

EDITOR AND CONTRIBUTOR.

In *Macdonald v. The National Review*, his Honour Judge Lumley Smith (of the Westminster County Court) pronounced a decision which, if upheld on appeal, will materially, and as we think injuriously, affect the relations of editors and their contributors. The facts are these. The plaintiff, Mr. W. A. Macdonald, a Canadian journalist, sought to recover from the proprietors of *The National Review* the price of an article which he had written and submitted to the editor's consideration, *ex proprio motu*, and which had been set up in type, sent to him for correction, and returned revised. The article was not published within what Mr. Macdonald deemed "a reasonable time;" he complained of its non-appearance, and got back the manuscript, with an implied refusal to insert it, by return of post. The plaintiff contended that by putting his manuscript in type and sending him a proof for revision the editor had in law "accepted" his article, and was bound to publish or pay for it within a reasonable time. The defendants, on the other hand, maintained, and adduced what appears to us to have been strong evidence to prove, that this position was, according to journalistic custom, untenable. But his Honour Judge Lumley Smith agreed with the plaintiff, and held that to print a manuscript and (presumably) send the author a proof for correction is to exercise over it the *dominium* which constitutes an acceptance in law. We are far from satisfied that the judgment in this case is sound. The question at issue was one of custom, and his Honour's decision seems to us to have been against the weight of evidence. But if the learned judge is right, and if an article, ultroneously written and sent to a journal, is accepted whenever the editor puts it in type, and must be published or paid for within what a Court of law not endowed with journalistic instincts or guided by journalistic experience considers a reasonable time, we can only say that the difficulty which the free-lance or "outside" contributor at present finds in penetrating the charmed circle of journalistic success will be tenfold increased. It is stated that action in the case of *Macdonald v. The National Review* was taken at the instance of the Society of Authors. We doubt whether that excellent body has gained anything better than a Pyrrhic victory, in which the conquerors will ultimately lose more than the vanquished defendant. —*Law Journal (London)*.