session, take up a prominent position in front of the Bench, turn his back on the Judges, and proceed to array himself in his robes. Such a proceeding would in many quarters have met with a severe rebuke, and we are inclined to think a Court errs on the side of leniency in allowing it to pass altogether unnoticed.

While on the subject of etiquette, we may remark that we have sometimes been tempted to think that when a Judge comes into Court, and bows politely to the assembled bar, the least the bar can do is politely to return the salutation. The trouble is that the practice of the learned judges is not uniform, and the salutation from the Bench is indistinguishable from the mere bending of the body necessary for the purpose of assuming a sitting posture.

ONE of the earliest acts of the new Master of the Rolls as the President of the Court of Appeal, has been to overrule a decision of his predecessor the late Sir George Jessel. In the case of *Vavasseur* v. *Krupp*, 15 Chy. D. 474, that learned Judge held that if the plaintiff discontinue an action, the defendant who has pleaded a counter claim, cannot proceed with the action in order to enforce the counter claim. In *Gathercole* v. *Smith*, 7 Q. B. D. 626, it was held that no judgment could be given for the defendant, on a counter claim which could not be set off against the plaintiff's claim, even though it was established in evidence. Bramwell, L.J., however, expressed a strong dissenting opinion, and considered that in such a case an independent judgment should be given for the defendant. The Court of Appeal in England have recently in the case of *McGowan* v. *Middleton*, (*Law Times*, 14th April, p. 438,) expressly overruled *Vavasseur* v. *Krupp*, and we presume that *Gathercole* v. *Smith* is also incidentally affected by the decision. *Vavasseur* v. *Krupp* was opposed to the opinions expressed in the earlier decisions of *Stooke* v. *Taylor*, 5 Q. B. D. 569; 43 L. T. 200; and *Winterfield* v. *Brodnum*, 3 Q. B. D. 324, 326; 38 L. T. 250; and was also questioned by Fry, J., in *Beddall* v. *Maitland*, 17 Ch. D. 174; 44 L. T. 248. We certainly think that the decision of the Court of Appeal in *McGowan* v. *Middleton*, more correctly accords with the spirit and intention of the Judicature Act than either *Vavasseur* v. *Krupp*, or *Gathercole* v. *Smith*,. It is not difficult to see that very serious injustice might result to a defendant who after he has been at the trouble and cost of establishing a counter claim, nevertheless, at the end of the litigation fails to recover a judgment for what he has proved himself entitled to, or who is driven to commence proceedings *de novo*, merely because the plaintiff chooses to discontinue the action. As the Master of the Rolls indicates, the fundamental intention of the Judicature Act is that when two parties are once before the Court, all matters in controversy between them are, as far as possible, to be finally determined.

THE TORRENS SYSTEM OF LAND TRANSFER.

THIS system is now in force in the five Australian Colonies, and in New Zealand. The English Act of 1874 is based upon it, and the Irish Landed Estate Courts issue absolute certificates of title similar to those issued under the Torrens system, from which time the title become practically indefeasible.

The Torrens System has been in force in South Australia since 1858, and has proved a complete success. "Indefeasibility of title has been practically secured" is the report of the Attorney-General to the Colonial Secretary in 1870, and such is the general report from all those Colonies.

The advantage of the Torrens system is that it is a register of *owners*, not of *titles*. Land is brought under the Act in a somewhat similar manner to that in which titles are