

reasonable inspection would have enabled the purchaser to discover the culvert. It was in evidence that it would cost £500 to deal with the culvert in such a way as to make the land suitable for such a building as was contemplated by both parties. Under these circumstances the Court of Appeal (Collins, M.R., and Stirling and Cozens-Hardy, L.JJ.) affirming, Kekewich, J., held that the condition of sale above referred to did not apply as the defect was latent, and that the vendors had failed to make a good title.

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### Correspondence.

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#### AUDI ALTERAM PARTEM.

*To the Editor CANADA LAW JOURNAL:*

Your editorial in the September number of the JOURNAL on Mr. Justice Meagher's connection with the Sydney incident is unjust to that judge. Newspaper reporters in their desire to make copy had sent exaggerated reports in the first instance, and comments on the judge's conduct have been based on the facts set out in these reports.

On the second day of a special term of the Court at Sydney, with more than sixty-five cases for trial on the docket, an adjournment for forty-five minutes for lunch was taken. The Court was then engaged in the trial of an ejectment suit, with a large number of witnesses present on both sides from a distant part of the county. When the judge, accompanied by the sheriff, reached the steps of the court house he found the door completely blocked, and counsel, solicitors and witnesses vainly trying to get out. The members of the Maritime Board of Trade were arranged on the steps to have a photograph taken. The judge had no knowledge of who the persons were, or what they were doing there, and considered that the steps were blocked by idlers who were watching some exhibition. The sheriff vainly attempted to make a way through the crowd for the judge, and the judge ordered the crowd to stand aside, not because his exit was blocked, but because persons having business in the Court were detained. Unfortunately the members of the Board of Trade who were nearest the door did not know the sheriff, nor did they recognize the judge, and the judge was hissed after he had made his way through. He