

AUTHOR ACCUSED

OF BREAKING FAITH

Dr. Le Sueur Alleged to Have
Misused Information

LAW SUIT IS THE RESULT

Mr. George Lindsey Says a Caste 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 Morning & Commercial 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 Ritchie yesterday in order restraining Dr. Le Sueur from publishing his work as 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. Shapley, K.C., the defendant. Hon. W. L. Mackenzie King, former Minister of Labor, and another grandson of the historic figure, and Dr. James L. Hupkes, 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. Hupkes, in which he charged that the Toronto edition of the book dealt with his subject too much from the conventional standpoint, Dr. Le Sueur secured a contract from the Morning 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 leave 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 Dr. Le Sueur brought action against the Morning & Commercial people, and a judge ordered recovery of the manuscript and the decision was sustained by the Court of Appeal and Supreme Court. The litigation closing in 1913.

Mr. Hellmuth, in outlining the plaintiff's case, stated that Dr. 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, we hold, secured by false pretences." Mr. Hellmuth read extensively from the evidence taken in the former case with a view to showing that Dr. Le Sueur had obtained the material for 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 and expressed the expectation of running "counter to prejudices from certain quarters." Dr. Le Sueur was also contented with the allegation that he had said that he had "come to the conclusion that Mackenzie cannot be termed a maker of Canada," and replied: "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. Rolph. In his evidence Mr. Lindsey stated that his father, upon Dr. Le Sueur's representations, had made no objections to his use. Mr. Rolph had been told, he added, the witness, however, that he had no objection to the use of the papers, but that he would burn the papers after he 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 those of Mackenzie's publications—"Colonist," "Advocate," "The Constitution," "Mackenzie's Gazette," and "Mackenzie's Message." 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 Pontiac, was desirous of writing a life of Mackenzie. He then asked what had become of Mr. Hupkes' life of Lyon Mackenzie, and Mr. Patterson said that it was not going to be used."

Objection to Political Testimony.

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 biographer 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 unimpartial. 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 so far as to make a number of original documents which he did not get back for some time to indicate, reading from a number of the Colonial Advocate and Dr. Le Sueur's book, that he had misused the information given in the papers and documents. The books were collected by Morgan &

Dr. Le Sueur, and the evidence was that he had used the material for a specific purpose, and that he had not carried out that purpose. 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, we hold, secured by false pretences." Mr. Hellmuth read extensively from the evidence taken in the former case with a view to showing that Dr. Le Sueur had obtained the material for 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 and expressed the expectation of running "counter to prejudices from certain quarters." Dr. Le Sueur was also contented with the allegation that he had said that he had "come to the conclusion that Mackenzie cannot be termed a maker of Canada," and replied: "I thought it feasible to include him in the series without calling him a maker."

From Mr. and Mrs. Mackenzie.

After reading Dr. Le Sueur's manuscript and finding what he considered to be glaring inaccuracies, Mr. Lindsey wrote: "This is the third 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 notes 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 action which had led up to the rebellion was then being discussed by Mackenzie.

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

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