

CORRECTING JAS. L. HUGHES

DR. LE SUEUR'S COMMENT.

Mr. Hellmuth, in Address to Court, in Lindsey Suit, Reads Criticism of the Chief Inspector's Writing.

The evidence in the Lindsey-Le Sueur suit was concluded yesterday afternoon, Dr. Le Sueur being the only witness for the defence. In his address to the court, Mr. J. F. Hellmuth, K.C., for the plaintiff, detailed the grounds of action, the first of which was that defendant's contract to write the life of Wm. Lyon Mackenzie as a "maker of Canada," and that was the basis upon which access was given to plaintiff's collection of papers.

"On that ground alone," Mr. Hellmuth declared, "I am entitled to succeed because the purpose of the contract having failed, defendant was not entitled to use the information he had derived from the papers, for any other purpose and particularly for the purpose of showing Mackenzie as a puller-down of the State."

PERSONAL ILLUSTRATION.

"A very plain illustration suggests itself to me at the moment," continued Mr. Hellmuth. "Supposing someone were to come to me and say: 'You have a collection of your father's memoirs, papers and documents, which I would like to obtain because I have been commissioned to write a life of the Bishop who made the Church of England in Canada' (it happening that my father was a Bishop of the Church of England in Canada) and that work is going to be published in the English Church Times in a series, 'Makers of the Church of England in Canada.' Being as I would have the right to do, upon the attitude of that authority in England, I say 'Yes, you can have access to all my papers.' Nothing more is said than that: that is the purpose."

OPPOSING PURPOSES.

"After the work is written it appears in the work itself that instead of this person writing Bishop Hellmuth a maker of the Church of England in Canada, he writes him down as a puller-down of the Church of England in Canada, and the Church Times refuses to publish the work. Could it be contended for one moment that the author of that work could take the manuscript and the information therein contained from my collection to (we will say) the Catholic Record, or I will say some Presbyterian publication or publication of some other denomination which assumed to injure those who were Bishops of the Church of England in Canada, and have it published there? I had a right to rely, as the law will, I venture to say, assume that I relied, on this work being published in a certain series, subject, of course, as it necessarily must be, to the judgment of the publishers."

"In this case I say we were entitled to have Wm. Lyon Mackenzie written up as a maker of Canada in the series 'Makers of Canada.' It is quite possible—it is only natural—that a son-in-law or a grandson of a man might be willing to give his papers for one purpose and not for another."

FRAUD ALLEGED.

The second round of complaint put forward by Mr. Hellmuth was that defendant deceived plaintiff and had obtained access to the collection through ordinary intelligence. Mr. Hellmuth argued that Dr. Le Sueur must have been aware that had he represented his true attitude on Mackenzie to plaintiff and his father, he would not have got access to the collection. "It is abundantly clear," continued counsel, "that the one thing in the mind of defendant was to get access to the collection and next to conceal what his own opinions and impressions of Mackenzie were."

"At the very outset," proceeded counsel, "Dr. Le Sueur recognized the difficulty of making Mackenzie a maker of Canada, and he thought the term might be used as meaning a historical character. A historical character in Canada might include notorious persons who had done everything to destroy the country."

CORRECTING INSPECTOR.

To show defendant's attitude in regard to Mackenzie prior to his undertaking to write the life of Mackenzie, Mr. Hellmuth produced Dr. Le Sueur's critical notes on Dr. James L. Hughes' life of Wm. Lyon Mackenzie. The extracts from Dr. Hughes' manuscript and Dr. Le Sueur's comment are given almost verbatim as follows:

Hughes—"Rights and privileges which they continuously refused."

Le Sueur—"A doubtful statement in any case too strong."

Hughes—"Due to the outrageous tyranny of the ruling party."

Le Sueur—"A purely partisan statement."

Hughes—"A few shrewd and selfish men."

Le Sueur—"Shrewd and selfish" not warranted. Better a few men."

Hughes—"The dominant party was irritated in this respect."

Le Sueur—"No proofs."

Hughes—"But no personal consideration could make him leave the path of duty."

Le Sueur—"Too undiluted praise."

Hughes—"Despisingly roused his readers to rebellion."

Le Sueur—"Roused them to rebellion, no doubt, but there was less ground for despair than there was ten years earlier."

Hughes—"He was not a sceptic as some enemies allege, but a man of deep religious convictions."

Le Sueur—"Bolting in clergy reserves is surely no proof of this."

Hughes—"The Family Compact."

Le Sueur—"Expression used with too great frequency. Better say 'the administrative system of the day.'"

TO SHOW ANIMUS.

To show animus the following extracts and comments were quoted:—

Hughes—"Mackenzie had very advanced ideals regarding the rights of men."

Le Sueur—"Surely we have heard enough about Mackenzie's ideals. Rest of the pages were redundant verbiage."

Hughes—"Mackenzie's views compared with the most advanced views of English statesmen at the time."

Le Sueur—"He means the most liberal and retrograde views."

Hughes—"They sneer at him, abuse him and threaten him."

Le Sueur—"Why have we not said."

Telegraph, London, Nov. 15-10.

THE OTHER SIDE.

"I have yet to learn that a man is debarré from being a historian because he is a member of a political party," said Mr. George F. Shepley, K.C., in his address on behalf of defendant.

Continuing, Mr. Shepley stated that Mr. Hellmuth's argument was founded on an implication which left out of consideration the contemplated conduct of the parties in certain eventualities. "Is it to be supposed," he asked, "that no matter how satisfactory the book might have been, defendant would not have been able to publish it? I ask your Lordship to believe that if such had been the intention it would have been expressed."

Mr. Shepley asked for judgment in his favor on the third issue, which, he said, was the issue on which the whole case should be decided. "That issue was the charge of misusing material," Mr. Shepley maintaining that that charge had not been sustained. Dr. Le Sueur, he said, embodied in his book what he found in the records, and did nothing that a faithful historian would not do.

His Lordship Mr. Justice Britton reserved judgment.

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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