

the whole Term. It was made on the first day, and the opposition was dismissed on the last; the Judges thus taking the whole Term to determine a question which should not have occupied them above five minutes.

*Alexis Giard, Esq., Advocate, examined:—*

46. Can you give any information to this Committee on the subject referred to it?—In the case of *Leste vs. Lorie*, in which I acted for the plaintiff, I placed a writ of execution in the hands of the Sheriffs; they did not seize under it because the defendant paid without any sale taking place. On these grounds, the Sheriffs ought not to have 2½ per cent, because there was no sale; they ought not either to receive the proceeds, nor still less to retain them in their hands. In this case the bailiff who received the money ought to have been sent with it to the plaintiff to pay him. Nevertheless, the Sheriffs took the money, and paid themselves their 2½ per cent. When I went with the plaintiff to ask for the money, Mr. Boston referred me to Mr. Coffin, who refused to pay,—he made his return in the Court, and made the plaintiff wait about six weeks. I must add, that about the same time he paid a sum of money in a similar circumstance to Mr. Dumas, a member of your Committee, which induced me to think that Mr. Coffin did not act through ignorance; this fact was told me by Mr. Dumas himself.

The *Chairman* gives the following statement to the Committee:—

In August, 1839, I felt the fees and emoluments of the Sheriff to be so oppressive, that for their reduction I presented to the Court a Petition, which I submit herewith. The Court took not the least notice of it; the subject was not even mentioned by any one of the Judges, and the fees remaining the same, the income was eventually found to be too large for one person. Some three or four years afterwards, (as I heard and believe, because the income was too large for one person,) Mr. Coffin, a gentleman who had not been long at the bar, who cannot say that he had even six causes; and who, if I mistake not, had not many more than two, was promoted over the whole profession, and joined in the commission with Mr. Boston. It appears to me that it would have been better to have reduced the income one half, than to have named a second Sheriff because the income was too large for one. I wish to add, that it is extremely inconvenient and unpleasant to have any business with the Sheriffs; for my part I very seldom can find them in their office, Mr. Boston being very frequently at his seignior, and Mr. Coffin said to be engaged at the Railroad office; I have also very frequently witnessed their being called for in Court without success. In that office, to my certain knowledge, as far as my observation extends, no attention is paid to the wants of the suitors; Mr. Coffin, who seems to be the managing partner, either does not know or choose to know anybody, and I have known him to refuse as bail for about £70, a man worth two or three thousand pounds; he is not only unaccommodating, but his deportment as a public officer is very offensive. I do not enter into the causes, but I venture to remark that it seems to me to be inexpedient that a subordinate officer like the Sheriff should so rapidly acquire wealth, as to be in that particular immediately placed above the bar. That they possess great wealth, and that it has affected Mr. Coffin's conduct is, I think, unquestionable.

In all those arrangements too, incident to process *in rem*, as for instance a *saisie conservatoire*, on pretext of their responsibility, the Sheriffs will interfere, but they cannot stoop to take measures to do the

work promptly and effectually, nor yet to promote economy. Dealing with the funds of others, they can lose nothing, and they know it; but if the plaintiff were allowed to choose his own officer, the latter would be responsible, would find it for his own interest to be efficient and to study economy, as it would secure him a preference. The Sheriffs possess, in fact, an odious monopoly, enjoying an immense income, without any other labour than what is necessary for the receipt and investment of it, and without any real responsibility whatever. Most of their duties are also very negligently performed, that of preparing Jury lists is one; thus out of 24 names in one list, nine had been absent or dead, some for a length of time,—one man had been dead three years, and a man well known to all the world was not summoned because the Sheriff did not choose to know him, or would not condescend to interfere. This occurred in a case of my own, delay and costs followed, and I could get no satisfaction, and the rule which I obtained, to make the Sheriffs pay the costs of their own negligence, was discharged.

In the forty-eight names composing a Jury list, the same name would be sometimes found down twice, described in one place as his place of residence, and in a second as his place of business. In another case in which I am concerned, this has been one of the grounds for demanding a new trial.

The kind of bar behind which they sit in their office, coupled with other circumstances, is not pleasant, and the wicket with a sliding pannel, which Mr. Coffin draws or closes at pleasure, while the gentlemen of the bar are kept standing, waiting his pleasure outside, certainly savours of indignity.

To the Honourable the Justices of Her Majesty's Court of King's Bench for the District of Montreal.

The Petition of Bartholemew Conrad Augustus Gagy, Esquire,

RESPECTFULLY SHEWETH:—

That in common with all Her Majesty's subjects, and more particularly as a suitor before this Court, Your Petitioner has an interest in the reduction of such of the fees of the officers of the Court as may be exorbitant.

That for some years at least, those of the Sheriff of this District have been admitted, not only by the community at large, but by the Legislative bodies, and as Your Petitioner is informed and believes, even by this Court, to be unreasonably high, and that Your Petitioner has greatly suffered in consequence.

That they have been generally understood to amount to upwards of two thousand pounds, a sum not only much beyond the means of the country, and out of all proportion with the incomes of professional men of talent, learning, and industry, but unquestionably four times more than a just compensation for duties, most of which are purely mechanical, or performed by the printer, or by officers of the lowest class.

That during the suspension of the constitution, Your Petitioner submits, that it is the duty of this tribunal not only to protect the Queen's faithful lieges, but to exclude the possibility of a pretext for complaint and disaffection, by redressing a grievance which has been widely felt.

That Your Petitioner, relying not only on your sense of justice and of sound policy, but on a distinct pledge, which this Court is understood to have long since given, confidently appeals to Your Honours for the reduction of these extravagant fees, more particularly as the length of the present vacation will afford abundant leisure for the purpose.

And Your Petitioner, as in duty bound, will ever pray.

A. GAGY.