

criterion in case of conflict between a mortgage and a servitude or other real right. However, it must be pointed out - this being a important matter of policy - that leases under three years duration are not registered according to the Draft Civil Code which follows the present practice of the Department of Land Records. If the above criterion (registration) is adopted, it will ensue that leases under three years, being not registered, can be set up against a mortgagee. This consequence seems harmless because leases under three years are unlikely to depreciate the property to the prejudice of a previous mortgagee: they are transitory and mere acts of usual management. The Commission of Codification will have to decide finally upon this policy.

The wording of the above draft is similar to the wording as amended by Dr. James.

*Pour la solution
de cette question,
voir III (rapport
de July, 1923 et
meeting. subsequent).*