

to (b), there is more difficulty. In our law there are conflicting decisions as to whether the legal debt of maintenance is an "alimentary debt," in the sense in which that term is used in the provision of the Code of Civil Procedure, which declares that alimentary allowances may be seized for alimentary debts.

The Court of Appeal has held that this does not apply to the debt of maintenance. (1)

No reasons are given for the judgment which is contrary to previous decisions, and in a subsequent case in the Superior Court it was not followed. (2)

Upon general principles it is difficult to suppose that the intention of the legislature was to make the compensation payable under this Act absolutely exempt from seizure for a debt of maintenance. The principle of exemption from seizure, allowed by the Act to apply to compensation, was so allowed in the interest of the workman's wife and children, as well as of the workman himself. The general policy of the Act is to prevent the workman's family from becoming a burden upon public or private charity. This policy will be liable to be defeated, if the workman is entitled to take the compensation, and, at the same time, to refuse to perform the duty of supporting his family. A workman in receipt of a small rent who has a wife and children to support can hardly be in a position to help to maintain others. But as regards claims for maintenance made by these other persons, he will be sufficiently protected by the provision of the Civil Code, that maintenance is only granted in proportion to the fortune of the party by whom it is due. (3)

But the duty of maintenance rests upon considerations of public policy, and I am inclined to agree with M.

---

(1) *Wilson v. Brisebois*, 1895, 4 Q. B. 238.

(2) *Crédit Foncier Franco-Canadien v. Martin*, 1898, 15. S. C. 160 (*Choquette, J.*)

(3) C. C. 169.