

## DIARY—CONTENTS—CONCERNING RETAINERS.

## DIARY FOR JULY.

1. Sat.... Dominion Day—Confederation 1867. Long vacation begins. Trinity College Easter Term ends. Real Property Limitation Act, 1874, in force ex. certain sec.
2. SUN.. 3rd Sunday after Trinity.
3. Mon.. County Court Term begins. Heir and Devisee sittings begin.
6. Thur.. Last day for service of notice of Appeal for Court of Revision to County Judge.
7. Fri.... Gen. Simcoe, Lieut.-Gov., 1792.
8. Sat.... County Court Term ends.
9. SUN.. 4th Sunday after Trinity.
16. SUN.. 5th Sunday after Trinity.
15. Tues.. Heir and Devisee sittings end.
22. Sat.... Last day notice Primary Examination.
22. SUN.. 6th Sunday after Trinity. Union of Upper and Lower Canada, 1840.
25. Tues.. Battle of Lundy's Lane, 1812.
30. SUN.. 7th Sunday after Trinity. First English newspaper, 1588.
31. Mon.. Last day for determination of Appeals by County Judges.

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## CONCERNING RETAINERS.

THE law upon the subject of retainers is in a state of considerable uncertainty, from the fact that the judges almost uniformly refuse to offer an opinion upon questions of disputed retainers. We had occasion in former numbers of this journal to collect what little was to be found in the books upon this subject, and we now advert to it again *apropos* of certain correspondence which is published in our English exchanges. A question was lately submitted to the Attorney-General as to the object and effect of a general retainer to counsel as follows :

“On June 6, 1874, Messrs. A. sent a general retainer to Mr. Q. C. ‘in Chancery,’ and on November 12 another general retainer ‘in all courts’ for the same client. Mr. Q. C.’s clerk contends that under these retainers Mr. Q. C. is entitled to a brief in every case which comes into Court in which that client is a party; and that otherwise (Mr. Q. C.’s general retainer being known) no brief would be offered on the other side, and Mr. Q. C. would thus be prevented from appearing for either party. Messrs. A. contend that the object of a general retainer is to prevent the counsel from being taken against the client without the solicitor first having notice from counsel that a brief has been tendered to him on the other side.”

Whereupon the Attorney-General (Sir John Holker) gave his decision :

“Under the circumstances stated I decide that Mr. Q. C. is entitled to have briefs handed to him in all actions in which the client for whom the general retainer was given is a party (but not in mere interlocutory proceedings), in the courts in which Mr. Q. C. usually practises.

“The general retainer will not, however, entitle Mr. Q. C. to briefs in the House of Lords or Privy Council, for which tribunal separate retainers are necessary.

“If briefs are not delivered to Mr. Q. C., the general retainer will be invalidated.”