

T. C. Johnstone, for the advocate, moved on notice for an order to reinstate him, or in the alternative for an order to rescind the order of the Court striking him off the rolls, or for an order directing his re-enrolment.

Affidavits were filed showing that all monies due the client had been since paid by the advocate, and that he had not now any trust funds of any clients in his hands. Affidavits were also filed showing that the advocate had been of good conduct and character for the six months prior to the application.

*Hamilton, Q.C.*, opposed the motion, and raised the question of jurisdiction, contending that although the Court had power to strike an advocate off the rolls, they had no power under the Legal Profession Ordinance to reinstate him or rescind the order striking off the rolls.

*Held*, per RICHARDSON, J., that the Court had no jurisdiction to reinstate an advocate already struck off, or to rescind the former order, or to direct his re-enrolment.

ROULEAU, J., WETMORE, J., and MCGUIRE, J., concurred.

EN BANC.]

THE QUEEN v. McARTHUR.

[June 11.

*Criminal law—Practice—Estreat of bail—Discharge of forfeited recognizance—Right of appeal—Crim. Code, s. 922—Jurisdiction of single judge.*

W. and W. were sureties by recognizance for the appearance at trial of one McArthur, charged with theft of cattle. McArthur failing to appear, the recognizance was duly estreated and a writ of fieri facias and capias issued to the sheriff of the Judicial District of Northern Alberta against the sureties. Under this the sheriff made a levy. An application was thereupon made under s. 922 of the Crim. Code, on behalf of the sureties, to the Judge who presided at the trial Court at which McArthur had been bound over to appear for an order discharging the forfeited recognizance. The Judge made an order that upon payment of certain costs and compensation to the owner of the stolen cattle the sheriff should withdraw from seizure and return all moneys or securities deposited with him by the sureties, and discharging the sheriff from all duties and liabilities in connection with the writ. An appeal was brought on behalf of Her Majesty from that portion of the order directing withdrawal from seizure, return of moneys or securities, the discharge of the recognizance, and the discharge of the sheriff from all duties and liabilities in connection with the writ.

An objection was taken to the jurisdiction of the Court to hear the appeal, on the ground that it was an appeal in a criminal matter, for which there is no provision.

*Held*, following *In re Talbot's Bail*, 23 O.R. 65, that the order in question was a civil proceeding, and consequently that the Court had jurisdiction to hear the appeal from it.