

STATINTL

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**PUBLISHER MUST PAY
PLAGIARISM AWARD**

United States District Judge Edward C. McLean has directed Little, Brown & Co. to pay \$650.11 to Mrs. Gilbert Wheatland Smith for plagiarizing an unpublished manuscript, which told the story of a 16th-century Irish pirate queen named Grania O'Malley. The decision was filed in United States District Court for the Second District on Tuesday.

Judge McLean noted that in a previous decision on the case in 1965 he had found that Helen Louise Jones, juvenile editor of Little, Brown, either showed Mrs. Smith's manuscript to Mrs. Edith Patterson Meyer, a Connecticut author, or gave her a detailed account of it. Mrs. Meyer wrote a children's historical novel on the theme, called "Pirate Queen," which Little, Brown published in 1961.

Judge McLean, rejected Mrs. Smith's request for punitive damages against Little, Brown. He stated, in a reference to Miss Jones, "certainly it was not part of her duties to assist in plagiarism." The Judge continued:

"There is no evidence that any officer of defendant (Little, Brown) participated in the plagiarism in any way, or knew of it or authorized it or ratified it."

An appeal is being taken by Mrs. Smith against the denial of punitive damages. Mrs. Smith, who wrote her manuscript under the name of Carol Crosswell Smith, is a lawyer and the wife of an investment banker.