

## DIARY FOR AUGUST.

5. SUNDAY..... 9th Sunday after Trinity.  
 11. Saturday..... Articles, &c. to be left with Secretary of Law Society  
 12. SUNDAY..... 10th Sunday after Trinity.  
 15. Wednesday... Last day for service of Writ for County Court.  
 19. SUNDAY..... 11th Sunday after Trinity.  
 20. Monday..... Last day for notice of Ex. Chancery, Toronto.  
 21. Tuesday..... Long Vacation ends  
 25. Saturday..... Last day for declaration for County Court.  
 26. SUNDAY..... 12th Sunday after Trinity.  
 27. Monday..... TRINITY TERM begins.  
 31. Friday..... Paper Day, Q. B.

## IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Fulton & Ardagh, Attorneys, Barristers, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

TO CORRESPONDENTS—See last page.

## The Upper Canada Law Journal.

AUGUST, 1860.

## NOTICE TO SUBSCRIBERS.

As some Subscribers do not yet understand our new method of addressing the "Law Journal," we take this opportunity of giving an explanation.

The object of the system is to inform each individual Subscriber of the amount due by him to us to the end of the CURRENT year of publication.

This object is effected by printing on the wrapper of each number—  
 1. The name of the Subscriber. 2. The amount in arrear. 3. The current year to the end of which the computation is made.

Thus "John Smith \$5 '60." This signifies that, at the end of the year 1860, John Smith will be indebted to us in the sum of \$5, for the current volume.

So "Henry Tompkins \$25 '60." By this is signified that, at the end of the year 1860, Henry Tompkins will be indebted to us in the sum of \$25, for 5 volumes of the "Law Journal."

Many persons take \$5 '60 to mean 5 dollars and 60 cents. This is a mistake. The "60" has reference to the year, and not to the amount represented as due.

## THE LAW OF REGISTERED JUDGMENTS IN UPPER CANADA.

There are few branches of our law of real property so important, and, perhaps, so troublesome, as that which relates to the lien upon property created by registered judgments. The statutory enactments are by no means perfectly clear; and the consolidation of the various conflicting provisions in the Consolidated Statutes for Upper Canada, has only brought into greater relief their numerous inconsistencies.

In a former article upon this subject (vol. 5, p. 193), we treated of the lien of registered judgments, and under what circumstances it was, and was not, binding upon lands, and in the present article we propose to fulfil the promise

then made, of referring to the interests in real estate which may be bound by such registered judgments.

By the Consolidated Statutes for Upper Canada (cap. 89, sec. 49—same as 13 & 14 Vic. cap. 63, sec. 2), it is provided that judgments, when registered, shall affect and bind all lands to which the debtor was or afterwards became seized, possessed, or entitled, for *any estate or interest* whatever, at law or in equity, whether in possession, reversion, remainder or expectancy, or over which he had or afterwards obtained *any disposing power*; and these provisions are amplified by the Consolidated Statute for Upper Canada (cap. 90, secs. 5 & 11), which provides that a contingent, an executory, and a future interest, and a possibility coupled with an interest, in any land, whether the object of the gift or limitation of such interest or possibility be or be not ascertained; also a right of entry, whether immediate or future, and whether vested or contingent, into or upon any land, shall be bound by judgments, and be liable to seizure and sale under execution the same as lands.

The words here used—"any estate or interest in land"—are certainly comprehensive enough to include all kinds of estates which can possibly exist at law or in equity. We shall therefore describe those estates which are more generally known, and then refer to those which the latter statute more particularly describes, on all of which judgments attach.

1. An *estate in fee simple* in land is the largest estate which can be held under our laws. It is the kind of estate most common in this Province, and possesses the advantage of descending not merely to the heirs of the body, but to collateral relatives, according to the canons of descent. Its most valuable quality, however, consists in the unfettered right of alienation which its owner enjoys. A sale of such an estate under a judgment is a complete alienation.

2. An *estate tail* may be considered as the next largest estate. It is an estate given a man and the heirs of his body generally, in a regular order of descent; and it will descend to his lawful posterity, without restriction; or to certain heirs of his body, as heirs male, heirs female, or heirs by a particular wife. Judgments registered against these estates are binding on the lands of the tenant in tail as "against the issue of his body, and all other persons whom he might, without the assent of any other person, cut off and debar from any remainder, reversion, or any other interest in or out of said lands."

3. An *estate for life or years*, may be an estate to hold during life, and no longer, or a husband's tenancy by the curtesy of England, in his deceased wife's estate; or an estate for a limited number of years, or for the life of another. As the tenant for life or years of such estates has only a disposing power over whatever estate he pos-