

term, reserving a new rent to himself exceeding that reserved in the original lease, it seems to have been thought that the excess was a rent-seck. If the termor only under-lease, he may of course either sue or distrain.

VI. "The intention of the legislature in framing the concluding clause in this section was to place all parties, as to every matter, in the same situation as if no surrender had taken place. Whether the words they have used are sufficient to effectuate that intention or not (though I should rather think they are), it is not necessary now to pronounce an opinion," *per* Lord Tenterden in *Doe v. Marchetti*, 1 B. & Ad. 715, in which it was insisted, where premises were demised and under-let, and the first tenant surrendered and took a new lease with similar covenants, the under-tenant continuing in possession and never having surrendered, that special covenants in the new lease, co-extensive with those in the old (as not to erect new buildings without leave), could not be enforced by the first landlord against such under-tenants as "duties reserved" by the second lease. And see *Cousins v. Phillips*, 35 L. J. Exch. 84.²⁰

²⁰ Also *Ecclesiastical Com'rs. v. Treemer*, (1893) 1 Ch. 166.

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STATUTES

Made at WESTMINSTER, *Anno* Regni GEORGH II. *quinto* and
A. D. 1732.

CAP. VII.

An Act for the more easy Recovery of Debts in his Majesty's Plantations and Colonies in *America*.

IV. And be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of *September* One thousand seven hundred and thirty two, the Houses, Lands Negroes, and other Hereditaments, and real Estates, situate or being within any of the said Plantations belonging to any Person indebted, shall be liable to, and chargeable with, all just Debts, Duties, and Demands of what nature or kind soever owing by any such Person to his Majesty, or any of his Subjects, and shall and may be Assets, for the Satisfaction thereof in like manner as real Estates are by the Law of *England* liable to the Satisfaction of Debts due by Bond, or other specialt