



**The Law Reports (Ireland); Published Under the  
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Volume 18**

*Ireland. Court of Appeal*

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1887 edition. Excerpt: ...see also Gen. Ord. X., April, 1878, Ex. Div. Rule 12. The writ was a proceeding within this Rule. There can be no doubt as to the reasonableness of the solicitor in taking advice before issuing the writ. If necessary parties were omitted as plaintiffs in the writ the error could only be set right at a subsequent stage by leave of the Court, and probably on payment of costs. PALLns, C.B.: If the solicitor had commenced such an action without taking counsel's opinion, and the case broke down, he might be liable to his client for negligence. Then as to No. 123, we again rely 11 the rules of 1854. In the schedule to the General Orders of 1854, made under the Common Law Procedure Act, 1853, attendances at Assizes are provided for in items 98--101. By 98 and 99, the attorney, whether practising in the Assize County or not, was allowed, in party and party costs, an Assizes' fee of £5 5s., and £2 2s. for each day of trial after the first. Item 100 is as follows: "As between attorney and client, if the attorney employed at the time be not a practitioner of the county, the client will be liable to pay him, in lieu of the Assizes' fee, for each day necessarily occupied, £2 2s. Also, 101, his actual travelling and other expenses, or in lieu of the per diem, £1 1s.:" Bewley and Naish, C. L. P. Acts, App. p. lv. In the schedule to Gen. Ord. VII., April, 1878, provision was made for attendances at Assizes: items 171-176, Dill0n's Judicature Act, p. 361; Ledwich on Costs. But we submit that though these items supersede Nos. 98 and 99 in the Rules of 1854, they only govern party and party costs, and they do not impliedly repeal Nos. 100 and 101 in the schedule to the Rules of 1854; and items 174 and...

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