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Libel in a Will

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and mortgage corporations have not long ago caused serious agitation for the revocation of this principle.

Three possible solutions seem apparent, each of which would be entirely corrective of the situation.

If all county registry offices were equipped with "lot and block" systems of indices, the principle could be maintained and its glaring impracticality abolished. But this solution itself is impractical. The tremendous and prohibitive cost for surveying and mapping the entire state immediately vetoes this solution. Not only the cost itself, but the question upon whom such responsibility should descend would cause such a political hassle that the plan would be defeated before its inception.

The second solution would be for the legislature specifically to amend the recording act to protect only grantees and mortgagees (as relates to this problem) who record their indentures at a time when their grantors or mortgagors are seized and record owners of the premises in question. A failure to record during this period would deny such recordation any constructive notice to any purchaser for value without actual notice of such conveyance or mortgage. Such a purchaser under the specific change of the act and by virtue of the statute would take free of the pre-existing equities between his grantor and said grantor's grantee or mortgagee of the property which was after-acquired.

The third solution, and perhaps the easiest, would be for the New York Court of Appeals to take sharp issue with its prior decisions on this subject, and declare that such decisions are in clear contradiction to at least the intent of the recording act, and as such should be overruled. Such a decision could embody principles recommended in the preceding paragraph.

That any of these recommended changes are near at hand is doubtful. But perhaps this review will serve to bring to light a problem of which oftentimes many persons engaged in the legal aspects of realty transactions are not immediately aware. As regards real property, the principle of "caveat emptor" has lost none of its stinging force in New York and the courts of this state.

LIBEL IN A WILL

The Problem

Ever since a well-known seventeenth century English roué bequeathed legacies to those ladies who spurned his attentions[1] testators have been known to use their wills in a dual capacity, both to dispose of their estates and also their animosities. It is both convenient and effective for a testator to take this opportunity to defame someone who has incurred his displeasure since its effect will not be felt until after his death. After the instrument has been admitted to probate the libel contained therein is a matter of public record to be republished

1. The citation of this case has been lost in antiquity but it was noted by Surrogate Wingate in Matter of Draske's Estate, 160 Misc. 587, 589, 290 N.Y. Supp. 581, 584 (Surr. Ct. 1936).

whenever recourse to the will is necessary.[2] What, if anything, may be done to mitigate the consequences of the libel and the existence of liability for damages thus caused form the subject of this comment.

THE LIABILITY OF THE ESTATE

The tort of libel is predicated upon an injury to the reputation of the party defamed in a writing or in some other permanent form. Since only the opinion of others can form the reputation of another no cause of action can arise unless the libelous imputation is communicated. The communication of the defamatory matter is called publication, without which the tort of libel has not been consummated.[3] Either the defamatory remarks in the will of the testator have been published or the estate is not liable. A publication does result, however, if the will is admitted to probate since it is then a matter of court record.[4] If real estate has been devised publication will result to all those who search the title.[5]

As to whether or not a testator can posthumously cause publication the courts have held that if he drew the will with the intention and knowledge that after his death his statement would be publicized he is responsible for its publication.[6] His liability therefore can be inferred from the setting in motion of the procedure designed to achieve the contemplated result. A request on the part of the testator to have his will filed with the court can be implied from the fact of its execution and it is generally accepted that one who requests the publication of defamatory matter which he furnishes and which is actually published, is liable for his act[7] in much the same manner as one who supplies defamatory matter to a newspaper reporter.[8] As regards the executor the authorities agree that although the testator has procured the publication through him, he is not the agent of the testator for that purpose.[9]

2. Harris v. Nashville Trust Co., 128 Tenn. 573, 162 S.W. 584 (1914). It was stated that there would be a continual publication of the libel as a result of the need to check the will whenever a transfer of the testator's real property is made by any of the devises. See Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945).

3. Youmans v. Smith, 153 N.Y. 214, 47 N.E. 265 (1897); Millman v. Drew, 223 App. Div. 691, 229 N.Y. Supp. 336 (1st Dep't 1928); Wells v. Belstrat Hotel Corp., 212 App. Div. 366, 208 N.Y. Supp. 625 (1st Dep't 1925).

4. See note 2 supra.

5. Ibid.

6. Ibid.

7. Roberts v. Breckon, 31 App. Div. 431, 52 N.Y. Supp. 638 (4th Dep't 1898).

8. Valentine v. Gonzales, 190 App. Div. 490, 179 N.Y. Supp. 711 (1st Dep't 1920).

9. Citizens' and Southern Nat'l Bank v. Hendricks, 176 Ga. 692, 168 S.E. 313 (1933). The executor "was a creature or agency of the law to administer the estate, and was not the testator's representative in the continuation or consummation of the testator's wrong." Citizens' and Southern Nat'l Bank v. Hendricks, supra at 697, 168 S.E. at 315. In Kleinschmidt v. Matthieu, 201 Ore. 406, 266 P. 2d 686 (1954), in a well written decision, the Supreme Court of Oregon contended (as regards the executor) that:

1) there was no agency which dies with the deceased (it was argued that since an executor is the agent of the testator during his lifetime, the agency derived therefrom not being coupled with an interest dies with the death of the testator. The court rejected this theory, holding that the executor is not an agent of the testator during the latter's lifetime.);

It is uniformly held that written or oral statements made in a judicial proceeding are privileged if pertinent and they cannot be made the subject of a libel action.[10] But this defense will not avail the estate where the will is defamatory because the testator was not a party to a judicial proceeding at the time of its making. This is true despite the fact that the subsequent probate proceeding is a judicial proceeding and the will is relevant and material thereto.[11] However, it has been held that the rule relating to privileged writings in a judicial proceeding may be validly applied to a will in which there is no apparent purpose to injure or defame but merely an intent to insure the proper distribution of the estate and to protect it against claims by those not intended to be benefited.[12]

The estate may make use of the defense of justification and truth as in any other libel action and if it be pleaded and proved the estate is not liable as the ordinary rules of libel and slander apply.[13]

The authorities are in conflict on the question of the survivorship of the cause of action. The courts are confronted with the common law maxim of *actio personalis moritur cum persona,* which provides that if an injury was done either to the person or property of another for which damages only could be recovered, the action died with the person by whom the wrong was committed and no action can be brought against his executor or administrator.[14] The applicability of the maxim is doubtful because of the nature of the tort of libel. No cause of action accrues until after publication[15] and publication does not result until after the death of the testator so it would seem that no right of action existed which could abate. Only five jurisdictions have litigated this precise question. The split is three to two with the majority holding the maxim inapplicable and reasoning that since no cause of action existed against the testator during his lifetime none

2) the executor does not become an agent of the court until he is appointed and letters testamentary are issued to him; and

3) during the period between the death and the issuance of his authority, he is a mere instrument through which the will is published.

See also Harris v. Nashville Trust Co., 128 Tenn. 573, 162 S.W. 584 (1914); Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945); Matter of Draske's Estate, 160 Misc. 587, 290 N.Y. Supp. 581 (Surr. Ct. 1936); Matter of Payne, 160 Misc. 224, 290 N.Y. Supp. 407 (Surr. Ct. 1936).

10. Garr v. Selden, 4 N.Y. 91 (1850).

11. See note 9 supra.

12. Nagle v. Nagle, 316 Pa. 507, 175 Atl. 487 (1934). The court felt there was no intent to defame. The plaintiff had litigated the question of paternity for twenty-seven years and in four courts, with the deceased continually maintaining that he was not the plaintiff's father. In his will the deceased claimed that he had only two children—the plaintiff not named as one of them—and that he recognized no others. The court, in quoting Townsend, Libel and Slander 345 said: "The right to publish all that one may honestly consider necessary for the maintenance and protection of his rights is not confined to the proceedings in a court of justice; it extends to every occasion upon which one is called upon to defend himself from any charge against him." Nagle v. Nagle, supra at 512, 175 Atl. at 489.

13. Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945).

14. Matter of Payne, 160 Misc. 224, 290 N.Y. Supp. 407 (Surr. Ct. 1936).

15. Schaller v. Miller, 173 App. Div. 998, 159 N.Y. Supp. 1140 (4th Dep't 1916).

abated upon his death.[16] The minority does not squarely meet the argument of the majority but reasons that because the death of the testator intervenes between the wrongful act and the injury the liability of the testator and his estate is interred with him.[17] The maxim has been widely criticized.[18] The Legislature of the State of New York, upon the recommendation of the Law Revision Commission amended section 118 of the Decedent Estate Law so as to nullify the effect of the maxim.[19] In 1942 a second paragraph was added to section 118 which clarified the effect of the section in regard to an action against the estate for an injury to the person.[20] Under the law of New York an attack upon the reputation of another is a personal injury within the meaning of that enactment.[21] It is safe to conclude therefore, with one doubtful exception,[22] that a cause of action does arise because of defamatory statements made in a will which in a minority of jurisdictions will be held to abate upon the death of the testator. The better view is that the liability of the testator falls upon his estate and that damages may be recovered by the one defamed, provided however, publication has occurred.

THE LIABILITY OF THE EXECUTOR

It has already been noted, and it is uniformly held, that the executor is not the agent of the testator for the consummation of the libel.[23] The distinction between the liability of the executor in his executory capacity and in his capacity as a private person has not always been clearly borne in mind.[24] The following discussion will concern only his susceptibility to suit in his individual capacity.

As a general rule, all who participate in the procurement, composition, and publication of a libel are legally responsible for their acts.[25] The author of the

16. Kleinschmidt v. Matthieu, 201 Ore. 406, 266 P. 2d 686 (1954); Harris v. Nashville Trust Co., 128 Tenn. 573, 162 S.W. 584 (1914); Gallagher's Estate, 10 Pa. Dist. 733 (1901).

17. Carver v. Morrow, 213 S.C. 199, 48 S.E. 2d 814 (1948); Citizens and Southern Nat'l Bank v. Hendricks, 176 Ga. 642, 168 S.E. 313 (1932).

18. Matter of Payne, 160 Misc. 224, 290 N.Y. Supp. 407 (Surr. Ct. 1936); Report, N.Y. Law Revision Commission, 1935, at 159, 161-62.

19. N.Y. Decedent Estate Law § 118 (1942). "No cause of action for injury to person or property shall be lost because of the death of the person liable for the injury. For any injury an action may be brought or continued against the executor or administrator of the deceased person. . . ."

20. N.Y. Decedent Estate Law § 118 (1942). This was added so as "to make clear that under § 118 of the Decedent Estate Law an action against an executor or administrator, for injury to person or property or for wrongful death, is not defeated because the tort-feasor died before the occurance of such injuries or wrongful death." Report, N.Y. Law Revision Commission, 1942, at 777, note.

21. New York General Construction Law § 37a (1949) provides that the right to sue for libel is a separate right, and may not be joined with an action for malicious prosecution or false arrest. Fulton v. Ingalls, 165 App. Div. 323, 151 N.Y. Supp. 130 (2d Dep't 1914), aff'd, 214 N.Y. 665 (1915); N.Y. Civ. Prac. Act § 258 (Supp. 1949).

22. Carver v. Morrow, 213 S.C. 199, 48 S.E. 2d 814 (1948).

23. See note 9 supra.

24. Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945).

25. Seelman, The Law of Libel and Slander in the State of New York § 141 at 126 (1st ed. 1933).

libel need not himself perform all the necessary operations to bring the libel to fruition.[26] Therefore, if another imparts the information to still another he is equally liable. What then of the liability of the executor for filing the will with the court and for communicating the contents thereof to interested parties prior to probate? If it is the act of the executor in propounding the will which is relied on to complete the offense and afford a recovery against him, such reliance must fail because he is an agent of the law.[27] It is his duty to file the will for probate and suppression would be a criminal act.[28] In New York the filing of the will is made mandatory by section 137 of the Surrogate's Court Act.[29] And the mantle of absolute privilege shields the executor from liability when he publishes the will by offering it for probate. The instrument then becomes the subject of a judicial proceeding to which the executor is a party and consequently he is immune from suit.[30] The soundness of this rule cannot be doubted for if publication is made mandatory through the act of filing, liability should not attach because of such compliance with the law.

Let us assume that prior to the filing of the will the executor furnished copies thereof to the legatees and heirs at law. Although this certainly is publication, the cases intimate that during the period between the death of the testator and the appointment of the executor the latter is a mere instrument through which publication results.[31] Should the executor refuse to send requested copies to interested persons after the filing of the will, such refusal would be an empty and futile gesture since they could easily be obtained from the clerk of the court. Indeed, the propriety of such a refusal would be doubtful, as a dispute arising upon the probate proceeding would make them necessary parties. They would then have an absolute right to such copies and the executor would have accomplished nothing by his refusal.[32] It would seem that if the copies were distributed such action would be privileged since it can be inferred that the distribution of copies of a will to interested parties is similar to the distribution of printed

26. Newell, Slander and Libel § 176, at 220 (4th ed. —).

27. See note 9 supra.

28. Harris v. Nashville Trust Co., 128 Tenn. 573, 162 S.W. 584 (1914); Matter of Draske's Estate, 160 Misc. 589, 290 N.Y. Supp. 581 (Surr. Ct. 1936); N.Y. Surrogate's Court Act § 137 (1914); N.Y. Penal Law 2052 (1910).

29. "Whenever it shall appear . . . that any person has destroyed, retained, [or] concealed a will or testimentary instrument of decedent . . . the court must make an order requiring the respondent to attend and be examined. . . ."

30. Carver v. Morrow, 213 S.C. 199, 48 S.E. 2d 814 (1948); Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945). See also Chapman v. Dick, 197 App. Div. 551, 188 N.Y. Supp. 861 (2d Dep't 1921), in which Justice Young stated, "I think that . . . the rule relating to absolute privilege is sufficiently broad to extend to all matter otherwise libelous alleged or introduced in an action which, although ineffectual as a defense, may by any possibility, under any circumstances, and at some stage of the proceeding be or become material or pertinent." Chapman v. Dick, supra at 559, 188 N.Y. Supp. at 866.

31. Kleinschmidt v. Matthieu, 201 Ore. 406, 266 P. 2d 686 (1954); See note 9 supra. See also Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945); Matter of Draske's Estate, 160 Misc. 589, 290 N.Y. Supp. 581 (Surr. Ct. 1936).

32. Brown v. Mack, supra note 31.

questions containing libelous matter to prospective witnesses in a disbarment proceeding, and the distribution in that case was held to be privileged.[33]

Another aspect of the liability of the executor which merits discussion is whether or not it is incumbent upon the executor to petition the court to delete the defamatory matter from the will as admitted to probate. A discussion of this question follows.

THE POWER TO DELETE OR OMIT FROM PROBATE

Must the subject of the testator's scorn remain mute and stand idly by while possible irreparable damage is done to his reputation through the publication of the defamatory matter upon probate? To state it another way is his only recourse an action for damages or is he entitled to other relief?

The earliest reported case dealing with this problem held that an action to expunge the libelous matter from the will must fail, because a court does not have the authority upon an unsupported verbal application to expunge or strike out any part of a will, especially where the will is holographic.[34] It was noted that a similar application had been made and similarly denied before the court's predecessor.[35] Other courts have held that a motion to expunge or strike out will not be granted.[36] The validity of this rule is dampened slightly by the relative dearth of decisions, the precise point apparently having been presented to the courts in but a few cases in 130 years.[37] However, its companion motion to have the defamatory matter deleted from the copy of the will presented for probate and from the copy retained by the court has met with greater success and more judicial treatment. Such a motion has been before the courts on thirteen different occasions, the first being twenty years after the denial of the first application to expunge.[38] The English court there held that the objectionable matter will be omitted from the probate copy only, but will remain in the original will. In six subsequent cases the English courts reached the same conclusion, namely, that the courts have the power to deny probate to defamatory matter found in a will.[39] Only one other jurisdiction, New York, has decided the question. The New York decisions are in complete accord with the English authorities, in holding that a motion to delete defamatory matter in a will may be entertained before probate.[40] The rationale behind the decisions is to further the purpose

33. Youmans v. Smith, 153 N.Y. 214, 47 N.E. 265 (1897).

34. Curtis v. Curtis, 3 Addams Eccl. Rep. 33, 162 Eng. Reprint 393 (1825).

35. Ibid. Allusion was made to a prior application, but the case apparently was never officially reported.

36. Matter of Meyer, 72 Misc. 566, 131 N.Y. Supp. 27 (Surr. Ct. 1911); Re Maxwell, 14 L.T.R. 471 (1929); Curtis v. Curtis, 3 Addams Eccl. Rep. 33, 162 Eng. Reprint 393 (1825).

37. See note 36 supra.

38. Goods of Wartnaby, 1 Rob. Eccl. 423, 163 Eng. Reprint 1088 (1846).

39. Estate of Caie, 43 T.L.R. 697 (1927); Estate of Heywood, 114 L.T.R. 375 (1915); In the Goods of White, 111 L.T.R. 413 (1914); In the Goods of Honywood L.R., 2 P. & D. 254 (1871); Marsh v. Marsh, 164 Eng. Reprint 845 (1860); Goods of Wartnaby, 1 Rob. Eccl. 423, 163 Eng. Reprint 1088 (1846).

40. In re Croker's Will, 201 Misc. 264, 105 N.Y.S. 2d 190 (Surr. Ct. 1951); Matter of Payne, 160 Misc. 224, 290 N.Y. Supp. 407 (Surr. Ct. 1936); Matter of Draske's Estate, 160 Misc. 589, 290 N.Y. Supp. 581 (Surr. Ct. 1936); Matter of Spieden, 128 Misc. 899, 221 N.Y.

of the testator which is, of course, to benefit the beneficiaries. Any act by which the court could conserve the assets of the estate would benefit the beneficiaries and would, therefore, further the purpose of the testator. By granting a motion for deletion of libelous matter in a will the court would be protecting the estate from a suit for libel by the one defamed and the consequent diminution of assets.[41] There has been some question in New York as to whether or not filing constitutes publication prior to the granting of the motion to delete and the question has not been uniformly resolved. It has been held that publication has resulted from the filing of the will but that the subsequent deletion will materially reduce the damages arising therefrom.[42] On the other hand, a later decision stated that if the motion to omit from probate is granted no publication results.[43] As both these cases are entitled to equal weight, and since no appeal was taken from either decision the resolution of the question has been postponed.

Both the New York and English courts which have granted the motion have been impressed by the fact that in none of the cases was the matter deleted from the probate copy dispositive.[44] It was mere excess verbiage not at all necessary to carry out the testamentary intent. It is not inconceivable, however, that a situation might arise where the defamatory matter has some bearing on the testamentary intent and was inserted to protect the distribution of the estate to those intended to be benefited. In such a case the motion for deletion should be carefully weighed against the advantages to be gained by allowing the matter to remain. If the matter be clearly material to the validity of the will it should be admitted to probate, even though forcing the estate to run the risk of liability to the one defamed.[45] The courts, impressed by the solemnity of the instrument containing the libel, are slow to exercise their right to delete. There being no statutory direction, the power is generally held to be discretionary[46] but one decision would indicate that it is the duty of the court to exercise the power where the words are clearly defamatory since its inclusion was mere surplusage and should not be perpetuated by recordation.[47] The aspersion cast by the testator must be of such a nature as to appear grave in the opinion of the court before the motion to delete will be granted.[48] What will appear sufficiently grave

Supp. 223 (Surr. Ct. 1926); Matter of Meyer, 72 Misc. 566, 131 N.Y. Supp. 27 (Surr. Ct. 1911); In re Bomar's Will, 18 N.Y. Supp. 214 (Surr. Ct. 1892).

41. Matter of Draske's Estate, supra note 40.

42. Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945).

43. In re Croker's Will, 201 Misc. 264, 105 N.Y.S. 2d 190 (Surr. Ct. 1951).

44. Matter of Spieden, 128 Misc. 899, 221 N.Y. Supp. 223 (Surr. Ct. 1926); Re Maxwell, 14 L.T.R. 471 (1929). In Matter of Spieden, Surrogate Foley contended that there is no compulsion upon a court to admit to probate defamatory statements possessing no dispositive value, but, on the contrary, ". . . the surrogate possesses complete power to exclude objectionable matter. . . ." Matter of Spieden, supra at 900, 221 N.Y. at 224.

45. In re Croker's Will, 201 Misc. 264, 105 N.Y.S. 2d 190 (Surr. Ct. 1951); Brown v. Mack, 185 Misc. 368, 56 N.Y.S. 2d 910 (Surr. Ct. 1945) where it was argued that that which is the will of the testator cannot be treated in the same manner as that which is mere surplusage; see also Nagle v. Nagle, 316 Pa. 507, 175 Atl. 487 (1934).

46. See note 43 supra.

47. In re Croker's Will, 201 Misc. 264, 105 N.Y.S. 2d 190 (Surr. Ct. 1951).

48. Matter of Meyer, 72 Misc. 566, 131 N.Y. Supp. 27 (Surr. Ct. 1911). The English

to the courts does not necessarily coincide with what normally would be held to constitute a libelous statement in a civil action.[49] It is clear, however, that a mere admonition or exhortation to perform or refrain from performing a certain act is not sufficient.[50] If the consent of all interested parties to the deletion can be obtained the English courts will be roused to action more quickly.[51]

It would seem that anyone interested in the conservation of the estate can make the motion, but most frequently it is made by the executor[52] and less frequently by the one defamed.[53] In one unique instance the motion was made by the military authorities seeking to delete vital military information from the holographic will of a serviceman.[54] The proper procedure is by motion made upon the probate proceedings, and not by objection to the probate of the instrument.[55]

The reserved question of the executor's duty to petition the court to delete the defamatory matter has received no judicial treatment. The courts do hold that he has a right to make such motion,[56] and also hold that he is absolutely privileged when he presents the will for probate,[57] but are silent on the issue of his liability for neglecting to move for the deletion of the defamatory matter during the probate proceedings. An answer might be suggested by the opinion in a New York case holding the executor absolutely privileged for presenting the will for probate after the court has eliminated those portions which are defamatory.[58]

Conclusion

It would seem clear that if publication results upon the filing of the instrument for probate subsequent deletion of the defamatory matter pursuant to motion

courts that admit the power are in accord with this view. Also to that effect see Matter of Draske's Estate, 160 Misc. 587, 290 N.Y. Supp. 581 (Surr. Ct. 1936).

49. Matter of Meyer, supra note 48; In the Goods of Honywood, L.R. 2 P. & D. 251 (1871); Marsh v. Marsh, 1 Sw. & Tr. 533, 164 Eng. Reprint 845 (1860).

50. In the Goods of Honywood, supra note 49.

51. Marsh v. Marsh, 1 Sw. & Tr. 533, 164 Eng. Reprint 845 (1860). But see Curtis v. Curtis, 3 Addams Eccl. Rep. 33, 162 Eng. Reprint 393 (1825), where consent of all parties had been obtained, but the request to strike out was denied.

52. Matter of Draske's Estate, 160 Misc. 587, 290 N.Y. Supp. 581 (Surr. Ct. 1936); Matter of Payne, 160 Misc. 224, 290 N.Y. Supp. 407 (Surr. Ct. 1936); In the Goods of White, 111 L.T.R. 413 (1914).

53. Re Maxwell, 14 L.T.R. 471 (1929); Curtis v. Curtis, 3 Addams Eccl. Rep. 33, 162 Eng. Reprint 393 (1825).

54. Estate of Heywood, 114 L.T.R. 375 (1915).

55. Matter of Spieden, 128 Misc. 899, 221 N.Y. Supp. 223 (Surr. Ct. 1926).

56. See note 51 supra.

57. See note 30 supra.

58. Matter of Payne, 160 Misc. 224, 290 N.Y. Supp. 407 (Surr. Ct. 1936). This does not in fact answer the question, and at present it is open to conjecture. Surrogate Wingate alludes to it in his comprehensive opinion in Matter of Draske's Estate, 160 Misc. 589, 290 N.Y. Supp. 583 (Surr. Ct. 1936), but found neither an answer nor a need to answer it himself. It may be argued that as a result of the executor's ability to petition for deletion, a failure to do so would be an act of negligence for which a cause of action would accrue to the one defamed, or possibly to the devisees due to the shrinkage of the estate following a libel suit. Obviously, with the dearth of judicial decision on that point, the foregoing is speculation.