

In this case, Signol purchased some immoveable property, and it was conveyed to him by *acte sous seing privé*. Charpentier afterwards purchased from the same vendor, the same property and enregistered his title, which was a Notarial acte, in the Bureau des Hypothèques.—Signol took possession of the property (thus twice sold) but did *not* enregister his *acte sous seing privé*, until after the expiration of a month from the day of the date of Charpentier's enregistration.

On the 11th Brumaire in the seventh year of the French Republic, some time before the date of the sale to Signol and of the sale to Charpentier, a law had been passed requiring the enregistration or transcription of all *actes translatifs de propriété*, in the *Bureau des Hypothèques*, and enacting, "Que jusqu'à la transcription, les actes translatifs de propriété ne peuvent être opposés à des tiers."

The question submitted to the decision of the Court is therefore thus stated by M. Merlin:—"Entre deux acquéreurs d'un même bien, plaidant l'un contre l'autre au pétitoire, la préférence est-elle due à celui dont le titre d'acquisition a été transcrit le premier, quoique le titre de l'autre soit antérieur en date?"

It was held by the Court, that the title of Signol being an *acte sous seing privé* could have no other date than the date of its transcription, and consequently that Charpentier's title was the first in date and the first enregistered, and upon these grounds Charpentier had judgment in his favor.

So in the case before us, as in the case of Signol and Charpentier, Daniel Ayer in consequence of the deed executed in his favor by Heth Baldwin took possession of the lots in question. But this, his only title deed, was never enregistered, on the contrary, the title deeds of the appellant have all been enregistered, and are all prior in date by many years to the date of Baldwin's deed to Daniel Ayer. The title therefore of the appellant, in this case as in the case just cited of Signol and Charpentier, is the first in date and the first enregistered—and "*ubi eadem est ratio, idem est jus.*"