

DORION, Ch. J. :—

An important point is presented by this case, which has given rise to several conflicting judgments both here and in France.

The appellant obtained a judgment for \$500 damages for libel against the Great North Western Telegraph Company. The respondent issued a writ of attachment to seize this money in the hands of the Telegraph Company. The appellant contests the attachment on the ground that the money cannot be seized, being damages awarded for libel.

The question is whether damages awarded for personal wrongs are seizable or not. There was great difference of opinion in France on this point, and it is difficult to reconcile the *arrêts*. Mr. Justice Papineau has summed up the case very well in *Maurice v. Desrosiers*, 7 Leg. News, 361, wherein he held that damages so awarded could not be attached. In France, under the Code, such damages have been held seizable. The reason is that they are not mentioned in the article of the Code among the things which are unseizable. We have a similar article, and no mention of such damages is made in it among things exempt from seizure. There have been decisions under this article, holding that such damages are seizable. Mr. Justice Casault so decided at Quebec in the case of *Williams v. Rousseau*, 12 Q. L. R. 116. The Court below has held the same doctrine in the present case, and we are of opinion that the judgment is correct, and it is confirmed. In so deciding we, however, wish it to be understood that we express no opinion as to the right of a party to oppose other claims in compensation of the damages he has been condemned to pay for a *délit* or *quasi délit*, or to seize in his own hands the sums so awarded to his debtor.

Judgment confirmed.

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(J. K.)

1897.

Archambault
&
Lalonde.