

judgment of distribution in the said October Term. It was in vain that I renewed my entreaties with his clerks during the whole of the day of the 17th last October, intimating that the strict delay for posting up the said judgment of distribution would expire on that very day. The only answer I could obtain was as follows: that Mr. Coffin had the papers before him, and that he had said that there was no hurry, and that he would make his return when he had time. I therefore left, waiting till Mr. Coffin should be pleased to decide the fate of my judgment of distribution for that Term, or the Term following. I was not deceived in my apprehensions: the return was made one day too late for me to obtain my judgment of distribution in the October Term, that is to say, the 18th of October, and the moneys remained in the hands of the Sheriff without being distributed, until the last January Term, when they were distributed principally to the clients I represented. The moneys would have been distributed in the October Term if the return in question had been made one day sooner, as I had justly demanded. All these facts can be verified by the record in the cause I have just cited.

As to the tone of superiority, and even want of politeness, with which the gentlemen of the bar and other parties are often treated by Mr. Coffin, in the exercise of his duties as Sheriff, I can say that, besides the complaints I have heard made, I was myself treated by him on the above occasion, in a manner that I would not make use of myself towards my equals, nor even towards my inferiors, although I only exercised, for the interests of my clients, a right which was afterwards sanctioned by the Court. I must here, however, do justice to his colleague, Mr. Boston, from whom, as yet, I have received every politeness and attention.

As regards the question to determine how far the office of Sheriff is indispensable in this part of the Province, I must say that I am not competent to the solution of this question, but there is one thing certain, and which no one will gainsay, that if, instead of the system now in force, another less expensive and more expeditious could be substituted, more particularly for the taking in execution of seized debtors, both they and the public in general would gain thereby, in my humble opinion, as far as regards the management of property for the mutual benefit of debtor and creditor. There exist in fact, great abuses in the present system, and here is one which is not the least among them. It is, that the Sheriffs who are in reality but the proxies of the creditor, receive annually for their own profit, independently of the sufficiently high commission allowed to them by law, the interest on considerable sums of money, that which they levy and deposit in banks, in many instances for years together. While the creditor is there waiting for a distribution, which is often retarded for several terms, through dilatoriness or negligence on the part of the public officer, in making his returns to the competent tribunals or through other circumstances, by which the Sheriff at all events, ought not to profit, to the prejudice of the creditor; and this, perhaps, is one of the motives that may help to give us an explanation of the interpretation which the Sheriff gives to judgments of distribution, which he only commences to liquidate a fortnight after they have been fyled in his office, although there is nothing in the tenor of the said judgment of distribution which can give rise to such an interpretation. In speaking of the case of the opposants in question,—I must say that I feel convinced that Mr. Coffin had the intention of depriving them of their judgment of distribution, as well as the intention to insult me; he even intimated to me that I ought to have asked him confidentially, and as a favour, to make the return in question.

*Thomas Judah, Esq., Advocate, examined:—*

45. Can you give the Committee any information upon the subject referred to them?—I have had during several years daily opportunities of knowing how the public business is transacted in the Sheriff's Office. These officers are very often both absent;—they always arrive late, and the conduct of one of them, Mr. Coffin, is habitually, and, I think, intentionally, offensive, and even insulting. I understand that by an arrangement made between them, Mr. Coffin has always been the exclusive manager. I will give one instance out of a hundred: I had a judgment against a Mr. Baby, brother-in-law to Mr. Prothonotary Coffin, who is cousin to Mr. Sheriff Coffin. Mr. Baby made an opposition to a writ of execution, which opposition had been dismissed. He subsequently made a second on the same grounds, which was also dismissed. I must also remark that a form of affidavit is in such cases prescribed, and it is so framed as to prevent frivolous oppositions. But to prevent the sale of his effects, Mr. Baby made a third opposition without the affidavit prescribed by the rules, and Mr. Sheriff Coffin evinced a readiness to suspend the sale. I therefore called at the office, with the Rules of Practice in my hand, to show the particular rule to Mr. Coffin, but he would not look at it: he cut me short, though I spoke most civilly, and slammed the door in my face, not only in a rude manner, but with the most marked intention to insult me. Eventually, the third opposition was dismissed with costs. As Mr. Baby was insolvent, this was no consolation to my client, for he not only had to wait for the money for which the writ had issued, but had to pay costs. I obtained a rule, it is true, against the Sheriff, founded on these facts, but, as usual, my rule was dismissed with costs. The Sheriffs are proverbially great favourites with the Court, and no one can succeed against them. Each opposition cost my client about nine pounds of costs. This was a consequence of Mr. Coffin's conduct; but what is worse, on each writ of execution he insisted on having his fees paid in advance, so that he managed to get three sets of fees, when, if he had done his duty, he would only have had one. I mean to say, that the second opposition was dismissed because of the insufficiency of the affidavit, and the third opposition was fyled without any affidavit whatever. If writs were addressed to bailiffs, I have no doubt that justice, in such cases, would be impartially administered. In the Sheriff's Office there is a sort of bar, such as are seen in low taverns, and Mr. Coffin has a sliding pannel, which he opens and shuts at pleasure. The gentlemen of the profession are thus kept waiting outside, mixed up with the Sheriff's servants; and the whole appearance of the place, as well as the mode of transacting the business, is very offensive to gentlemen who are Mr. Coffin's equals, if not his superiors. I have often called on official business when Mr. Coffin has been inside engaged in conversing on topics interesting to himself, as, for instance, upon railroads. I have had orders for money, and have had to wait, and to return, and have thus been put to great inconvenience and loss of time, because Mr. Coffin could not be disturbed. Mr. Coffin's clerks stand in such dread of him that not one would dare to interrupt him under any circumstances. It is due to Mr. Boston to say that he has always been personally mild and civil.

Referring to the affidavit which should have been appended to Mr. Baby's opposition, and which was not; I have to add, that the rule is so worded, that according to its letter, as well as according to its spirit, the Sheriff should have proceeded to sell in despite of Mr. Baby's opposition. It is also worthy of note, that my motion to dismiss the opposition was kept under consideration by the Judges during