tion, alleging that the defendants had agreed to charge only the amount of the costs that had been taxed against Green, and sued for payment of the amount so retained by defendants. Defendants then applied to the referee and obtained an order giving them leave to deliver an amended bill of costs as against the plaintiff and referring the same for taxation, directing the taxing officer to tax the costs of the reference and certify what should be found due to or from either party in respect of such amended bill and of the costs of the reference, to be paid according to the event of the taxation, and that all proceedings should be stayed. An appeal by the plaintiff from this order was dismissed by the Chief Justice. The plaintiff then appealed to the Full Court.

Held, that the plaintiff was entitled to have the question as to the existence of the alleged agreement determined by a trial in the ordinary way and that the order was wrong in directing a stay of proceedings. Under Rules 965-967 of the King's Bench Act, and 6 & 7 Vict. c. 73 (Imp.), which is still in force in Manitoba, an order for taxation of a solicitor's bill, obtained on the application of the solicitor, should not contain a clause directing the client to pay the amount found due: *Re Debenhans and Walker* (1895) 2 Ch. D. 430.

Quære, whether there should have been any order for taxation of defendant's bill before the other questions raised had been decided at the trial: *Re Beale*, 11 Beav. 600. However, as counsel for plaintiff, upon the argument, stated that he was willing to have the quantum of the defendant's bill ascertained by a taxation if the stay of proceedings were removed, it was not deemed necessary to decide that question.

O'Connor, for plaintiff. *C. P. Wilson*, for defendants.

Full Court.] VALENTINUZZI *v.* LENARDUZZI. [June 25.

Attachment—King's Bench Act, Rule 852—Imp. Stat., 23 & 24 Vict. c. 127, s. 28—Solicitor's right to charge on proceeds of attachment for his costs.

The plaintiff began an action of debt and procured an order for attachment under which a quantity of chattel property was seized and sold by the sheriff who realized therefrom the sum of $350.65 after payment of his fees and expenses. Several parties claimed the chattels or portions of them, but in inter-