

under his agreement with the Hallidays was a license, personal to himself, good for 49 years, subject to earlier determination by his death or because he was no longer in occupation of the Naegele farm.

The defendant was not bound by the license granted by his predecessor.

The appeal should be allowed and the action dismissed; but the judgment should not issue for six months, and meantime the rights of the parties should continue as under the judgment of the County Court Judge, with the right to the plaintiffs to remove the ram during that period.

MEREDITH, C.J.C.P., in a written opinion, stated his agreement with the judgment pronounced by MASTEN, J., and referred to *Milner v. Brown* (1914), 7 O.W.N. 303. He also drew attention to the fact that the defendant's title was a registered one, and that he was entitled to the protection of the Registry Act.

RIDDELL and LENNOX, JJ., also concurred, on the ground that at the most the license was a personal one by Halliday, and did not at all bind the land.

Appeal allowed.

SECOND DIVISIONAL COURT.

APRIL 28TH, 1916.

*FOSTER v. MACLEAN.

*Libel—Newspaper—Conspiracy—Pleading — Defence—Agreement
for Rightful Purpose—Fair Comment—Appeal—Costs.*

Appeal by the plaintiff from the order of MULOCK, C.J. Ex., ante 101.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

W. E. Raney, K.C., for the appellant.

K. F. Mackenzie, for the defendants, respondents.

RIDDELL, J., read a judgment in which he stated the facts. The plaintiff, a Controller of the City of Toronto, sued W. F. Maclean, H. J. Maclean, A.E.S. Smythe, and The World Newspaper Company Limited, for damages for libel. Pleadings were delivered; and the plaintiff applied to the Master in Chambers to