Court of this City which has not power to remove its chief clerks. This seems unreasonable. The present provision is a survival of one that was put in the Consolidation Act of 1882 by John H. Strahan who drew that Act. He put this provision in, I am informed, for the continuance in office of some of the clerks of the then District Court who were holding under Justices elected by nominations of conventions holding different political belief. If there was any reason

JOHN M. TIERNEY
PRESIDENT



JAMES J. DEVLIN
SECRETARY
264 MADISON STREET
BOROUGH OF MANHATTAN

MUNICIPAL COURT
OF THE CITY OF NEW YORK
BOARD OF JUSTICES

-2-

for that provision in the Consolidation Act there certainly is at none that it should be continued in the Charter for the present time this Court is composed of forty-four Justices elected some as Democrats, some as Republicans, some as members of the Independence League, some as members of the Civic Alliance and some as a combination of two or more of these parties. Under this amendment it would require a majority vote of the whole for removal. It was made the subject of action at a recent meeting of the Board of Justices and was unanimously approved.

I am informed that some of the Clerks oppose this change, whereas, in my judgment, they should favor it. Under the present system when charges are preferred the Appellate Division usually sends the matter to a Referee. This makes the proceeding expensive for the Clerk, even if he should be exonerated, and is particularly expensive for the City, besides involving great delay before a determination is reached.

Recently the Commissioners of Accounts of this City have made reports against several Clerks charging them with failing to account for moneys received by them and your Honor has made the matter a subject of communication to me as President and the newspapers have given these matters wide publication. Each of the Clerks so charged respectively protest their honesty. Indeed, one has gone to the District Attorney with his books

JOHN M. TIERNEY
PRESIDENT



JAMES J. DEVLIN
SECRETARY
264 MADISON STREET
BOROUGH OF MANHATTAN

MUNICIPAL COURT
OF THE CITY OF NEW YORK
BOARD OF JUSTICES

-3-

requesting an investigation. Yet these men must rest under the imputation in the report of the Commissioners of Accounts until the Corporation Counsel shall formulate charges, present the matter to the Appellate Division and have all other necessary machinery put in motion before he can have a vindication if innocent.

If this amendment should be enacted the Board of Justices by appropriate rules could provide for the formulation and the trial of charges without the intervention of the Corporation Counsel unless it should be deemed wise to have him participate. The proceeding would be inexpensive and could be speedily heard.

I submit these matters in the thought that your Honor would like to be informed of the reasons for the desired change so that they might be considered by you in coming to a determination as to whether the authorities would approve such legislation.

Respectfully

A handwritten signature in cursive script, appearing to read "John M. Tierney". The signature is written in dark ink and is positioned above the typed name of the signatory.

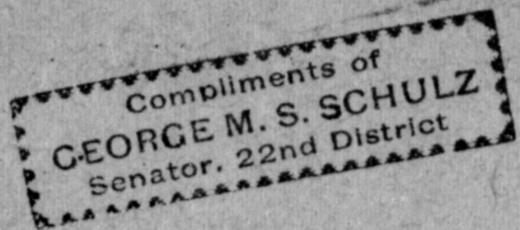
President, Board of Municipal Court Justices.

State of New York.

No. 757.

Int. 703.

IN SENATE,



March 23, 1910.

Introduced by Mr. SCHULZ — read twice and ordered printed, and when printed to be committed to the Committee on Affairs of Cities.

AN ACT

To amend section thirteen hundred and eighty-three of title two of chapter twenty of the Greater New York charter, as amended by chapter six hundred and three of the laws of nineteen hundred and seven, relating to removal of justices, clerks and deputy clerks.

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

1 Section 1. Section thirteen hundred and eighty-three of the
2 Greater New York charter, as amended by chapter six hundred
3 and three of the laws of nineteen hundred and seven, is hereby
4 amended to read as follows:

5 § 1383. The justices of said court [and the clerks and deputy
6 clerks thereof] may be removed for cause after due notice and an

EXPLANATION — Matter *in italics* is new; matter in brackets [] is old law to be omitted.

1 opportunity of being heard by the appellate division of the
2 supreme court in the judicial district wherein the district for
3 which said justices were elected or appointed, [or wherein the dis-
4 trict for which such clerk or deputy clerks were appointed] is
5 situated. *The clerks, deputy clerks, and assistant clerks of said*
6 *court may be removed for cause after due notice and an oppor-*
7 *tunity of being heard by the board of justices of the municipal*
8 *court of the city of New York.*

9 § 2. This act shall take effect September one, nineteen hundred
10 and ten.

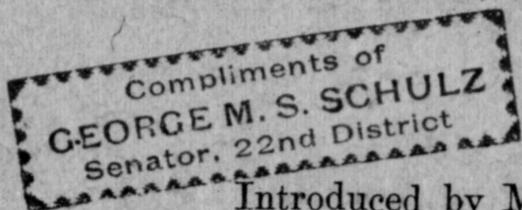
State of New York.

No. 757.

Int. 703.

IN SENATE,

March 23, 1910.



Introduced by Mr. SCHULZ — read twice and ordered printed, and when printed to be committed to the Committee on Affairs of Cities.

AN ACT

To amend section thirteen hundred and eighty-three of title two of chapter twenty of the Greater New York charter, as amended by chapter six hundred and three of the laws of nineteen hundred and seven, relating to removal of justices, clerks and deputy clerks.

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

1 Section 1. Section thirteen hundred and eighty-three of the
2 Greater New York charter, as amended by chapter six hundred
3 and three of the laws of nineteen hundred and seven, is hereby
4 amended to read as follows:

5 § 1383. The justices of said court [and the clerks and deputy
6 clerks thereof] may be removed for cause after due notice and an

EXPLANATION — Matter *in italics* is new; matter in brackets [] is old law to be omitted.

1 opportunity of being heard by the appellate division of the
2 supreme court in the judicial district wherein the district for
3 which said justices were elected or appointed, [or wherein the dis-
4 trict for which such clerk or deputy clerks were appointed] is
5 situated. *The clerks, deputy clerks, and assistant clerks of said*
6 *court may be removed for cause after due notice and an oppor-*
7 *tunity of being heard by the board of justices of the municipal*
8 *court of the city of New York.*

9 § 2. This act shall take effect September one, nineteen hundred
10 and ten.



Municipal Court OF THE City of New York,
BOROUGH OF BROOKLYN.

*Fourth District,
No 14 Howard Avenue,*

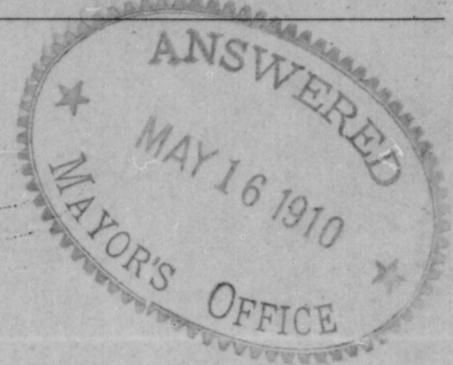
*Jacob S. Strahl, Justice.
Edward H. Taylor, Clerk.*



May 11th 1910

191

Hon. William J. Gaynor,
Mayor City of New York,
City Hall, New York.



Honorable Sir:-

Pursuant to a resolution passed at a regular meeting of the Municipal Court Interpreters Association, we, the undersigned, were appointed a committee to interview Your Honor in order that we may have an opportunity to lay some of our grievances before you.

With this end in view we take the liberty of addressing you requesting that Your Honor appoint a time when it will be most convenient for you to receive us.

Thanking you in advance for the courtesy and favor,
we are,

Yours very respectfully,

*Alfred Hittlinger
Edward Herbert
Max Slick*
The Committee.



Municipal Court ^{OF THE} City of New York,
BOROUGH OF MANHATTAN.

Fourth District,

151 East 57th Street.

William J. Boyhan, }
Michael F. Blake, } Justices.

Abram Bernard, Clerk.

+

May 19th 1910

Hon Robert Adamson
Secy. Mayor Gaynor.

Dear Sir:

I am advised that a Complaint
has been made to you against one Morris
Angerman - charged with representing himself
as a Marshal, since the Court has been
located above - Mr Angerman has been
constantly in and around the Clerks Office
and I never heard him make any
his representations - or do any thing contrary to
law.

Very Respectfully

Abram Bernard
Clerk

2

Municipal Court of the City of New York
Borough of Brooklyn
First District, N.W. Corner of Court & State Streets

EUGENE CONRAN
JUSTICE

May 25th, 1910.

Dear Mr. Mayor:-

You will doubtless recall my visit of some six weeks ago about a matter that was shortly to come before the Board of Estimate in relation to increasing the clerical force in this District.

When the matter came before the Board, it was referred to the Committee on Salaries and Grades. I appeared before that Committee at its request, but nothing has been done by said Committee.

I enclose herewith an affidavit by Edward Moran, the Chief Clerk of the Court, for your perusal. The amount of money turned into the City Treasury is, I submit, indicative of the volume of work done in Municipal Courts.

If you will grant me an interview, I will probably be able to explain to you why the Committee on Grades and Salaries does not act.

Yours truly,

Eugene Conran

To

Hon. William J. Gaynor,
Mayor,
City Hall, New York.

STATE OF NEW YORK, :
 COUNTY OF KINGS, : ss:
 BOROUGH OF BROOKLYN, :

Edward Moran, being duly sworn, deposes and says as follows:

I am the Chief Clerk of the Municipal Court of the City of New York, Borough of Brooklyn, First District, and have been such for more than twenty years.

In this Court District but one Judge is elected, and it is provided by the schedule of assignments made by the direction of the Municipal Court Act, and approved by the Appellate Division that, all through the year, one period of two weeks excepted, there shall be two parts of this Court in session, which means that two Justices shall sit and hold Court.

There are two other Districts in the Borough of Brooklyn in which two parts are operated all year, and in each of these Districts there are FOUR clerks, while in the First District there are but TWO, myself and a Deputy Clerk.

Deponent further says that from his knowledge of Municipal Court affairs and the records he has examined there is more business done in the First District than in any other District in the Borough. The report of the Secretary of the Board of Justices for the six months ending December 31st, 1909, shows as follows (the First, Third and Seventh Districts being the only Districts having two parts and, consequently, handling the greater volume of business):

	1st District	3d District	7th District
Trials (paid cases)	221	236	193
Inquests (paid cases)	1212	805	422
Summons (paid)	2706	2096	1320
Building Dep't. summons	237	0	0
Corporation counsel summons (penalty cases)	123	49	0
Tenement House Dep't. cases (violations)	248	0	0
Amt. returned to City Chamberlain	\$4,920.25	\$3,806.25	\$2,423.90

The present force of one Chief and one Deputy Clerk is wholly inadequate to perform the clerical work made necessary by the volume of business transacted in this Court, and, in order to properly and expeditiously do this work, we are compelled

to keep an Interpreter (Hebrew, for whose services we have little or no use) constantly at clerical work, and we have also had to borrow temporarily the services of a Clerk from the Sixth District Court; besides this, we have three Court Attendants who are compelled to devote some part of every day to clerical work; further, it is always necessary for the Deputy to stay long after Court hours to complete his work, and I have found it necessary myself to spend several hours every Sunday and upon holidays at the office in order to keep abreast of my work and am here long after Court hours every day.

Previous to the formation of this Court, I had, for many years, been Clerk of the District Court in the City of Brooklyn that was merged with the formation of the present Court. In said District Court, we always had four clerks, that number being necessary to properly attend to the work of the Court.

I submit a list of the amounts of money turned into the City Treasury by the Clerks of the seven districts in the Borough of Brooklyn from January 1, 1910, to May 3, 1910, and which I am informed and believe is correct:

	January	February	March	April
(x) 1st District	\$919.00	\$1,014.00	\$1169.25	\$1183.00
2d "	388.30	408.05	411.60	485.00
(x) 3d "	682.75	646.50	761.75	706.50
4th "	53.00	176.25	218.00	191.75
5th "	251.50	259.30	358.60	296.00
6th "	497.00	455.00	531.00	500.00
(x) 7th "	421.00	358.00	459.30	388.10

(x) Courts with two parts sitting

Both of the above tabulated references show where the volume of work in Kings County is tried. If the resident Justice in the First District should send back to the Sixth District the Clerk that is now helping to keep up with our work, and should stop the said Interpreter and Court Attendants from doing any clerical work (which said work I am informed and believe it is unlawful for them to perform) the office of the Clerk would be in such a chaotic condition that the members of the bar would set up a hue and cry about not being able to get transcripts, etc., for a couple of days after the entry of judgment.

In my opinion, at least two more Clerks are necessary

properly and expeditiously do the clerical work of this Court.

The number of papers (pleadings, etc.) to be examined, docketed and filed yearly in this Court is three times greater than any other District, the reason being that the New York Telephone Co., the Edison Electric Light Co., the Brooklyn Union Gas Co., the large department stores and a large number of the credit or instalment houses have their offices or places of business within this District. These concerns always serve verified pleadings; in most of the other Districts, the pleadings are oral and require no examination such as verified pleadings do.

A large number of suits against the railroad companies are brought in this District, much larger than in any other, for the reason that the offices of the railroad company are within the district. These cases take, as a rule, longer to try than any other cases and in many instances juries are required.

Every practicing lawyer in this Borough and Manhattan invariably try to bring their cases in this District, for the reason that it is more conveniently situated to their offices than the Courts of the other districts; in fact, there are many cases sent to this district on consent of the attorneys, which should be disposed of in other Courts, for the reason that they find it best suits their convenience.

Sworn to before me this:

13th day of May, 1910:

Edward Moran

Eugene Courran
Justice Municipal Court
Of the City of New York

(penalty cases)	135	43	0
Traffic cases (violations)	246	0	0
Amt. returned to City Chamberlain	\$4,920.25	\$3,806.25	\$2,423.90

The present force of one Chief and one Deputy Clerk is wholly inadequate to perform the clerical work made necessary by the volume of business transacted in this Court, and, in order to properly and expeditiously do this work, we are requested



F. SPIEGELBERG, Justice.

Municipal Court ^{OF THE} City of New York,
BOROUGH OF MANHATTAN.Fifth District,
2555 Broadway,New York, June 6th 1900

Dear Sir,

I have forwarded with the same mail to the Mayor a statistical summary of the business transacted during the year 1909 in the Municipal Court Districts for the Boroughs of the Bronx and Manhattan in support of my remarks this afternoon opposing Senate Bill No. 821 Int. No. 756.

May I trouble you to inform me of the disposition made by this bill by the Mayor as soon as he takes action thereon.

Yours respectfully

William B. Crowell Esq
City Hall
New York City

F. Spiegelberg

JOHN M. TIERNEY
PRESIDENT



JAMES J. DEVLIN
SECRETARY
264 MADISON STREET
BOROUGH OF MANHATTAN

MUNICIPAL COURT
OF THE CITY OF NEW YORK
BOARD OF JUSTICES

June 23rd, 1910.

Hon. Wm. J. Gaynor, Mayor.,
City Hall, City.

Dear Sir:-

I have the honor to acknowledge the receipt of your letter of June 20th inclosing affidavits by Calogero DiGregorio and John DiGregorio, alleging the fraudulent obtaining of moneys from the first mentioned by Eugene Dumas, an Interpreter in the Municipal Court for the Eighth District of Manhattan, and requesting that the matter be investigated. In answer I beg leave to say that immediately upon receipt of your letter I communicated with the Justices (Dwyer and Prince) of the Court in that District who have jurisdiction over its attaches looking to an immediate hearing of the charges made in the affidavits. I shall communicate with you further as the investigation progresses.

I thank you very much for giving me the opportunity of investigating the matter. You may be assured if the facts alleged are substantiated no time will be lost in ridding the Court of an unworthy employee.

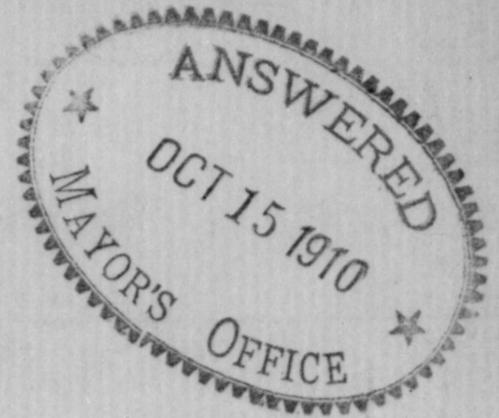
Respectfully,

President, Board of Justices.



Municipal Court ^{OF THE} City of New York
Borough of Manhattan
Second District
264 Madison Street
New York

JUSTICES CHAMBERS
LEONARD A. SNITKIN, JUSTICE



October 11th, 1910.

Hon. William J. Gaynor,
City Hall, New York.

My dear Mr. Mayor:

I thank you for your reply of September 28th.
May I now burden you to ask you when it will be convenient for you to receive a committee who desire to present you their engrossed Resolutions?

Again thanking you for your courtesies, I am,

Very sincerely yours,

Leonard A. Snitkin



Justice's Chambers.
Edgar F. Lauer, Justice.

Municipal Court OF THE *City of New York,*
BOROUGH OF MANHATTAN.
Ninth District,
Southwest Cor. Madison Ave. & 59th St.

November 5th, 1910.

190

file

Hon. William J. Gaynor, Mayor
of the City of New York,
5 City Hall, New York.

Dear Sir:

I hand you herewith a copy of an application which I have made for the transfer of certain funds from the salary to the contingent account and would respectfully ask for your favorable action on such application when it comes before the Board of Estimate and Apportionment for action.

Yours very truly,

Justice.



Justice's Chambers.

Edgar J. Lauer, Justice. ✓

Municipal Court OF THE *City of New York,*
BOROUGH OF MANHATTAN.
Ninth District,
Southwest Cor. Madison Ave. & 59th St.

November 5th, 1910.

190

To the Honorable,

Board of Estimate & Apportionment,
of the City of New York.

I respectfully apply for the transfer of the sum of \$333.33, appropriated for salary account which remains unexpended, to the contingent account of the Municipal Court, City of New York, 9th District, Borough of Manhattan. This sum represents two month's salary of a stenographer. My former stenographer resigned as of the 1st of September and during the months of September and October I have been able to use the stenographer of one of the other Judges of the court who through illness has not been able to sit. This sum therefore remains unexpended.

I desire this transfer in order to purchase law books, book cases and other items of furnishing for the court. The amount appropriated in the budget for contingent fund is \$300. This sum is just about sufficient to take care of the incidental expenses such as car fares, telephones, towel and water supply and to keep up to date the official series of law reports. It is insufficient to purchase any new sets of law books or to buy any furniture.

A number of requests have been made on the Superintendent of the Bureau of Public Buildings and Offices for furniture and supplies which he has refused to honor owing to an opinion of the Corporation Counsel of date of the 19th of July, 1910, which as I understand it is to the effect that each Department should take care of its own furnishings. It is therefore essential either that the Board of Estimate and Apportionment should make additional appropriations for this specific purpose to the courts or grant applications of the sort here made.

Respectfully submitted,

Edgar J. Lauer
Justice, Municipal Court,
City of New York, 9th Dist.
Borough of Manhattan.

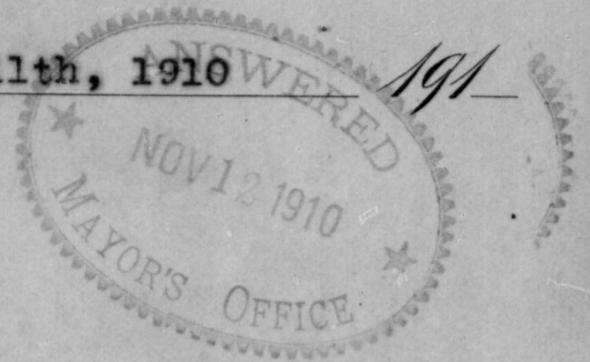


Municipal Court OF THE *City of New York,*
BOROUGH OF BROOKLYN.

Fourth District,
No 14 Howard Avenue,

Jacob S. Strahl, Justice.
Edward H. Taylor, Clerk.

November 11th, 1910



file

Hon. William J. Gaynor,
Mayor of the City of New York,
New York City.

My dear Judge:-

For over a month this Court has been without a Marshal owing to the death of the late incumbent, A. H. Blenderman. I am informed that you have in your office an application for this position from Mr. George J. Baldwin of 896 Madison Street, this Borough.

I have known Mr. Baldwin for several years, and cheerfully recommend him as an honest and capable man and most respectfully urge his appointment to the position.

Very truly yours,

Jacob S. Strahl
J. M. C.

N. Y. July 28th 1910

Mr. Adamson,
Secretary to the Mayor of the City of New York

Dear Sir:-

Many complaints have been recently made to you by persons who find fault with others for serving process in the Municipal Court, who are not City Marshals duly appointed by his honor the Mayor.

I desire to call your attention to Section 36 of the Municipal Court Act which provides as follows

Sec. 36 The summons and in a proper case the copy of the complaint or a precept in summary proceedings, may be served by a marshal or by any person not a party to the action who is over the age of eighteen years. &c.

This negatives any claim that no person other than a marshal may serve process in the Municipal Court.

Sec. 302 provides. 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; but no person other than a marshal shall be entitled to any fees or other compensation therefor, except the persons who serve the process for the corporation counsel.

There is nothing in the Municipal Court act prohibiting any person from charging a reasonable compensation for drawing the petition, precept and warrant in summary proceedings, and hence every person (even though not a Marshal) can fix such terms with his landlords as the landlords see fit to pay for services of this character.

It has been customary in the past for Marshals doing a landlord and tenant business, to charge landlords sums ranging from \$1.00 up to \$3.50 for preparing the petition, precept, warrant and for serving the same.

Sec. 354 MARSHALS FEES provides in substance as follows
x x x for serving a writ of possession or restitution, putting any person entitled into the possession of premises and removing the tenant when such powers can be exercised by a Marshal
one dollar

To entitle a Marshal to a fee it is absolutely necessary that "the landlord be put into possession" of the premises. But every Marshal in the City without exception makes a preliminary charge as above indicated and makes an additional charge when called upon to dispossess a tenant and thereby put the landlord into possession.

Every Marshal in the City without exception makes the charges above indicated upon the issuance of the process whether the tenant is actually dispossessed or not, all of which is contrary to the provisions of Section 354 of the Act.

If you will take the trouble to subpoena every

one of the Marshals in this City and request them to produce their records you will observe without exception that they have been extorting money from landlords far in excess of the amounts which they are entitled to by law.

The fact that Marshals assist process servers in dispossessing tenants who have been regularly served with process is not and never has been a crime nor a violation of law.

Many lawyers draw their own precepts, petitions and other process in summary proceedings, and have them served by their Clerks, and when a final order is made request the Marshals to execute the warrants, which you must admit is a strictly proper procedure; and if this be so in the one instance why not in the other. No fault has ever been found with this for the reason that many of the Marshals are not competent enough to draw a petition in a summary proceeding wherein an intricate question of law may be involved.

I do not mean to uphold unscrupulous men who perform the functions of a Marshal without authority, but to condemn the many for the few is beyond my comprehension.

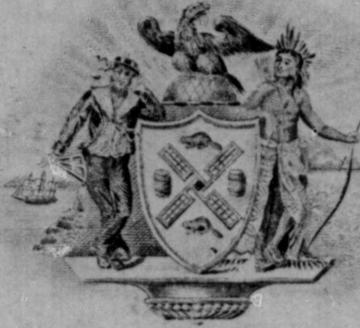
Any man may lawfully prepare process in summary proceeding, and if over 18 years old, serve the same without being amenable to any law, so why pay so much attention to men all of whom as above indicated are constant violators of the law themselves.

Investigate the Marshals first and you will find enough bad material among them for rooting out purposes and then you will learn that the others are not half as bad as they are painted by those coming to you with imaginary wrongs

Veryx Respectfully

An Observer

JOHN M. TIERNEY
PRESIDENT



JAMES J. DEVLIN
SECRETARY
264 MADISON STREET
BOROUGH OF MANHATTAN

MUNICIPAL COURT
OF THE CITY OF NEW YORK
BOARD OF JUSTICES

March 17th, 1910.

Hon. William J. Gayner,
Mayor of the City of New York.

Dear Sir:--

I am directed by the Board of Justices of the Municipal Court of the City of New York, to respectfully call your attention to the following resolution which was unanimously adopted at a meeting of the Board, held on March 5th, 1910.

"W H E R E A S, it is the belief of this board that the official stenographers of the Municipal Court of the City of New York are not adequately compensated for the labors entailed upon them in said positions; and

W H E R E A S, the said stenographers at the present time receive no greater compensation notwithstanding great increases in rents and cost of living and the increases in the salaries of other municipal and county officials in similar positions than when the position was created more than thirty years ago, and

W H E R E A S, the salaries of all official stenographers in this city doing similar work are higher than these paid stenographers in these courts; and

W H E R E A S, the Municipal Civil Service Commission by its grading in examinations no longer certifies to this court persons manifesting the skill and ability necessary in a court stenographer but may certify applicants who qualify for a \$2,000 clerical position; and

W H E R E A S, the Legislature established the official court stenographer in these courts and contemplated that incumbents thereof should have the same skill and ability as is required in other courts where a similar position was created,

N O W T H E R E F O R E, BE IT RESOLVED by this Board, that the Board of Estimate of the City of New York is requested to readjust and equalize the salaries of the stenographers of this court and increase the salaries of said stenographers to \$3,000 per annum, that being the remuneration given to City and Supreme Court Reporters in this County.

Respectfully yours,

James J. Devlin
SECRETARY.