

upon such a question as this it would be, I think, wholly illogical and unreasonable to hold that ignorance is an excuse under the one Act and not an excuse under the other.

For these reasons, I think the defendants' appeal should be allowed, and the action dismissed. But, under the circumstances, the whole should be without costs.

OSLER and MEREDITH, JJ.A., concurred, for reasons stated by each in writing.

MOSS, C.J.O., and MACLAREN, JJ.A., also concurred.

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MACMAHON, J.

MAY 6TH, 1909.

CHAMBERS.

RE STICKNEY.

*Division Courts—Judgment Debtor—Examination—Committal for Fraud—Imprisonment—Habeas Corpus—Warrant of Commitment—Finding of Fraud—Sufficiency—Warrant not Defective on its Face—Habeas Corpus Act, sec. 1—"Process."*

Motion on behalf of Noah Stickney, upon the return of a writ of habeas corpus, for an order for his discharge from custody.

W. J. Tremear, for the applicant.

J. H. Moss, K.C., for the plaintiff in the Division Court action of *Wilson v. Thompson et al.*

MACMAHON, J.:—By an order of Mr. Justice Riddell, dated 1st May, 1909, a writ of habeas corpus was issued commanding the sheriff of the county of Oxford to bring up the body of Noah Stickney detained in his custody. The gaoler made answer to the said writ stating that Noah Stickney was detained in custody in gaol under the warrant attached to the said writ since 24th April, 1909.

On the return of the writ and answer, Mr. Tremear moved for Stickney's discharge from custody, on the ground, among others, that the warrant directed to be issued by the learned County Court Judge, sitting as Judge of the 1st