

tion in which he referred to the undue boasting of real estate by dealers, wild cat subdivisions, hotels on mountain tops, etc. The resolution and plaintiff's remarks were published in the *News-Advertiser* newspaper and on the following day defendant wrote a letter to that paper commenting on plaintiff's remarks, and referred to plaintiff's connection with a hotel in Vancouver, the license of which had been suspended by the license commissioners, suggesting that plaintiff had used his position as alderman to secure the license and was responsible for the conduct of the hotel business. Plaintiff then took action. A trial before Clement, J., and a special jury resulted in a disagreement. On the second trial before Hunter, C.J.B.C. and a special jury, the verdict was that the article complained of "did not amount to a libel." Judgment was entered for the defendant accordingly, and plaintiff appealed. No objection was made to the charge to the jury.

Held (IRVING, J.A., dissenting), that the question of libel was for the jury and that the verdict should not be disturbed. *Sydney Post Publishing Co. v. Kendall* (1910), 43 S.C.R. 461, not followed.

S. S. Taylor, K.C. and *Woodworth*, for the appellant. *A. D. Taylor*, K.C., for the respondent.

Full Court.]

WILSON v. McCLURE.

[April 10.

Action—Survival of cause of—Death of plaintiff—Injury to personal estate—Property in timber licenses applied for—Fraudulent procurement of timber licenses—Revivor.

In an action for a declaration that defendants were, trustees for the plaintiff in certain timber licenses, or in the alternative for \$250,000 damages, it was alleged that the plaintiff had done all things necessary under the Land Act to obtain special timber licenses; that before he made his formal application for such licenses, the defendants applied and falsely represented to the commissioner that they had performed all the statutory requirements to entitle them to licenses for the same limits; that the plaintiff had filed a protest against defendants' application; that before the determination of such protest, or of its having been heard, the defendants fraudulently represented to the commissioner that plaintiff had not complied with the Land Act as to stating or advertising, etc., and that he had withdrawn his protest, and was willing that licenses should be granted to defend-