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# REPORT.

THE COMMITTEE to whom was referred the Returns to Addressess to His Excellency the Governor General, of the 23rd January last, praying for Statements of the Income derived by the Sheriff of the District of Montreal, and by the Crier, and Tipstaff of the Court of Queen's Bench for the said District, for the last five years ;— have agreed to make this their FIRST REPORT :—

COMMITTEE ROOM,  
17th April, 1849.

Your Committee, submitting herewith the evidence which they have taken, report herein the points which appear to them the most worthy of the attention of Your Honourable House.

It behoves Your Committee, in the first place, to report that Mr. Sheriff Coffin was the first witness examined, and that at his request, preferred during his examination, Your Committee permitted him to take communication of all the evidence. On the seventh instant it was accordingly placed in his hands for perusal, a fact which he has recorded in his letter to the Chairman, received on the ninth, at noon, hereunto annexed, (marked A.,) and to which Your Committee refer. Mr. Meredith, Queen's Counsel, also spontaneously appeared before Your Committee, not in a professional capacity, as he himself cautiously stated, but in the character of a mere friend, on behalf of Mr. Boston, who was stated to be absent. Mr. Meredith further tendered some testimony, of which he saw fit to transmit the substance to the Chairman, in a letter dated the seventh, but received on the ninth, at four in the afternoon, also hereunto annexed, (and marked B.) Mr. Boston himself, however, called on the ninth instant, and took communication of the evidence. Mr. Coffin was desirous of obtaining, firstly, a copy of the evidence, and secondly, an indefinite delay ; but Your Committee could not accede to either request without foregoing the hope of placing their labours before Your Honourable House during the present Session. The arrival in town of Mr. Boston seems, too, to have removed the ground upon which the application of Mr. Meredith was based, and Your Committee are of opinion, that to have admitted him under the circumstances to give the evidence which he tendered would have been to introduce a bad precedent. Your Committee are, however, relieved of much of the difficulties incident to their position and duties, by the conviction that the Sheriffs have, from the first, been acquainted with the nature of their pro-

ceedings,—that the latter have been perfectly open to their inspection,—and that it was competent to the Sheriffs, had they seen fit, to have interposed either personally or by Attorney.

The Sheriffs of Montreal are by law the Depositories of large sums, the proceeds of levies made under writs of execution, by the sale of chattels as well as of immovables. For reasons to be hereafter stated, the precise amount of these sums could not be accurately ascertained, but they must be very considerable. In relation to this subject, there are two Statutory provisions. The first, being the Act 25 George III, chap. 2, provides for the compensation of the Sheriffs, and permits them to retain, over and above all their disbursements, a sum of 2½ per cent. upon all moneys which they may levy. This percentage is the only profit that the law allows the Sheriffs. But Your Committee have ascertained, and Mr. Coffin, one of the Sheriffs, has admitted, that they make a large annual addition to their income in the shape of interest upon the public funds. The original Sheriffs Returns contained an admission of the fact, and in his personal examination, Mr. Coffin has spontaneously avowed it. On this head, Your Committee are of opinion that such an application of any part of the public funds to the Sheriff's use, was not contemplated by law. If the funds levied be insufficient to meet the demands of the creditors, it is evident that it would be desirable, proper, and necessary, that any addition of which they are susceptible, any interest accruing upon the principal during the pending of the proceedings, should form a part of the debtor's assets, and should be paid over to the creditors. If, on the other hand, the levy be sufficient, the debtor and his family should benefit by the interest accruing upon the sum produced by the sale of his property. These funds are levied by execution upon unsuccessful litigants, upon men involved in hopeless embarrassments, the most unhappy of mankind. And Your Committee invite Your Honourable House to pronounce upon the claim of the Sheriffs, thus to make a profit upon the proceeds of levies,