B.C., c. 165, contains no reference to pleading or practice other than to enable them to be dealt with by rules of Court to be made, and because no rules have been made, the proceeding is unauthorized. Supreme Court Rule 1068 provides that "where no other provision is made by these rules, the present procedure and practice remain in force," etc., and by the Supreme Court Act, R.S.B.C., c. 56, s. 94, it is provided that all the rules including the one mentioned shall be valid and binding. Both these Acts were brought into force by the same statute (c. 40 of 1898). No affidavit had been filed before issue of the writ.

Held, that the Court procedure and practice existing under the old Replevin Act are still in force although the new Act contains no reference to pleading or practice other than to enable them to be dealt with by Rules of Court to be made. The writ was set aside on the ground that no affidavit had been filed before issue of the writ, but as that ground was not taken in the summons no costs were allowed.

Gilmour, for the summons. *E. J. Deacon*, contra.

Irving, J.] IN RE E., A SOLICITOR. [Dec. 6, 1898.

Taxation—Attorney and client—Offer to take less than amount of bill delivered.

The solicitor delivered several bills, one of which was for $272.32, and at the bottom of it he wrote, "say $250.00," another was for $104.65 and at the bottom was written "say $45.00"; another, being that of the N. & Northern R. R. Co., the solicitor delivered at $13.56, but with his accounts delivered a letter stating that he would not claim the amount of this last named account. The different accounts were by the common order referred to the taxing master for taxation and report. Upon the taxation the taxing master certified that the amount of the bills presented for taxation was the sum of $615.55, and the amount taxed off was the sum of $113.47, and the N. & Northern R. R. bill was disallowed. The taxing master did not state his reason for the disallowance.

The solicitor took out a summons for an order directing the taxing master to tax the costs of the reference to him on the ground that one-sixth had not been taxed off, inasmuch as to the N. & Northern R.R. account he had notified the client that he would not claim the amount of the same, and also upon the ground that the accounts having the words "say $250.00" and "say $45.00" should be understood as offers to accept these amounts for the accounts affected thereby, and as a consequence as the client upon this taxation had not succeeded in reducing the bill below the amounts so named he could not contend that one-sixth had been struck off. For the client it was contended upon the authority of *In re Carthew, re Paull*, 27 Ch. D. 485 and *In re Cameron*, 13 P. R. 173, that the solicitor cannot rely upon a previous offer to take less than the amount found to be due. And as to the Northern R. R. bill in particular