

2. *Words of warranty in a deed, which say that the sale is made "with promise of warranty against all gifts, dowers, debts, hypothecs, substitutions, alienations and other hindrances whatsoever," are no more than an enunciation of the ordinary warranty of law, and do not imply any conventional warranty against a constituted rent representing cens et rentes.*

The judgment was as follows :—

"The Court etc.,

"Seeing that the present action is brought to recover from the defendant the balance of \$400 of the price of lots Nos. 21 and 22 of St. Amédée Range in the Parish of Ste Angélique, sold by the plaintiffs or their authors to the defendant by deed of sale passed before Mtre. E. d'Odét d'Orsonnens, Notary, on the 22nd day of November, 1881, with interest accrued and to accrue thereon ;

"Seeing that the defendant pleads that the lots in question are situate in the Seigniority of Petite Nation and that they are charged under and by the *cadastre* of the seigniority with an annual constituted rent representing the *cens et rentes* of \$11.80, on a capital of \$196.67, and that certain arrears of such constituted rent and also certain arrears of school and municipal taxes were due at the time of the sale ; that the defendant tendered and has since his tender deposited in court the balance of the plaintiffs' claim after deduction of the capital of the constituted rent and of the arrears above mentioned ; and that he prays by his dilatory exception to be allowed to delay the payment of the amount representing the capital of the constituted rent until the plaintiffs cause the same to be discharged or give security that he will not be disturbed thereby, and by his peremptory exception that the action be dismissed for the present to the extent of the amount of such capital ;

"Considering that by law a vendor was not bound to warrant a purchaser against seigniorial duties and charges when not declared, as no one was presumed to ignore the existence thereof, and that on the contrary lands situated in seigniories were always presumed to be conveyed subject to such seigniorial duties and charges unless there was a special conventional warranty that such lands were free and discharged therefrom ;

"Considering that a constituted rent representing *cens et rentes* is a charge inherent to all lands situate within the limits of a seigniority, that every such constituted rent is substituted by the Consolidated Seigniorial Act for all seigniorial duties and charges