

AUTHOR ACCUSED OF BREAKING FAITH

Dr. Le Sueur Alleged to Have
Misused Information

LAW SUIT IS THE RESULT

Mr. George Lindsey Says a Cautious and
Unfair Criticism of William Lyon
Mackenzie Was to Have Been
Produced.

Did Dr. W. D. Le Sueur, "super-annuated civil servant, Tory and author," avail himself of the original documents and papers and records of William Lyon Mackenzie, placed at his disposal by Mr. George Lindsey, grandson of the historic Canadian, for the purpose of writing a judicial and sympathetic life of Mackenzie for the *Morang & Company's* series of "Makers of Canada," and proceed to use the material supplied him for the purpose of penning a more or less caustic and alleged unfair criticism of the subject for purposes other than those under which he obtained access to the material?

Such is the allegation of Mr. Lindsey, the plaintiff in an unusually interesting action which came before Mr. Justice Bell in yesterday's afternoon. Dr. Le Sueur from publishing his work is asked for, on the ground that the material of which he made use was obtained by fraudulent misrepresentation. Mr. Lindsey also asks unstated damages. Mr. L. F. Hellmuth, K.C., represented the plaintiff and Mr. G. F. Shepley, K.C., the defendant. Hon. W. L. Mackenzie King, former Minister of Labor, and another grandson of the historic figure, and Dr. James L. Hughes, both of whom are expected to be witnesses, were in the court room, and followed the proceedings closely.

Previous Litigation.

This is not the first litigation that has followed the literary effort of Dr. Le Sueur. Following his criticism of the life of Mackenzie, written by Dr. Hughes, in which he charged that the Toronto educationist had dealt with his subject too much from the conventional standpoint, Dr. Le Sueur secured a contract from the *Morang* people to write the life for publication in their series of "Makers of Canada." For this purpose he secured access to the documents and records in question, but on the completion of his work the publishers declined to take or issue it on the ground that it was not a fair or proper treatment, and was out of touch with books already published on Mackenzie's life and work. On these grounds they refused to return the manuscript, and Le Sueur brought action against *Morang & Company* to recover it. The trial judge ordered the return of the manuscript, and the decision was sustained by the Court of Appeal and Supreme Court, the litigation closing in 1911.

Information Misused.

Mr. Hellmuth, in outlining the plaintiff's case, stated that Le Sueur had secured the information for a specific purpose. That purpose had not been carried out, and it was consequently claimed that the information secured should not be used and should be returned. "The information was misused," was the counsel's summing up of the case, "and was held, secured by false pretences." Mr. Hellmuth read extensively from the evidence taken in the former case with a view to showing that Le Sueur had objected to Dr. Hughes' work on the ground that it adopted the conventional attitude in relation to Mackenzie; that he was severe in his treatment and lent his support to the family compact side of the case; that he expressed the expectation of running "counter" to prejudices from certain quarters. Le Sueur was also confronted with the allegation that he had said that he had come to the conclusion that Mackenzie cannot be termed a maker of Canada, and related: "I thought it feasible to include him in the series without calling him a maker." Significant references were made to the correspondence between Mackenzie and Dr. Rolphe. In his statement Mr. Lindsey stated that his father, upon Le Sueur's representations, had made no objections to his use. "Mrs. Rolphe had been told," added the witness, however, "that if she had any respect for the memory of her husband, she would burn the papers she had relating to the rebellion."

Papers Held by Mr. Lindsey.

Mr. George Lindsey, the plaintiff, stated that he was the sole possessor of the Mackenzie collection of papers, which came to him through his father's will. The collection included files of Mackenzie's publications—"Colonial Advocate," "The Constitution," "Mackenzie's Gazette," and "Mackenzie's Massacre." In addition there were a large number of letters and documents which had been edited by Lyon Mackenzie.

When asked how Dr. Le Sueur had been brought to his attention, Mr. Lindsey replied: "By the late Mr. T. C. Patterson, Postmaster, who said that Dr. Le Sueur, who had already written a life of Frontenac, was desirous of writing a life of Mackenzie. He then asked what had become of Mr. Hughes' life of Lyon Mackenzie, and Mr. Patterson said that it was not going to be used."

Objected to Political leanings.

Finally Mr. Le Sueur was allowed access to the papers, but he had first been told that Mr. W. L. Mackenzie King had objected to him as a "thorough" on account of his political leanings, but he had replied, "Nothing could be further from the truth than Mr. Mackenzie King's idea. I am not unsympathetic. I venture the opinion that Mr. King has been very rash to make such statements." After Mr. Le Sueur had gone through the papers Mr. Lindsey said he had made a great many extracts and even went a way with a number of original documents which he did not get back for years. "Mr. Lindsey went on to indicate, reading from messages of The Colonial Advocate and Dr. Le Sueur's book, that he had misused the information given in the papers and documents. The book was rejected by *Morang & Co.*, and in 1908 Mr. Lindsey wrote Dr. Le Sueur that "the original purpose having failed, you will make no use of any such or any other information obtained from the sources put at your disposal."

Found Alleged Inaccuracies.

After reading Dr. Le Sueur's manuscript and finding what he considered to be glaring inaccuracies, Mr. Lindsey wrote: "This is the kind of a man that I trusted with the sacred duty of editing my grandfather's papers." In a particular instance Mr. Lindsey read from an extract in Dr. Le Sueur's book which referred to several miscellaneous items on public matters in *The Colonial Advocate* as being all that the paper contained over a certain period, there being no reference to the political unrest at the time, whereas Mr. Lindsey read passages from the paper which had been passed over to show that the very agitation which had led up to the rebellion was then being discussed by Mackenzie.

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REPEAT/
RÉPÉTITION

King, Rt. Hon. William Lyon Mackenzie (MG
26 J 7 volume 22) William Lyon Mackenzie
- Clippings - LaSuer case 1912

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