

# THE LEGAL NEWS.

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## *CURRENT TOPICS AND CASES.*

The interpretation of Art. 2090, C. C., by the Court of Appeal, in *Trudel & Parent* (Montreal, April 26, 1893), is interesting. The court below maintained an action brought by a chirographary creditor of an insolvent, to set aside the registration of a hypothec granted by him within thirty days of his insolvency. The Court of Appeal, reversing this decision, held that the declaration contained in Art. 2090, C. C., that "the registration of a title conferring real rights in or upon the immovable property of a person, made within the thirty days previous to his bankruptcy, is without effect," is not to be interpreted as making such registration an absolute nullity in any event, but only relatively to anyone having an established adverse interest and who has actually sustained prejudice or loss in consequence of such registration. As a result of this interpretation it follows that other creditors have no legal right to criticise such registration until it has been demonstrated by a judgment of distribution, or other equivalent legal procedure, that their claims remain unpaid, in whole or in part, as a direct consequence of such registration. In the present case a chirographary creditor of the insolvent, without waiting to see the result of the division of the debtor's estate,