

and Durham, as the price of pigs purchased by them jointly from Douglas Thompson, the other defendant in said action, and he believed that Stickney was the owner of the farm on which he lived and the implements thereon, but it turned out that his wife was the owner thereof.

The learned County Court Judge has found facts which, in his judicial opinion, suggest fraud, which is all that is necessary to support the warrant. See judgment of Lord Chancellor Halsbury in *Ex p. Barnes*, [1896] A. C. at pp. 150-1.

I do not consider the warrant defective on its face.

I thought it advisable to deal with the motion in the aspect of the case so forcibly presented by Mr. Tremear; but, in my view, the warrant is "process" within the meaning of sec. 1 of the Habeas Corpus Act, R. S. O. 1897 ch. 83, and the case is therefore concluded by *Anderson v. Vanstone*, 16 P. R. 243.

In Stroud's Judicial Dictionary, vol. 3, p. 1565, it is said that under the Summary Jurisdiction Act in England, 44 & 45 Vict. ch. 24, sec. 8, "process" includes any summons or warrant of citation to appear . . . also any warrant of commitment, any warrant of imprisonment, any warrant of distress," &c.

The motion fails and must be dismissed with costs.

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MAY 6TH, 1909.

#### DIVISIONAL COURT.

#### LEHMAN v. KESTER.

*Release—Judgment Recovered by Plaintiff—Release without Consideration—Undue Influence of Strangers—Threats—Religious Influence—Absence of Solicitor's Advice—Absence of Fraud—Validity of Release—Seduction—Findings of Jury—Motion for New Trial.*

Appeal by defendant from judgment of MAGEE, J., in favour of plaintiff for the recovery of \$1,200, upon the findings of a jury, in an action for seduction, and motion for a new trial of the action; and appeal also by defendant from the judgment of MACMAHON, J., ante 346, finding in favour of the plaintiff an issue directed to be tried as to the validity of a release of the judgment.