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ATTACHMENT AND COMMITTAL.

Rule No. 545 of the Consolidated Rules of Practice of the Supreme Court of Ontario provides that, "a judgment requiring any person to do any act other than the payment of money, or to abstain from doing any thing, may be enforced by attachment or committal."

It was said by Chitty, J., in *Callow v. Young*, 56 L.T. 147, that "committal was the proper remedy for doing a prohibited act, and attachment was the proper remedy for neglecting to do some act ordered to be done." This distinction if it ever really existed, is now done away with by Rule 545. On what reason the alleged distinction was based was not stated by the learned Judge, and it is not apparent.

It must be admitted, however, that it is not very clear in what circumstances an attachment is now the proper remedy, and in what circumstances a committal should be sought.

A glance at the form of a writ of attachment and an order of committal may perhaps assist in leading to a proper conclusion.

Form No. 120 shews that a writ of attachment requires the sheriff to attach the person named "so as to have him before our Justices . . . then and there to answer to us as well touching a contempt which he, it is alleged, hath committed against us, as also such other matters as shall be then and there laid to his charge."*

The order of committal on the other hand directs that the party in contempt do stand committed to gaol for his contempt (*specifying it*).

*Compare this with the *ca. re* in a civil action: Tidd's Forms (6th ed.) 42.