

## GENERAL CORRESPONDENCE—REVIEW.

ancient rent service, grants of rent out of freeholds, &c.) was the old real writ of assize available; for seizure of the rent had to be alleged, and there can be no seizure of rent issuing out of chattel interests. See *Grant v. Ellis, supra*, and *Burton on Real Property*, 8th edition, 345. The statute, 4 Geo. II, chap. 28, seems to point to estates in rents, and not to mere incidents of a reversion. In the case alluded to, McLean could hardly have possessed an estate in the rent, and if not, had he any interest on which the statute 4 Geo. II, chap. 28, could operate?

But further, by the judgment in *Hope v. White*, the old cases, deciding that on an assignment by lessee of his term of years he cannot reserve rent issuing out of the term, seem to be overruled. The decision in *Parmenter v. Webber*, Taunton 593, proceeds upon the assumption that rent reserved on a demise for years is not, nor can be made an estate, and that the person entitled to the rent must have a reversion in order to justify a distress; now under the reasoning and upon the principles of the decision in question, the distress in the case of *Parmenter v. Webber*, could have been upheld on the ground that the rent reserved was a rent seck, and because it was a rent seck, the right of distress was given by the statute of Geo. II.

If I might be allowed to guess at the effect of the authorities, I should with great diffidence state them thus:

1. Rents issuing out of freeholds, are in themselves estates, and can therefore be spoken of as rents to which incidents, such as distress, are annexed by statute.

2. Rents issuing out of chattels, are mere incidents of a reversion, depending for existence upon that reversion, if separated from it they cease to exist, as rents in the proper technical sense of the term, and become mere stipulated payments for use and occupation, for which the assignee may have an action of debt; but cannot resort to any remedy originating in the doctrine of tenure, such as distress, &c.

Such rents, therefore, having no independent existence, can scarcely be alluded to by the statute of Geo. II.

The passages from Coke, cited in the judgments in *Hope v. White*, appear to relate to rents issuing out of freeholds, as in subsequent

sections he treats of remedies for their recovery, solely applicable to such rents.

Yours, &c

A BARRISTER.

Toronto, Nov. 1866.

[The report of *Hope v. White* will be found at p. 293, and the cases above referred to may instructively be examined in connection with it.—Eds L. J.]

## REVIEW.

A HANDY BOOK OF COMMERCIAL LAW FOR UPPER CANADA. By Robert Sullivan, M. A., Barrister-at-Law, and Charles Moss, Student-at-Law. Toronto: W. C. Chewett & Co., 1866.

Information for the million has been one of the distinctive features of the 19th Century; the schoolmaster has been abroad, and there is scarcely a branch of law, physic, mechanics or any of the numerous ologies which has not had its Manual or Handy Book, to initiate the unlearned, or to give a condensation for those desiring a *multum in parvo*. The law, particularly, has abounded in works of this kind in England—the book before us is a very creditable effort of Young Canada in the same direction.

One of the best text books ever written, Smith's Mercantile Law, has been taken as a model, and not only as a model, but the arrangement of that work, as the authors state in the preface, has been closely followed and the language often used.

The first chapter is devoted to brief outlines, (1) Of the laws in force in Upper Canada. (2) Respecting collection of debts by suits; which will be found very useful to mercantile men in giving them a good general idea of how and when, and in what courts cases are to be tried, and when judgments can be obtained and executions issued and the means of enforcing them. (3) The acts respecting fraudulent preferences. (4) The married women's act. (5) Bankruptcy—a very useful sketch of the Insolvent Acts in force here. This will be particularly so to all foreigners desiring commercial dealings with this country, as they always look to the bankrupt laws with great care in such or similar cases. (6) Proceedings against representatives of deceased debtors—rather an abstruse subject by the way, which could of course only be treated of shortly.

Chapter 2 treats of Mercantile Property, which is divided into, (1) Of the good-will of a business, and (2) Shipping, as being “two classes of personal property with which merchants especially are concerned.” Chapter 3 treats of Mercantile persons, that is to