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THE 1928 COBOURG LIBEL TRIAL OF
SIR ARTHUR CURRIE AND THE 'PORT HOPE EVENING GUIDE':
The Rehabilitation Of The Reputation Of A Corps Commander'

by

Robert Scott Demill

Thesis submitted to the School of
Graduate Study and Research in partial fulfilment of
the requirements for the M.A. degree in History.

Universite d'Ottawa/University of Ottawa



UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

ABSTRACT

THE 1928 COBOURG LIBEL TRIAL OF
SIR ARTHUR CURRIE AND THE 'PORT HOPE EVENING GUIDE'

Robert Scott Demill,
University of Ottawa, 1989

Supervisor:
Professor Chad Gaffield

This thesis reexamines a 1928 libel trial where Sir Arthur Currie sued a writer and the proprietor of the newspaper the Port Hope Evening Guide. The specific article, entitled "Mons" recalled harsh criticisms made about Currie as commander in the Canadian Corps' during the Great War, and his leadership in the final drive of the last days of the war. In Canada these criticisms were publicized by Sir Sam Hughes, past Minister of Militia, in the House of Commons. Many critics of Hughes, as well as later historians, ignored the content of Hughes' attacks assuming the Mons issue to be of Hughes' making. Equally, its revival, eight years after Hughes' original attacks, has been viewed as unfounded propaganda against Currie motivated by unethical journalism, if not by the Hughes' family itself.

The nature of a court confrontation offers the grounds for a reevaluation. Such confrontations involve two opposing views, whereas in this case, only the records of one side have survived. Through the Currie biographer and Currie's own documentation, historians have recalled the motives and aspirations of Currie's adversaries, from the viewpoint of Currie and his associates. The trial transcript, however, reveals a more complicated set of circumstances behind the newsman's interpretation of Currie's last battle.

Taking the journalist's stated defence at face value reveals

a tragedy played out by two small-town newsmen who were misled by an incorrect, if not improper, historical record of a military event. Observing Currie's adversary's position unfolds a story of men who had thoroughly researched a topic only to make an incorrect historical analysis, to which the journalists fell victim. The newsmen, like their predecessor Hughes, may have had personal motivations in attacking Currie, but the historical documentation surrounding the Mons issue encouraged their attacks and determined their fate.

This work observes the documentation and personalities behind two shifts in historical understanding. The first is the changes in the public perception of Currie, focusing on the mistakes which brought about an unfavorable image, as well as Currie's opportunities for redemption through his legal trial. The second shift is the altered view of the military conflict at Mons. This reinterpretation of history changes a determined and bloody last stand by the Germans into the simple Canadian reoccupation of an abandoned city.

Such an examination offers significant insight into Currie's career and his greatest social and political challenges. It also exposes the factors which were against him by revealing the journalist's attacks in an understandable light. As such, the trial unveils a fascinating chapter in journalism, in addition to questioning the value of official military documentation upon which the journalist relied.

ACKNOWLEDGEMENTS

Taking on such a project as the writing of a Master's thesis on the Great War required seemingly unending dedication to the task. My struggle in compiling the material and producing this document has taken almost as much time as the war itself. I cannot help but feel I have been through my own war in the production of this work. Consequently, I feel greatly indebted to those who have helped me overcome the obstacles of writing style and organization.

The list seems endless, although special credit must be given to Professor Stewart Robson (Trent University) who first offered excellent training in tactical objectives; Jim English, an editor who had transformed weak sentence structure and loose legal terminology into the 'English' language, and my supervisor Chad Gaffield who encouraged me to finish the often fatal last ten percent effort in a thesis' production. Ironically, as in 1918, it was an American born reenforcement who came to the rescue as my spirit was faltering. Jeffery Buerger of Trinity College, Port Hope, revived, reviewed, and revised my interests and subsequently my quality of work. To him I owe both psychological and academic acknowledgement.

Finally my appreciation and praise is extended to numerous institutions who always displayed an eagerness to assist budding historians. These include the Public Archives of Canada, Provincial Archives of Ontario, McGill University Rare Book Room and Archives, Trent University Archives, University of Ottawa, and the Supreme Court of Ontario--Archives. It is through these people and these institutions that I have had the courage to 'carry on'. For this I am forever grateful.

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PREFACE

As time removes the principal figures in history, do historians record accurate accounts of events and historical personalities or are these subjects altered by the men who mold them for posterity? Sir Arthur Currie, by many original accounts, became a man hated by his men, insecure, paranoid, and "totally unpolitical."¹ The libel trial is, in part, a result or reaction to all of these problems. But Currie was blessed with a bureaucratic interest in retaining his papers, and associates dedicated to preserving a positive memory of him to posterity. Thus his papers offer a detailed look at the Great War and the trial as he saw it.

On the other hand, Sam Hughes lacked such personal records or significant military associates dedicated to protecting his memory. He is spurned by most senior officers who berated the Hughes' administration's attempt to turn an antiquated militia into a Canadian Army in total war. Hughes' final confrontation with Currie entrenched Currie's associates against him. As a result, most historical accounts of the war take a negative position on Hughes seeing him as an absolute failure. His later attacks on Currie are viewed as part of that ineptitude. Unlike Currie there remains little of Hughes' own thoughts to document properly his motivations. Thus Hughes, and the journalists who

¹McGill University, McGill University Rare Book Room (M.R.B.R.), Urquhart Papers, Box 5: file 14, General Burstall reply to Urquhart circular; Desmond Morton, A Peculiar Kind of Politics: Canada's Overseas Ministry in the First World War (Toronto: University of Toronto Press, 1982), pp. 144/156; M.R.B.R., Box 5: file14, Birchall Wood to Urquhart.

later followed him, are in danger of losing all credibility as much for the attacks on Currie, the man who kept records, as for their own errors.

This work observes the documentation and personalities behind two shifts in historical understanding. The first is the changes in the public perception of Currie, focusing on the mistakes which brought about a unfavorable image, as well as Currie's opportunities for redemption through his legal trial. The second shift is the altered view of the military conflict at Mons. This reinterpretation of history changes a determined and bloody last stand by the Germans into the simple Canadian reoccupation of an abandoned city.

The changing perception in the battle for Mons is carefully narrated throughout the 2200 page trial transcript found within the Currie papers at the National Archives of Canada. The changes in the perception of Currie is much more complex due to analyzing the actions and motivations of Currie and those who affected his life. The factors causing soldiers or the Canadian public to scorn Currie in 1919 and cheer him in 1928 are neither completely isolated nor quantifiable. Equally, an evaluation of the motives of Currie, Hughes, or the newsmen Currie sued, were never consistently documented as to be concrete.

The problem is exaggerated by the documentation surrounding the trial being altogether one sided. By definition, the trial presented a legal confrontation between two opposing opinions. However if the surviving records are mainly those of Currie's, the motivations and actions of his adversaries are in danger of being seen only from this perspective, since Currie's collection

was carefully preserved and edited to encourage a favorable view of himself. The relative obscurity of Currie's two opponents, the Guide publisher, Frederick Wilson, and author of the article, W. T. R. Preston, leaves the aspirations of Currie's opponents a mystery. Wilson's death shortly after the trial's appeal caused his family to consider the matter closed and they refused to discuss or document this event. Preston, and his documentation, went to England where nothing has, as yet, been recovered. The other adversary, Sir Sam Hughes had died in 1921, leaving little personal documentation. This review combine the critical comments of the Currie collection with more favorable images found among personal interviews and the stated aspirations of the journalist found in the trial transcript itself. By this means, we reinforce the defence's argument using the sparse documentation available; in effect, to add some substance when obscurity fails to defend.

Otherwise, the Currie trial has hereto been left to the biographers of Currie where the trial itself is somewhat of a footnote to his military career ten years earlier. Biographers of Currie neglected it, stressing only its causes and its effects; its causes being Hughes, its effects being the vindication, adoration, and celebration offered Currie upon his victory. This aspect is considered very important in the biographer's opinion in view of Currie having been deprived such acknowledgement in 1919.

The story of the libel trial has recently escaped the domain of the Currie biographer. The Osgoode Society's promotion of

legal history supported the publication of Robert J. Sharpe's The Last Day, The Last Hour: The Currie Libel Trial, as part of its famous trials series. Sharpe details the legal interplay between Currie and his newspaper adversaries through the use of the Currie papers, newspaper accounts, and several published biographies of Currie. Naturally the biographers and the Currie papers encouraged Sharpe in his view that Currie was an innocent victim of Hughes' villany, while the journalists of the Guide were guilty of unethical scandal-mongering.²

The treatment of the Currie papers, and especially those relating to the trial, demonstrate the molding of historical interpretation. Currie's associates went to some length to edit Currie's career. They sought out and destroyed all the copies of the pre-trial Examination of Discovery, since they felt it "could prove a dangerous document in the future."³ Equally, the jury notes are notable for their absence amongst the otherwise thorough court records of the period.⁴ The single surviving copy of the transcript remained under the care of Hugh Urquhart, Currie's close friend and biographer, until his death in 1950. Hugh Urquhart was the only biographer who accumulated a wealth of documentation outside the Currie papers while Currie and the other major military figures were alive. His papers present

²Robert J. Sharpe, The Last Day, the Last Hour: The Currie Libel Trial (Toronto: The Osgoode Society, 1988), pp. 250.

³National Archives of Canada (N.A.C.), Currie Papers, MG30E100, file 63, Cook, Magee to Urquhart, 16 August 1934.

⁴The court records for Northumberland have been moved to the Trent University archives. The Jury Notes for the 1920's appears to be complete with the exception of Spring 1928.

good example of the circular nature of Currie's current biographers. In 1954, after Urquhart's death, the bulk of his papers were reported destroyed. This has remained the common belief since the document to this occurrence remains in the Urquhart papers at the Public Archives.⁵ Evidently the papers have been stored in the principal's office of McGill University until they were released to the McGill University Rare Book Room. Urquhart spent over twenty years compiling documents and pondering over various aspects of Currie's life and military career. His extensive reviews in three different earlier manuscripts, detailed correspondence, and thorough notes, make this material invaluable to further research on Currie. Still, while the papers have been open for at least five years, two Currie biographies, and a legal review of the trial all fail to utilize them. It appears that simply taking a different approach to exploring the general's career unveiled valuable new material which, unfortunately, has eluded current biographers.

The debate about Currie's second battle of Mons is by no means concluded. Terry McKenna's 1988 television documentary, The Killing Ground questions the validity of the contemporary view of the battle of Mons and the 1928 Cobourg libel trial. Moreover, the tormented end of the hostilities for the Canadian Corps left many bitter recollections among common soldiers which occasionally resurface and add to our understanding of this debate.

⁵The Urquhart papers were reported destroyed in correspondence between the Dominion Archivist and Colonel Stacey of the Historical Section, 10 June 1954 (N.A.C. Urquhart Papers, MG 30 v. 12).

The trial which debates the battle of Mons is beyond simply a legal event; it is a test of the military and its account of a battle, a commentary on veterans, a crucial turning point of a prominent Canadian and a significant and dramatic newsworthy event of the time. In the abstract, the trial challenges the images of myth and reality on the battlefield. Hence, this event offers a good watershed to view many aspects of the Great War other than Currie's victory in Cobourg.

INTRODUCTION

On April 16, 1928, Sir Arthur Currie sued the author and the publisher of an article in The Port Hope Evening Guide. Currie charged that the article was "a criminally libelous statement" of an "untrue and scurrilous" nature that maligned his reputation as Commander of the Canadian Corps during the Great War.¹ This article, entitled simply "Mons," accused Currie of needlessly sacrificing soldiers' lives in the action which captured the city of Mons in the last hours of the war. After sixteen days of courtroom testimony, the \$50,000 libel suit finally ended public speculation about Currie's allegedly near-criminal actions. After the trial, the criticism of Currie's leadership at Mons disappeared, and the General's reputation was restored.

This study examines the rehabilitation of Sir Arthur Currie's reputation resulting from this libel trial. The trial ended a military myth that had cursed Currie's career. The common soldier had believed Currie to possess a callous disregard for his soldier's lives. This was an idea created in France, given concrete expression after Mons, propagated by his opponent Sam Hughes and finally confronted and dispelled by Currie in court in 1928. It was an unusual military rumour, or myth, having a relatively concrete beginning and a conclusive end. This paper focuses on the causes of the rumor and consequently the causes of the trial itself by exploring how Currie attained an image of callousness, why this image attached

¹National Archives of Canada, Arthur Currie Papers, MG30E100, Vol. 18, file 62, Currie to P. L. Brown, June 17, 1927,

itself to Mons, how it outlived Hughes' public attacks on Currie, and why two skilled newsmen would accept the criticism of Currie wholeheartedly.

At the trial Currie effectively laid to rest a fascinating rumour which would have plagued his image as an historical figure. The previous potency of the rumour had already robbed him of a venerated place in Canadian society upon his return from the war. However the credence placed in Currie's "needless sacrifices" connected with the attack on Mons eventually offered him an opportunity to challenge the rumour. For "Mons" the criticisms of Currie were so widespread and well documented as to cause newsmen to be prepared to defend the rumours authenticity in court. In the end, it was the nature of the battle of Mons instead of the rumour which brought defeat to Currie's opponents and financial ruin to the newsmen who had believed in it.

Generally, rumours evolve without any evidence of their source. This is especially true among soldiers sensitive to the stories upon which their lives might depend. Currie justifiably referred to the Canadian Corps as a "rumour-producing factory" where officers often became victims of such attacks. Still Currie believed that the criticisms of his actions at Mons were not of ordinary design. This particular attack was the creation of his rival and opponent, Sir Sam Hughes. For him, Hughes had been the primary cause of the public disapproval of him in post war Canada. Currie felt Hughes had used his last remaining political and military influence to generate attacks against himself. Although Hughes died without Currie

properly rebutting the charges, Currie found the opportunity for such a rebuttal when Hughes' accusations reappeared in the pages of The Port Hope Evening Guide.

Sir Arthur surprised most people when he pursued this small town newspaper for libel in 1928. The issue appeared unimportant, the quarry obscure. The lawsuit seemed pointless. Friends advised against the action, believing it would bring unfavourable and unnecessary publicity. Few realized that Currie viewed the trial as his final battle against his greatest opponent, Sam Hughes. Currie suspected that Hughes' son Garnet and friends were secretly behind the article. Although unsupported, this belief has become the established cause of the event.

From the perspective of Currie's biographers, the trial was the culmination of a long campaign of rumour-mongering which sought to destroy Currie's career and legacy. Those biographers, Dan Dancocks, John Sweetenham, and Hugh Urquhart, support Currie's belief that the Mons stories began as an ingeniously executed plan by Sam Hughes and his associates. They consider the Mons rumours to be a fabrication propagated without any regard for facts, a deliberate ten-year programme of "secret whispering and sibilant slander to blacken Currie's name."² Indeed, Dancocks carelessly credits the hearsay to the "senile gibberish" of Sir Sam Hughes.³

²Daniel G. Dancocks, Sir Arthur Currie: A Biography (Agincourt: Methuen Publications), p. 195 and John Sweetenham, To Seize the Victory (Toronto: Ryerson, 1965), p. 275. See also Hugh Urquhart, Arthur Currie: The Biography of a Great Canadian (Toronto: J.M. Dent, 1950).

³Daniel G. Dancocks, Sir Arthur Currie: A Biography p. 255.

The complete evidence, however, suggests that Currie was not blameless, and that the rumours about Currie at Mons were not founded on the "senile gibberish" of Hughes, but had distinct roots on the battlefield. The long-standing criticisms about Mons stemmed from a deep resentment about the final campaign as well as incorrect documentation about the last battle. The popularity of the Mons rumour among soldiers distinguished it from simple military gossip; it became an outlet for the widespread anxiety created in the closing segments of the war. Furthermore, the rumour's currency was a direct result of Currie's own actions. Not only had Currie refused to reply to comments made against him by Hughes in the House of Commons, but he had also failed to properly document the encounter at Mons. In addition, the Mons hearsay survived where others stories had faded, in part, because of the support of numerous published accounts about the battle which were based on speculation, opinion, and self-glorification. Finally, Hughes' prestige as former Minister of Militia had given the Mons rumours notoriety and credibility. Currie's limited response to Hughes' attacks in 1919 involved cautious manoeuvres around a potentially disastrous confrontation. Currie's strategy proved partially successful, although several miscalculations left the Mons rumour as a legacy to his reputation.

The trial was another battle of Mons, the last battle of Mons, this time fought in an Ontario courtroom. While Currie sought the enemies of his past, the two newsmen who confronted him defended what they believed to be an historical fact about

the fighting at Mons ten years earlier. They were supported by veterans' accounts and a wealth of official documentation which fortified their criticism of Currie. Their investigation explored the undercurrent of opposition to Currie at the end of the war, which continued to exist in 1928. The newsmen revealed the heightened stress felt by some soldiers who could not leave behind in France their bitterness toward Currie or their experiences in the last hundred days of the war. They also reviewed the Hughes-Currie confrontation of 1919-1920 which led the newsmen to speculate about secret reports and government cover-ups. In court they would find that the legal parameters restricted or excluded evidence that the defence felt important to their arguments and their motivations for writing the article.

The transcript of the trial itself challenges current interpretations of Hughes' and the newspaper's roles in the Mons rumour. It reveals the complexity of both the individuals and the circumstances leading to this confrontation. Within the trial transcript, the conditions which draw the newspaper inescapably towards litigation are brought to light. The documentation which was available concerning the two newspapermen exposes their motivations. This is a tragedy played out with two small-town newsmen who were misled by the documentation of the events at Mons. Their subsequent plight has been ignored by those who have analyzed the trial in the past. The judgement against them has allowed Currie's biographers to associate the newspaper with the plotting Hughes family and thereby hide the true value of the trial.

The trial and its background offer significant insight into

Currie's career. The events behind the trial reveal the personal clash between Canada's two most prominent Great War leaders, helping us to understand the pressures that weighed upon both Currie and Hughes. Still, Currie's battle in the Cobourg court has value beyond its impact on his own life. The trial allows the historian to observe an historical misconception which would have gone unnoticed without Currie's action. Following his adversaries' actions details a story of thoroughly researched but incorrect history making. The journalists' past experiences encouraged them to face a legal action against Currie, but the available evidence in documentation and veterans' conceptions of the battle for Mons, caused the journalist to retain their stance. Their research challenged the authenticity and effectiveness of the military's official documents. The documents' failings were the principal cause of the newsmen's defeat. Thus the value of accredited historical documentation is challenged by this trial. Therefore, for Currie, Hughes, and the journalists, the nature of the documentation changed their lives as well as the way they would be perceived in history.

CHAPTER ONE

CONFRONTATION OF GIANTS

A diet vigorous, not rich,
I find agrees with my internals:
I'm very fond of shells, from which
I extract (honorary) Kernals:
My favorite diet? If you're in a hurry,
I'll tell you briefly. I just dote on Currie.¹

The Cobourg libel trial had its roots in the confrontation between Sir Sam Hughes and Sir Arthur Currie. Unfortunately, the evidence is problematic, since the material is predominately one-sided in favour of Currie. There is a scattering of Hughes' personal papers, but there are no sources such as diaries to recall Hughes' thoughts or motivations after 1916. The few extant family papers are cautiously guarded by Hughes' grandson.² Hughes' biographers observe him as one would treat an aging football hero, recalling his great days but ignoring those times when he dropped the ball.³ Admirers of Hughes, such as Alan Capon, Roger Haycock, or Charles Winter, neglect his actions after he lost his ministry post in 1916.

¹National Archives of Canada, (hereafter N.A.C.) Andrew Macphail Papers: This is the third stanza from the unpublished poem Sir Sam Hughes: Lindsay, Ontario written by Arthur Currie's friend Andrew Macphail.

²Ronald G. Haycock, Sam Hughes: The Public Career of a Controversial Canadian, 1885-1916 (Ottawa: Wilfred Laurier University Press/National Museums of Canada), p. 6.

³The political considerations are fairly treated in Haycock's Sam Hughes, op. cit., and Alan R. Capon, His Faults Lie Gently: the incredible Sam Hughes, (Lindsay, Ontario: F.W. Hall, 1969).

Hughes' attacks upon Currie occurred after Hughes had been fired from his cabinet post in November of 1916. Thereafter, his rapidly declining health and evident bitterness discouraged any past defenders of the once great leader. Not surprisingly, Currie's supporters are less forgetful of Hughes' later life since he had made an enemy of Currie at this time. Currie biographers emphasize Hughes' seemingly unreasoned and uncontrolled attack on Currie as confirmation of his latent insanity. These researchers stress his preoccupation with the promotion of his son Garnet to senior military command and his seemingly inexplicable desire to destroy Currie.

While Hughes was undoubtedly a man crushed by rejection, betrayal, and a mental and physical exhaustion which soon took his life, there is evidence that his remarkable perceptiveness did endure. He remained a vocal representative in Parliament throughout the war offering few public attacks upon the wartime leaders in the field. Unappreciated by historians are his elegant pleas for the common soldier, or his demands that the Kemel Park rioters be tried in Canadian courts by Canadian judges.⁴ A closer analysis of Hughes provides a more complex assessment of the man attacking Currie. Understanding their relationship helps explain Hughes' willingness to use the Mons story against Currie, and also reveals Currie's fears as late as 1928. Hence we must re-examine the question posed in 1928, "What

⁴See Hansard 1919 Session Volume # 1, p. 319, and a general reading of the 1919-21 period. His speeches often reflected his concern for the common soldiers at a time when much of the Canadian public chose to forget the war and its effects.

made Sam get so nasty?"⁵

Sam Hughes, Minister of Militia since 1911, energetically built the organization that he sensed would soon go to war. The Militia through which Currie and Hughes first met existed as a political and parochial organization, "its officers often dependent upon political preferment for promotion."⁶ Before the war, Currie was a junior officer in what appeared to be Hughes' personal militia, since Hughes possessed nearly absolute authority over his relatively small ministry. Currie's personal interest in marksmanship worked to his advantage as he served with Hughes on the executive of the Dominion Rifle Association, where they developed a close working relationship. One Currie biographer recalls that "Currie often appealed directly to Hughes in certain matters, thereby circumventing red tape."⁷ A bond formed between these two men as each realized the other's dedication to a reformed militia that encouraged military professionalism.

The possibility of a confrontation, however, was present from the beginning. "Both men were big, gruff, headstrong men accustomed to command, both were Ontario farm boys who began

⁵N.A.C., Currie Papers, MG30E100 (hereafter all references to the Currie Papers are those found in the Public Archives of Canada (N.A.C.), file 69, Captain Smith to Currie.

⁶Desmond Morton, A Peculiar Kind of Politics, (Toronto: University of Toronto Press, 1982), p. 92

⁷Dancocks, Sir Arthur Currie: A Biography (Agincourt: Methuen Publications, 1986), p. 26.

their careers as schoolteachers, and both had served long and risen high in the militia."⁸ Almost from their first meeting, Currie openly confronted the Minister's position on topics ranging from inappropriate use of the battalion's colour guard to alcohol in the mess.⁹ In the beginning Hughes approved of Currie's independent nature, which he interpreted as evidence of leadership potential.

Currie, as commander of the Fifth Gordon Highlanders, had also been favoured with Sam's son, Garnet Hughes, as his second in command. They knew each other well, and indeed Garnet served directly under Currie in the war. Garnet Hughes' close relationship to Currie proved a significant factor in Currie's career. When war broke out, Garnet persuaded his father to give Currie the last available field command. An untested militia officer had little chance of obtaining such a senior post without these connections. Indeed, Currie conceded his dependency on Sam Hughes in seeking a position in the First Contingent. Writing Hughes he promised, "Sam, I am going to make good here and I do not want to be recalled... You'll be proud of me yet, if I get the chance, and so will the regiment and the province... All I want is the chance."¹⁰

⁸F. Cronin, "The Rumour That Killed A General," Maclean's Magazine, Vol. 69, May 12, 1956, p. 25.

⁹ibid.

¹⁰A. J. M. Hyatt, General Sir Arthur Currie: A Military Biography (Toronto: National Museums of Canada: University of Toronto Press), p. 13, and Dan Dancock?, Sir Arthur Currie: A Biography, op. cit., p. 26/27.

In addition, Currie's personal financial problems would have overwhelmed his military career without Garnet's timely assistance. In the spring of 1914 a collapse of Victoria real estate prices put Currie's real estate business on the brink of bankruptcy. Currie secretly borrowed militia funds designated for the Regiment's purchase of uniforms to pay his own business debts. His deteriorating financial situation made him unable to repay the money by the summer. The outbreak of war in August, therefore presented a dilemma for Currie. He could seek a place in the First Contingent or stay in Victoria and face a very uncertain future. Quickly Currie left the business in the hands of his partner, George Price, and headed for Camp Valcartier.¹¹ Any delay in this military posting would bring disaster by making evident the shortfall in the Battalion's budget. For the next two years, Currie made no effort to repay this debt. His neglect came to the attention of Prime Minister Sir Robert Borden and his Cabinet in 1917. The Prime Minister wanted to keep the problem secret to avoid a scandal for his government over the newly-promoted Commander of the Canadian Corps. A crisis was avoided, although this incident likely influenced the cabinet ministers' perceptions of Currie in the following years.¹²

¹¹Craig Brown and Desmond Morton, "The Embarrassing Apotheosis of a Great Canadian: Sir Arthur Currie's Personal Crisis in 1917," Canadian Historical Review, March 1979, pp 41-63.

¹²Hyatt, Sir Arthur Currie, p. 144.

Hughes, while serving as Minister of Militia, was fully aware of Currie's financial problems but protected him. Hughes intervened in Currie's financial debacle to the point where, "in May of 1915, Sam Hughes sent a special messenger to France from Canada to assure General Currie that his personal interests were being looked after and that he was not on any account to worry."¹³ In fact, notorious for favoritism, Hughes recognized Currie's military capabilities and he soon became "Hughes' protégé."¹⁴ Harold Daly, Hughes' assistant and a close friend of Currie, recalled that until 1917 Hughes "did everything possible during those years to protect Currie's interest." Currie, because of his recognized military competence and strong political backing, advanced rapidly through the Corps while others, with less balanced political-military careers, found themselves held back.

Currie's military talent complemented his political advantages. He had worked feverishly to be a good soldier. His strong leadership abilities, administrative sense, and adaptability to new ideas, propelled him through the pre-war

¹³McGill Archives, Urquhart Papers, MG4027, Harold Daly to H.M. Urquhart, Between 1933 and 1935, Urquhart sent a circular letter to many of Currie's fellow officers and associates. It asked for responses to a series of questions relating to Currie's actions and characteristics. Some replies were quite candid. An important question related to this work was an explanation to Currie's problems with the lower rank soldiers. (hereafter references to the circular will be headed "circular." These responses are located in the McGill Archives and the McGill Rare Book Room).

¹⁴Hyatt, Sir Arthur Currie, p. 50.

militia. Trained as a militia artillery officer, "Barrage Currie" possessed the expertise necessary to advance in the artillery-oriented warfare typical of the Great War.¹⁵ He excelled in innovation, thoroughness, and dedication to his work. In war, he beckoned success with a strategic wisdom which overcame the traditionalism that plagued most army staffs. A thorough planner, Currie encouraged the use of firepower over manpower for breaking enemy lines. His contribution helped the Canadian Corps become one of the most innovative and skilled fighting forces in the war. John Sweetenham candidly observed: "Currie was a fat, unattractive individual who never had any real flair for handling men, but who was an extraordinarily able tactician and a very sensitive man."¹⁶

Other military leaders recognized the talents which Currie demonstrated in France. There he acted with complete confidence in his own judgement. His personal success as leader of the Second Brigade, First Division, and finally the entire Canadian Corps reinforced that confidence. He knew his success in the field was due to his own abilities. As a result Currie felt little obligation to the Hughes' family. In May 1915 he gratefully acknowledged Hughes' assistance: "I am in more ways than one indebted to you for the privilege of being connected with the [Second] Brigade since its mobilization... Let me

¹⁵Currie Papers, file 69, Richard Symons to Arthur Currie.

¹⁶N.A.C., John Sweetenham Papers, MG30E42, John Sweetenham to "Jack", 6 October 1964.

express my deep and lasting gratitude to you for your kindness to me and for having given me the chance."¹⁷ However, Currie offered no other signs of appreciation beyond this verbal show of gratitude. This did not matter as long as Hughes had his own political and military influence. Hughes undoubtedly became angry when his protege' gained control of the military but was unprepared to return favours.

The struggle between Sam Hughes and Arthur Currie during the Great War involved the titans of Canada's military establishment. It reflected both personal and symbolic conflicts. The two men came to symbolize the problems affecting military leaders. In part, their eventual confrontation was produced by the changing nature of war. Hughes, although he used antiquated methods, sought a national war effort using Canadian materials, Canadian control of its military, and a separate Canadian army. To this end, politics and politicians stayed near the army. Yet, in the Great War, many leaders would not accept the traditional system of political patronage or Hughes' well known prejudice against the British army and French Quebec. Conversely, Currie desired military professionalism devoid of political influence in order to achieve optimum efficiency in the field. Each outlook had merit and gathered supporters or critics who assisted in this power struggle. Eventually Currie's Corps freed itself of Hughes, but it could never escape the ever-present political nature of war; for which Hughes would be often blamed.

¹⁷Dancocks, Sir Arthur Currie: A Biography, p. 103.

Writers of military history have favored Currie and shunned Hughes. Historians have often downplayed Hughes' outlook, energy, and enthusiasm in the early years of the war because of the scandals in the last years in his Ministry and his attacks on Currie. Hughes, the citizen soldier, was a man of true vision when anticipating and planning for a military holocaust in Europe, but he was too suspicious and egotistical to allow others to share in the birth of his army. Thus he jealously guarded every facet of the Canadian Expeditionary Force (C.E.F.) as it prepared to go overseas.

In the Great War, Hughes' militia transformed itself into an army that he could no longer control, although he stubbornly continued to try. By 1916 Hughes' administration was crushed by the needs of total war. His patronage system, designed to obtain war materials, collapsed through inefficiency and public allegations of corruption. His administrative chain supplying Canadian soldiers in Europe became an entangled nightmare that grew worse with each expansion in Canadian fighting strength. Hughes increased the problems by improvised methods and taking increased personal control. Such tactics could be effective at a battalion level but they were chaotic when used in organizing an army of modern size and complexity.

Certainly Sam Hughes did not have administrative talents to match the achievements of Currie, just as Currie lacked Hughes' cunning in political circles and the charisma for which Hughes was renowned among enlisted men. Each man's shortcomings damaged his career and these flaws should be acknowledged along with their accomplishments. Equally important, both encountered a

changing military to which neither could fully adapt. The military forces Currie led in France were not the militia Hughes sent off to war. Hughes could not envision a Canadian military beyond his administrative control, while Currie lacked the talents necessary to be the political-military warrior demanded in total war.

Consequently Hughes became a scapegoat of politicians as well as officers in the field who sought to blame a political source for setbacks in military performance and efficiency. Hughes made many mistakes during this period. But to adapt to the considerable political and military changes between 1914 and 1916 was a monumental task which Hughes managed as best he could. Unfortunately, the extraordinary demands of the times demanded more.

The situation in France left little room for political mistakes. Hughes created many enemies both at home and abroad while transforming the militia from a personal fiefdom to a nation at total war. To the officers in France, his inadequacies could not be ignored while Canadian lives were at stake. This necessitated a determined stand against Hughes' policies and mismanagement. Officers at the front detested the rapidly outdated political-military establishment. In addition, Hughes gave numerous unqualified officers positions within the military. They eventually made their way to England and France with the C.E.F. and inhibited the C.E.F.'s ability to correct its own problems or to escape Hughes' interference. Regardless of any personal feelings of affection or loyalty for Hughes, military

problems were intolerable.

Hughes' mistakes in France affected Currie. Currie had unyieldingly confronted Hughes over bureaucratic mismanagement and equipment problems. Currie presented particularly sharp reports in 1915-16 over the Ross rifle's performance at Second Ypres. Here, Canadian soldiers died because their Canadian-made, Hughes-supported, Ross rifles jammed under muddy conditions.¹⁸ This issue was particularly sensitive since the Canadian armaments industry, symbolized by the Ross rifle, was sacred to Hughes.

Currie's experiences in the C.E.F. taught him to detest the political aspects of the war. He found the world of politics outside of his expertise. Many of Currie's difficulties resulted from his apolitical outlook. Currie did not have the makings of a good politician; he was not good around crowds, nor could he make a speech unless it was first prepared and memorized.¹⁹ Birchall Wood called him "utterly unpolitically minded."²⁰ He simply did not know how politicians operated, and chose to ignore and exclude them. Currie hoped to isolate the Corps from politically-minded people in England. On one occasion, having turned back several Ottawa-appointed military staff, he assigned

¹⁸ Haycock closely examines the manufacturing of the Ross rifle in his book, Sam Hughes, pp. 246-252.

¹⁹ McGill University Rare Book Room (hereafter M.R.B.R.), Urquhart Papers, Box 5: file 14, circular, General Burstall.

²⁰ M.R.B.R., Urquhart Papers, Box 5: file 14, Birchall Wood to Urquhart.

a friend as "special over-looker for any of Sam's pets."²¹ The disruption of the army by political influences constantly irritated Currie. He refused to have any officer under his command "with strings attached," since it challenged his ability to command.²²

To Currie, soldiers were distracted by political issues such as Canadian-made equipment, Canadian leadership, or the Conscription Crisis. In turn, politically-minded men saw Currie's unwillingness to Canadianize the Corps, his lack of support for domestic concerns such as conscription, his wasteful extravagances in military financial matters, and his neglect and isolation of Argyll House, the headquarters of Overseas Military Forces of Canada, as issues deserving greater consideration by this influential wartime leader.²³ Currie often lost the support and co-operation of such politicians. By 1917, after being attacked by both political parties he lamented, "You know how I have striven to keep clear of politics but both sides seemed determined to mix me up in it... I am sick and disgusted with politics. Never again will I give staunch support to any party."²⁴ Currie's view of politics found him in conflict with

²¹M.R.B.R. Urquhart Papers, Box 1: file 7, Currie to "Fred."

²²Currie Papers, Arthur Currie Diary, June 10, 1917.

²³Hyatt, Sir Arthur Currie, p. 287, and McGill Archives (M.A.), Urquhart circular, Currie to Oliver 9 December 1917, Currie to Beaverbrook [Atken] 22 January 1918, Sir Robert Borden to Urquhart, August 13, 1934.

²⁴See Hyatt, "Sir Arthur Currie and Conscription: A

politically-motivated individuals who sought advantages beyond victories on the battlefield. Consequently, Currie had as many political enemies as Hughes.

Sam Hughes' decline in power and Currie's ascension to new heights gradually changed the relationship between the two men. Currie became independent of Hughes' influence as he rose in the Corps, and developed new and more powerful military associates. C.D.H. MacAlpine noted, "Sir Sam looked on Sir Arthur as the Currie he knew in Vancouver and never realized that Currie, with the right opportunities for his abilities, had grown into a real giant."²⁵ By 1917, the tables had turned: Hughes had lost his cabinet position and Currie headed the national army of which Hughes had always dreamed. From that point their confrontations became increasingly hostile, as Hughes sought favors that Currie denied.

Sam Hughes' favourite requests concerned his son Garnet. Until 1916, Currie probably realized the benefits of retaining a friendship with the son of the Minister. He never respected Garnet's military abilities, however, noting his weaknesses in discipline and leadership. He referred to Garnet's style of command as a "passive resistance soldier."²⁶ Currie resisted

Soldier's View," C.H.R. (Sept 1969), pp. 285-97.

²⁵ M.R.B.R., Urquhart Papers, Box 5: file 6, C. D. H. MacAlpine to Urquhart, 12 November 1934.

²⁶ M.R.B.R., Urquhart Papers, Box 5: file 14, Brig. General J. F. L. Embury to Urquhart.

Garnet's appointment to commander of the First Brigade and continued his disapproval of Garnet's performance in that post.²⁷ Other soldiers were not as critical of Garnet's performance, but while Sam Hughes remained in office, Currie had minimal power to stop Garnet's advancement.

Inevitably, Currie's avoidance of political influences clashed with his past when Currie demanded his right, as Corps Commander, to decide the officers under his command. The issue was independence, the man in question Garnet Hughes.²⁸ Hugh Urquhart, biographer and close friend of Currie, has concluded that Garnet had been a victim of "Currie's dual personality."²⁹ As his subordinate, Currie treated Garnet like an encouraging father tutoring his son. In 1917 Currie wrote the younger Hughes encouraging Garnet to succeed him as commander of the First Division.³⁰ But, when the post became available, Currie found other officers more capable or experienced for the position. Thereafter, Currie actively condemned the promotion, even though

²⁷ M.A., Urquhart Papers, circular, Willis O'Conner to Urquhart.

²⁸ A. M. J. Hyatt, Sir Arthur Currie, p. 71-2.

²⁹ Urquhart's manuscript has three significant drafts before the final published version. Each of these hold valuable material which had been dropped from the final edition. The holdings have not been catalogued in any way. Therefore, I have labeled the three manuscripts where the oldest is "draft-1" followed by the next revision "draft-2" and closest to publication "draft-3." Draft-1 is important since it has recorded many letters in their entirety. This note cites M.R.B.R., Draft-1, Box 3: file 2, pp. 64-67.

³⁰ Ibid.

others, including Prime Minister Borden, were prepared to give the Division to Garnet.

It seems likely that Currie's "dual personality" indicated his readiness to befriend Garnet for his own purposes. Currie had seemingly reached the point where his own power was strong enough to dispense with this friendship. Hence his personal behaviour toward Garnet remained as it had been, while his willingness to confront the Hughes dynasty now directed his military decisions. From Currie's perspective, Garnet's political connections tainted his abilities. Equally, Currie sought to prevent himself from being seen by other officers as Hughes' protégé. Garnet, therefore, became the sacrificial lamb. Desmond Morton has concluded that Currie's later "sense of martyrdom may have concealed a justifiably bad conscience."³¹

Garnet felt betrayed by a friend when he found Currie to be an outspoken critic of his promotion. Garnet stormed into the Carlton hotel where Currie and fellow officers dined. After what Currie called a "three hour wrestle" over the promotion, the enraged Garnet parted with the words, "I will get you before I am finished with you."³² Future events proved that these few words, spoken by an angered and frustrated friend, were forever scorched on Currie's memory.

Sam Hughes regarded Currie's actions with regard to Garnet's promotion as betrayal. Harold Daly believed Garnet

³¹Hyatt, Sir Arthur Currie, p. 73.

³²Urquhart, Arthur Currie, p. 164, or Currie Papers, Currie Diary, 15 June 1917.

"influenced the old man to turn on Currie."³³ But Sam Hughes saw the poor treatment of Garnet as an attack on himself. Sir George Perley confirmed such a possibility, confiding to Urquhart: "Even if Currie had favoured Garnet for the First Division, I would not have sanctioned the appointment... because of Sam's bullying of Carson [Hughes' personal representative in England]."³⁴ Sam Hughes had worked hard to get the politicians to give Garnet the job. It became clear that Currie's decision would be final after several influential men attempted to sway Currie. To the Hughes family, such a betrayal of friendship compromised the ethics of patronage and personal loyalty. Thus, with Hughes' power in decline and his ministerial position lost, he sought revenge on those who had brought about his downfall. Currie's actions toward Garnet placed Currie among those people who had undermined Hughes' influence overseas.

Certainly Sam Hughes was angered by Currie's rejection of Garnet, and likely hoped for revenge. But Currie's biographers may have given Hughes undue credit. Urquhart sees most problems facing Currie after he denied the promotion as being Hughes-inspired. Urquhart views Hughes as a possible instigator in defamatory attacks on Arthur Currie made by John Currie, a fellow First Division officer who believed their names had been switched when criticizing an officer's error at Second Ypres. Urquhart also credits Hughes with quietly assisting the Liberal opposition

³³M.A. Urquhart Papers, circular, Harold Daly to Urquhart.

³⁴M.A. Urquhart Papers, circular, George Perley to Urquhart.

by criticizing Currie's leadership at Passchendaele in the fall election of 1917.³⁵ But Hughes certainly did not do that openly, and helping his political opponents would not be consistent with his lifelong loyalty to the Conservative party.³⁶ Currie's biographers speculate that Hughes chose the closing battles of the war at Cambrai and Mons as a focal point of his public criticism in 1918 because he "had a premonition that the war was about to end and it was the moment to build up his case against Currie."³⁷ Thus Urquhart records that Hughes criticized Currie over Cambrai and Mons simply because other opportunities were unavailable.

Sam Hughes remains the most provocative and elusive character of the Great War, because of the absence of personal diaries, memoirs, or significant records. "Nobody was neutral about Hughes; he was despised by his enemies and idolized by his friends."³⁸ Politicians either loved or feared his uninhibited actions and outlandish exaggerations, as well as his sparkling and often abrasive commentary. His incredibly erratic nature caused some to believe that he was truly insane. A bully and yet sentimental, he on more than one occasion "broke down and sobbed"

³⁵ M.R.B.R., Urquhart Papers, draft-3, pp. 3-7.

³⁶ Haycock, Sam Hughes, pp. 97-134. The greatest display of loyalty to the party occurred when he was removed from his cabinet post by Borden. Despite Borden's fears he caused few problems for the party at his removal although he was later often anxious to criticize Edward Kemp, George Perley and others who had replaced him. See Haycock p. 313.

³⁷ Urquhart Papers, op. cit., p. 9.

³⁸ Haycock, Sam Hughes, p. 2.

while in conversations with Prime Minister Borden.³⁹ As Borden noted, "about half the time Hughes was an able, reasonable, and useful colleague, but for the other half he was either extremely excitable, impatient of control and almost impossible to work with, or, more seriously, so eccentric as to justify the conclusion that his mind was unbalanced."⁴⁰

Hughes, understandably, felt betrayed by Currie according to the standards of the pre-war patronage system prevalent among parliamentary and militia spheres.⁴¹ Currie had never openly returned anything but statements of gratitude for being one of Sam's most favoured "pets." He did not feel obligated to assist Hughes or his son. Perhaps Currie placed so much emphasis on his confrontation with Garnet over Divisional command because he then realized that he could dispose of the Hughes family.

At the same time, Currie anticipated that Hughes' connections in politics and the military could be used against him as a result of his opposition to Garnet's promotion. Indeed, Currie saw it only as a matter of time. With such expectations, Currie saw each political manoeuver and difficulty during the last year of the war as being inspired by Hughes. Currie knew he

³⁹ Ibid.

⁴⁰ Hyatt, Sir Arthur Currie p. 18.

⁴¹ Ronald Haycock, Sam Hughes, emphasizes the changing nature of politics as Canada approached 1914. The Great War changed the commonly accepted use of political patronage under which Hughes had existed.

' had made an implacable enemy who would strike back. The question was when and how a vengeful Hughes would attack.

CHAPTER TWO

THE CANADIAN CORP'S OTHER 'HUNDRED DAYS'

Though bitter the word of these first twain,
Curses the third spat venomously:
He'll stay untouched till the war's last dawning,
Then live one hour of agony.
(Ivor Gurney's "Ballad of the Three Spectres")¹

Few commanders are hated as Currie was years after the fatigue of battle had passed. The gulf between the conditions imposed upon officers and men is so vast that "no soldier who has fought entirely overcomes his disrespect for the staff."² Currie's friends dismissed the attacks on his leadership in the last year of the war and the post-war years as soldiers' blaming their plight on their distant and unseen commander. Ross Napier referred to these attackers as "embittered men who snap and snarl at the heels of greatness."³ While Currie and his associates credited Hughes with instigating these attacks in 1918, however, Currie's own inadequacies and errors in 1918 also contributed to the unhappy legacy. Examining Currie's actions and statements in 1918 and the testimony of defence witnesses at the trial reveals that the commander's image was severely damaged by criticism generated during the final push towards Mons. By war's end many of the criticisms among soldiers were directed toward Currie.

¹Paul Fussell, The Great War and Modern Memory (New York: Oxford University Press, 1975), p. 84.

²Ibid., p. 129.

³McGill University Rare Book Room (M.R.B.R.), Urquhart Papers, MG4027, Box 5: file 2, circular, Ross Napier to Urquhart.

Mons was simply 'the mud that stuck.'

Although Currie wanted desperately to be liked, he lacked the "common touch."⁴ A fellow officer in the C.E.F., Colonel Crerar, observed:

The closer one came to him, and to know him, the more one appreciated him. To the rank and file, far from direct touch, he was not, I really believe a popular figure. His popularity there had to await the demonstration of his moral courage as shown in the Preston case some years after the war--that got home to a popular imagination.⁵

Generally, fellow officers found Currie to be a sincere and likable commander. Even within this group, though, Currie's unpredictable nature could become "cold and ruthless at times."⁶ Others found that his constant inquires and attention to detail sometimes made him a "great nuisance."⁷ As a commander, Currie earned the respect of those around him by driving himself as much as his subordinates. His style of leadership demanded admiration but rarely affection. He adhered to the British military tradition of tight discipline which clashed with Canada's 'unmilitary military' that had risen from the pre-war militia.

Few outside the Corps Command saw the human side of Currie.

⁴George Stanley, "Canada's Militia General," Queen's Quarterly, 1951, p. 204.

⁵McGill Archives, (M.A.) Urquhart Papers, MG4027, circular, Colonel Crear to Urquhart.

⁶Philip Gibbs quoted in Dan Dancocks, Sir Arthur Currie: a biography, (Agincourt: Methuen Publications, 1985), p. 175.

⁷M.A. Urquhart Papers, circular, General McNaughton to Urquhart.

General Frith recalled that on the parade ground or in an accidental meeting he was "not quite his natural self and a little abrupt."⁸ General Embury provided one example of the problem:

...we were coming up a lane and met a private soldier who had a pipe in his mouth and stopped and did not take his pipe out or salute, and the Corps Commander was very much annoyed and pulled the pipe out of his mouth and called him down "pretty hard." It was done hastily and much as I have always had a great affection for Sir Arthur I was sorry to see him do this.⁹

General Webber accredited this characteristic to shyness.¹⁰ General Ross blames Currie's poor relationship with soldiers on a lack of regimental training where "by the exigencies of the service he was called immediately to high command. He did not grow up with the troops as did most of us and did not thoroughly understand their peculiar psychology."¹¹

Currie's harsh attacks on officers or privates failing to meet his expectations are recurring recollections of veterans. He was notorious for his sharp reprimands for minor infractions such as unkempt uniforms, poor saluting and parading, or trench foot.¹² Currie's insistence on enforcing the death penalty

⁸M.A., Urquhart papers, circular, General Gilbert Frith to Urquhart.

⁹M.A. Urquhart Papers, circular, General Embury to Urquhart.

¹⁰M.A. Urquhart Papers, circular, N. W. Webber to Urquhart.

¹¹M.A. Urquhart Papers, circular, General Alexander Ross to Urquhart. p. 5.

¹²N.A.C., Currie Papers, file 67, E. Hillian to Currie, 4 May 1928. M.A. Urquhart Papers, circular, Col. Crear to

displayed a strictness unseen among other British colonial leaders from Australia and New Zealand.¹³ Unlike the great leaders of the next war, "he did not visit units in the trenches very often although always on the move around batteries, support and reserve positions, battalions in rest and so on."¹⁴ Undoubtedly, tired troops returning from the front resented such rear-area vigilance. Even his physical appearance, his large pear-shaped body and boyish face, made him a target of malicious attacks. General Hoarve Nairne felt Currie had the physical image of an "overgrown baby".¹⁵ Hence this particularly distant commander displayed few characteristics around which the common soldier could rally in support, or forgive in error.

The men in the field could not separate Currie from all the other distant officers who imposed their commands on them, until Currie drew attention to himself in the spring of 1918. Timing had not favored Currie from the start of his leadership, as he received the unpleasant task of leading the Corps from the glories of Vimy Ridge to the mud of Passchendaele in his first duty as Corps Commander. Still, the troops did not overly

Urquhart. Numerous officers comment on sharp reprimands by Currie in Urquhart's circular.

¹³M.A. Urquhart Papers, circular, General Gilbert Frith to Urquhart, and Col. Crear to Urquhart. The comparison of the death penalty as used by colonies is recalled by Prime Minister Borden, 150418, National Archives of Canada, N.A.C..

¹⁴Frith, ibid.

¹⁵M.R.B.R. Urquhart circular, Box:5 file 14, General Hoarve-Nairne to Urquhart.

criticize his leadership until 1918. At that point, he made a few critical errors which ruined the respect he might otherwise have retained among the troops in the field.

In March the Germans launched the greatest offensive of the war, crushing the British Fifth Army and pushing the western front to near collapse. General Currie, appreciating the gravity of the situation, followed General Haig's lead in issuing his infamous proclamation to all the troops of the Canadian Corps. Currie's proclamation stated in part:

...I place my trust in the Canadian Corps, knowing that where Canadians are engaged there can be no giving way. Under the orders of your devoted officers in the coming battle you will advance or fall where you stand facing the enemy. To those who will fall I say, "Your names will be revered forever and ever by your grateful country and God will take you unto Himself..."¹⁶

Although touching, this statement reveals how far Currie had drifted from his own men. General Ross remembered that "His famous message of 1918, which is regarded by the people at home as a masterpiece (as it was in its place), left the troops cold. In fact I disobeyed orders and did not read it to mine, as I knew it as not the stuff to feed the troops."¹⁷ Urquhart considered that:

...the troops in the front line resented it [the proclamation] and any front line officer could have foretold that such would be the case. The time was unsuitable for the reason that these same troops had been badly gassed over a wide area the previous night and knew that this experience was more than likely to

¹⁶ Bancrofts, Sir Arthur Currie, p. 133.

¹⁷ M.A., Urquhart Papers, circular, General Alexander Ross, p. 5

precede an attack...In other words, their case was desperate and the troops in the line had literally written off their lives. Therefore no formal proclamation of any kind about immortality would be appreciated by those men...¹⁸

This statement of glory and self-sacrifice appeared outdated after years of war weariness. It met widespread disapproval among the troops. In The 42nd Battalion C.E.F., Lieutenant Beresford Topp, specifically mentions the March Offensive battle order being received by the future liberators of Mons with "outward cynicism."¹⁹ Another veteran remembered the message "evoked a jeer from every trench and dugout."²⁰ One soldier muttered the reply, "I know one Canadian whose body [the enemy] will not have to walk over."²¹ The proclamation was particularly important since it drew the troops' attention to the gulf between themselves and Currie. This encouraged criticism towards him above all other distant and anonymous officers.

Currie's ability to offer "immortality" decreased as the Corps broke apart to meet the German offensive. The Corps disintegrated, filling the ranks of other army corps to the point where the Corps was reduced to a mere Corps headquarters.

¹⁸ M.R.B.R., Urquhart Papers, Urquhart Draft-3, p. 62.

¹⁹ Beresford Topp, The 42nd Battalion, C.E.F., Royal Highlanders of Canada in the Great War (Montreal: privately printed, 1931), p. 186.

²⁰ A. J. M. Hyatt, General Sir Arthur Currie, (Toronto: University of Toronto Press, National War Museums of Canada, 1987), p. 109.

²¹ Ibid., p. 84.

Thereafter, the Canadian units were called into reserve positions, to be saved from the fighting until the Allied counteroffensive in August 1918. In spite of this, the criticisms of Currie gained momentum. One popular rumour among soldiers of the Second Division suggested that Currie was punishing them for being less eager to fight than other Divisions. The penalty was to hold them in the line against the German summer offensives while other Canadian Divisions rested. After Currie's proclamation, new problems only fueled further criticisms.²²

The battle of Amiens, opening the Allied counter-offensive on ^{the} 8th August, is considered the greatest allied victory of the war. For the Germans it was, in German Field Marshall Erick Ludendorff's words, "the blackest day of the German Army."²³ It also marked a day of resentment towards Currie. Surprise offered the key to success in this campaign, but Currie achieved an element of surprise in part by inhibiting forward preparation. This included prohibiting the Medical Corps from setting up casualty-clearing stations in advance of the attack, as was the normal practice.²⁴ The collapse in organization, upon which the Canadian Medical Corps prided itself, denied many wounded

²²M.A., Urquhart Papers, circular, Lt. Col. Saunders to Urquhart, 18 October 1934.

²³Dan Dancocks, Spearhead to Victory: Canada and the Great War (Edmonton: Hurtig Publishers, 1987) p. 59.

²⁴Dancocks, Sir Arthur Currie, p. 151 and Dancocks, Spearhead to Victory, p. 68n.

soldiers proper medical attention. This negligence naturally had an adverse effect on the soldiers' attitudes, regardless of whether Currie's decision was a misjudgement or a calculated sacrifice. Although Currie deeply regretted this action, it was a mistake destined to inspire specific criticism among the wounded and medical staffs among the Corps.²⁵

The agony of the Canadians killed and wounded at Amiens proved both a breeding ground for Canada's bitterness about the war, and a focal point of hatred toward Currie. The dark side of Amiens had broken the confines of the veterans' memories, despite the battle's unparalleled military success. Two of Canada's greatest anti-war novels, Charles Yale Harrison's aptly titled Generals Die In Bed and James H. Pedley's Only This, are creations of men wounded at Amiens. Harrison dedicates his book "To the bewildered youths--British, Australian, Canadian and German--who were killed in that wood a few miles beyond Amiens on August 8th, 1918."²⁶ Amiens had continued repercussions as the lightly wounded men returned to fill the Corps' depleted ranks on the road to Cambrai, Mons, and later Germany and Canada. At the trial ten years later the suffering at Amiens stood out among the memories of those men wounded during the war. Two of the defence's main witnesses told of the events at Mons having very recently returned to their units after recovering from wounds

²⁵Ibid., p. 151.

²⁶Charles Yale Harrison, Generals Die In Bed (Hamilton: Potlatch Publications, 1975.)

inflicted at Amiens.²⁷

The battle of Amiens opened a campaign that ran continuously from 8 August to the morning hours of 11 November. The front-line soldier witnessed the cost to the Corps. In that hundred days of fighting, 45,830 Canadian soldiers were killed or wounded, representing 60 percent of all British casualties in the British First Army during this last campaign.²⁸ This represented over 20 percent of all Canadian casualties during the entire war.²⁹ Originally Currie realized the effect that this fighting would have on the troops. He reminded N. W. Rowell shortly after Mons: "You heard me say in London that the Canadian Corps was going to die, for I knew the magnitude and the severity of the fighting it would be asked to take, [and] that it would not take. My predictions have been verified. No force... has fought the battles the Canadian Corps has fought since August 8th."³⁰ The

²⁷ Arthur Fisher returned to his unit on 7 November 1918 (N.A.C. Currie Papers, Trial Transcript, vol. 18, p. 102-112). Harold Fox returned 9 November. (Trial Transcript p. 45). Both had been wounded in the Amiens sector.

²⁸ N.A.C. Currie Papers (all references to the trial transcript hereafter are those found in N.A.C. Currie Papers), Trial transcript, p. 1858.

²⁹ When originally compiled Canadian Casualties according to Sir George Perley had reached 53,000 casualties for 1 August to 1 October, (N.A.C., Perley Papers # 346). G. W. L. Nicholson's Official History of the Participation of the Canadian Army in the First World War, reduces this list to 42,000 men killed wounded or missing, p. 419/460.

³⁰ M.R.B.R., Urquhart Papers, Currie to N. W. Rowell, 27 November 1918, cited in Urquhart Draft-2, p. 476.

Corps endured a vicious campaign, suffering frightful losses which seemed forgotten in the general celebration of victory. One result of these losses was the troops' intensified hostility towards Currie's leadership.

Even success could not spare Currie's widespread censure. After 18 August, soldiers discussed future military objectives in terms of being "just another decoration for Currie."³¹ Currie knew his bold plans invited disaster. Once General Haig warned that if he, Currie, failed at the Canal du Nord, it would be "home for you Currie."³² But successful advances only encouraged further attacks. Sensing his growing isolation, Currie increased his efforts to gain the trust of his troops by moving his headquarters closer to the front around Arras. This was in vain, as he had already asked too much from the troops for such an effort to change the private's opinion of his leader.³³

The continuous pushing against German defences encouraged criticism. Improvised attacks replaced the previous procedure of months of careful preparation. Various authorities denounced the battles after Amiens, although these charges were clouded by the

³¹M.A., Urquhart Papers, circular, Lieutenant Colonel Saunders, 18 October 1934, p. 4.

³²General Haig quoted, Trial transcript, p. 1809.

³³General Currie told Stewart Lyon that he made the decision to move out from D'Acq closer to the front because he had heard rumors that he was putting his men forward under conditions that he did not care to occupy himself. As a result a staff officer was killed for which Currie blamed himself bitterly: M.R.B.R. Urquhart Papers, circular, Box 5:file 6, Stewart Lyon to Urquhart, 15 August 1934.

general success of the campaign.³⁴ The men in the field were less forgetful. Soldiers saw costly encounters such as Arras and Cambrai to be blatant tactical blunders resulting from the command pushing too far trying to exploit previous successes. The command furthered unrest by using tanks to follow up the infantry instead of assisting the soldiers in breaking the wire in attacks.³⁵ After Amiens, there grew among infantrymen a sense that they were being needlessly sacrificed.

The final days of the Great War were an exhausting and frightening experience for front-line soldiers. The change in the nature of fighting proved unsettling as Canadians, for the first time, broke into open warfare after the years of stagnation brought about by trench warfare. By September, soldiers accustomed to ordered routines, reasonably comfortable dugouts and effective support systems, now faced constant movement, long marches and the ordeal of open fighting against professional German rearguard units and deadly booby-traps. General Blunford observed:

The ordinary Tommy who, having been used to the regular sequence of relief from the front line, could not understand the necessity of being continually returned to the attack during the last 90 days of open fighting and claimed that he was worked to death for probably Currie's glorification.³⁶

³⁴ "Criminal Carelessness around Arras," The Toronto Globe, 10 April 1926.

³⁵ Hyatt, Sir Arthur Currie, p. 130.

³⁶ General Blunford to Urquhart, Urquhart Papers, M.R.B.R., Box 5: card 1.

The Great War soldier had seemingly stepped over the parapet into an endless advance. As such, soldiers hoped to avoid being placed in the Canadian vanguard.

The Seventh Brigade was the vanguard on the road to Mons. The soldiers had suffered badly in the last hundred days' fighting. Two luckless battalions of the Seventh Brigade, the Princess Patricia's Canadian Light Infantry (P.P.C.L.I.) and the Royal Canadian Regiment (R.C.R.), were ravaged as a result of their involvement in both of the major tactical blunders in this campaign. At Arras, these units faced devastating German artillery fire without their own artillery support. At Cambrai both units were bled white in front of the undetected and uncut wire of the Marcoing Line.³⁷ The subsequent successes of other units failed to raise the spirits of these men when they returned to action on the road to Mons. Fatigue was prevalent during this advance. Ten years later, soldiers from these units noted that the troops were "too tired to think, much less sleep", and that "they were so tired they were hardly able to stay on their feet."³⁸ As a result, the men leading the advance on Mons were some of the most war-weary and embittered soldiers of the Corps.

Mons marked the end of an Allied offensive which had broken the spirit of the German army. For over two months a series of

³⁷ Dancocks, Spearhead to Victory, 98/102/149/155/159, and Lt. Col. B. Topp, The 42 nd Battalion, C.E.F. (Montreal, privately printed, 1931), p.265, 280.

³⁸ Currie Papers, A. J. Kelly testimony, Trial transcript p. 1151, and file 65, Captain George Brown to Currie 4 May 1928.

attacks had pushed the German armies toward their homeland. By 1 November 1918, the Germans had retreated across the French border into Belgium in the face of relentless pressure by the spearheading Canadian Corps. Canadian troops demonstrated their fighting abilities by outpacing both their British flanks in this push. Elements of the Canadian Second and Third Divisions chased the Germans after breaking the line at Valenciennes on 1 November 1918. The Canadian Divisions became drawn apart and strung out by the large advances each day. This left the majority of the units well behind the vanguard when they reached Mons.

The trenches had been left behind as the Canadians progressed over the flat, open countryside of lowland Belgium. A string of villages lined the Valenciennes-Mons road over which the Canadian vanguard tried to retain contact with the Germans. On 9 November, the Germans set the stage for the battle of Mons by holding Mons in strength in an effort to slow the Canadians' progress. Most Canadians knew the war would soon end as the Germans retreated, her allies surrendered, and revolution threatened Germany herself. To Currie's subsequent misfortune, the Canadians captured this symbolically important town on the last day of war while maintaining pressure on the German rearguard. Consequently, it appeared to many privates that all efforts after 4 November were designed to capture Mons.

Canadian officers witnessed these advances from a completely different perspective than the enlisted men. These battles represented the most successful period in Canadian military history. Canadian forces achieved 60 percent of the Allies' success in terms of captured territory, guns, prisoners,

and inflicted casualties during this time. "From August 8th to 11 November not less than 47 German Divisions had been engaged and defeated by the Canadian Corps..." representing, "the capture of 500 square miles of territory, 228 cities, towns, and villages, and 31,537 prisoners" taken.³⁹ They had finally surpassed the frustrating years of attrition where victories were measured in mere yards of territory. Now the Germans were on the run with the Canadian Corps at their heels. This advance would bring final victory.

Officers knew the war would soon end, although General Foch ordered relentless pressure on the German armies to force them to meet his armistice terms. Therefore, the officers remained dedicated to advancing up to the final minute of the war. While this pressure continued, the capture of Mons came within the grasp of the Corps. Mons had been the first place where the British forces encountered the Germans in 1914. Since then it had become a symbol of military resistance and self-sacrifice. Canadian officers felt that the Canadian army returning to Mons after routing Europe's greatest army provided the crowning acknowledgement of Canadian military achievement. For some, the advance had been a race for Mons between Divisions.⁴⁰ Officers

³⁹ Report of the Ministry, Overseas Military Forces of Canada, 1918 (London: Ministry of the Overseas Military Forces of Canada, 1919), p. 184.

⁴⁰ Currie Papers, file 6, Lt. Col. N. R. Robertson to Currie, Currie Papers, Vol. 18 file 61, and General A. P. Birchall to Currie, 11 April 1919.

actively competed for the laurels implied in Mons' capture as the Second and Third Divisional sectors bordered each other on the road to Mons. Thus, some officers' eyes were focused on Mons without direction from Foch or Currie. R.C.R. Lieutenant M. T. Gregg recalled his impression of the atmosphere by quoting the slogan he remembered common among his unit as "Mons before morning or bust."⁴¹ Another officer called the advance on Mons a "glorious chase."⁴²

Conflicting evidence reveals the different motivations within the Corps during the final drive. As early as 17 October Currie reacted to the mounting casualties by issuing a directive against unnecessary casualties and stiff encounters with the enemy. Subsequently, this directive defended Currie against charges of incurring needless losses. But it is questionable as to the extent to which the directive was emphasized or even communicated to the lower ranks. At least one officer leading troops did not receive Currie's cautionary order against casualties.⁴³ Another officer seemingly ignored the order, feeling:

...the men weren't of that mind at all. Several years of war had made these men experienced veterans, they were strong and confident, and the thing [the order] was

⁴¹Currie Papers, file 60, Milton T. Gregg to Currie, 4 April 1928.

⁴²Currie Papers, Albert J. Kelly testimony, Trial transcript, p. 1147.

⁴³W. William J. Moore testimony, Trial transcript, p. 1770.

soft for them and they knew it was soft.⁴⁴ Furthermore, according to General John Clark, Currie placed objectives which could not be reached under such a cautious directive.⁴⁵ Thus some officers were anxious to have the last great victory at Mons, while others sought to minimize losses in the final days. Many privates saw Currie solidly on the side of those wanting an unhindered advance.

The Corps' prowess in keeping contact with the retreating Germans in the last days proved costly. Canadians endured 2000 casualties in November. For them, the war did not wind down, &S they witnessed four times as many casualties in the last ten days of the war as in the preceding ten.⁴⁶ Disregard for Currie's restraining order could have been more costly had the Germans been less effective in their retreat. As early as 27 October, Currie recorded "the organized German rearguard had allowed their retreat to go unmolested." By 9 November the Canadians "had lost contact with the Germans."⁴⁷ Thus it appears that the lack of Canadian casualties resulted more from an inability to catch the German retreat than from restraint by front line officers.

There was a particular horror of surviving years of fighting only to die in the last hours of the war. Many Canadians felt

⁴⁴Currie Papers, file 61, Colonel Peck to Currie, 20 March 1928.

⁴⁵General Clark testimony, Trial transcript, p. 581.

⁴⁶Trial transcript, p. 561.

⁴⁷Currie Papers, vol. 43, Currie Diary, 9 November 1918.

this fear as they were told of concrete evidence of an upcoming peace as they arrived at Mons. On 9 November, orders telling front-line troops to allow German emissaries through the line confirmed the rumours of a possible armistice. With the dream of peace almost a reality, soldiers shared a dread of "getting it" before the Armistice.⁴⁸ Therefore, at a time when officers pushed harder to catch the escaping German rearguard, the troops increasingly feared being the last to die in 'the war to end all wars.' This fear crystallized as the Germans entrenched themselves on the outskirts of Mons.

The battle of Mons is insignificant in terms of numbers involved or casualties sustained; this struggle is lost in the sea of human sacrifice preceding it. The capture of the city is only a pathetic footnote to the war, emphasized by Canadian troops ending the war in the place where it had begun for the British forces. H. T. Coch accurately defined the scale of the action as "a normal advance guard action against an excellently handled rearguard."⁴⁹ On 9 November, German machine gun units had effectively stopped the pursuing Canadian vanguard by making use of the open fields on their northern flank and fortified positions to the south. Canadian soldiers expected the Germans to retire under cover of darkness, but "were much surprised to find them there on the morning of the 10th."⁵⁰ Later that day, these advance units encountered fighting in the suburbs in front

⁴⁸William Woodlock testimony, Trial transcript, p. 102.

⁴⁹Currie Papers, file 60, H. T. Coch to Currie, 28 May 1928.

⁵⁰A. J. Kelly testimony, Trail transcript, p. 1155.

of Mons and on both flanks as the Canadians consolidated throughout the daylight hours. As darkness fell German defiance prevented any penetration into the city or its flanking heights.

On the evening of 10 November, German machine guns within the city and in Hyon to the south, placed Mons firmly in German control. The Canadian command, nevertheless, made clear their desire to capture the city notwithstanding the hazards. Members of the 9th Brigade drew "battle stores" for the upcoming push on the city,⁵¹ and artillery had been called to destroy the German machine guns at close range.⁵² It would not be an easy capture. The Canadians were unable to clear the city by artillery, unlike an earlier battle at Mont Hoey, since, as Currie concluded in his official report "that due to the large number of civilians still in the city, it was not possible for us to bombard the town."⁵³ The Germans showed less restraint with their guns. A soldier remembered there having been "considerable artillery fire... giving the impression the Germans were more or less dug in for a final stand."⁵⁴ To the north, members of the Princess Patricia's were being attacked by gas. At 2300 hours, 10 November, the Third Division command gave the order to attack.

⁵¹William Teddiman testimony, Trial transcript, p. 148.

⁵²Quoting 24 th Artillery Battery diaries, Trial transcript p. 1681.

⁵³Report of the Ministry, Overseas Military Forces of Canada, 1918, op. cit., p. 182.

⁵⁴W. Teddiman testimony, Trial transcript, p. 148.

Around midnight, the Canadians commenced the controversial attack on the city center. The debate to follow questioned the need to confront this position and the number of casualties incurred. However the confused circumstances behind the attack left most men who were involved uncertain of the number of casualties. No clear record of this attack surfaced until the trial testimony in 1928. No final tally of casualties provided an accurate scale of the battle. M. F. Gregg, in his first investigation, thought that four men in his R.C.R. were killed after midnight of 10/11 November.⁵⁵ Another soldier placed the casualty figure for the capture of Mons at 47 in the Third Division, while a third knowledgeable veteran maintained that "there were 100 or so casualties" suffered.⁵⁶ It should have been possible to conclude that the casualties were not into the high hundreds since only one battalion, the Royal Canadian Regiment, attacked Mons. At the time, however, the Second and Third Divisions' sectors bordered each other at Mons. Both Divisions replaced their front-line battalions during the 10th and on the morning of 11 November. The presence of both Divisions in Mons the following morning gave a deceptive image of a much larger battle. In addition, most soldiers heard the hostile activity the previous night and no one questioned the German resistance of the 10th. Everyone speculated on the

⁵⁵Currie Papers, file 60, M. F. Gregg to Currie, 4 April 1928.

⁵⁶Currie Papers, file 64, Harold C. Preston to Currie, 18 April 1928, and C. C Owen to Currie, 2 May 1928.

extent of the battle on the morning of the Armistice.

Most soldiers vividly recalled their locations during the fight for Mons on the morning of 11 November. Many from the two Canadian Divisions observed it from a distance, their units having been spread out in the rapid advance. Some platoons prepared for the upcoming battle drawing battle stores, knowing they were to replace the units already fighting. Others sat and watched the fires burning in the city,⁵⁷ or listened to the shelling and machine gun fire. The accounts of total fighting involved were inaccurate, since they were derived from an assortment of sights and sounds within crowded city streets shrouded in darkness. As daybreak arrived Canadians from the Ninth Brigade passed through Mons to replace the units of the Seventh Brigade who had advanced beyond Mons. In the city they observed the bodies of dead Canadians from units of the Seventh Brigade. Thus, while taking new positions beyond Mons, Ninth Brigade members saw the damage that had been inflicted upon the men of the Seventh Brigade during the previous night's fighting.

On the morning of 11 November advance guard soldiers spent little time in Mons. Although the Armistice message had been issued, calling a cease-fire to begin at 1100 that morning, a second order at 7 45 commanded units "to secure a satisfactory line for the defence of Mons in the event of renewed activity, [ordering] the attacking battalions to push on with all possible speed in order to gain as much territory as possible before 1100

⁵⁷ Trial transcript, p. 1212.

hours."⁵⁸ Captain Steele wrote in his 1920 narration that "by 6 am the whole line was on the move to secure a strong line against German treachery."⁵⁹ Even after the city's capture, the advance continued until the final minute of the war.

The detailed recollections of soldiers describing the last fallen Canadians bore testimony to the hope and anguish of surviving the few hours left. Their sentiment was described by one soldier observing dead Canadians, their bodies half-hidden by flowers: "I went over to see if I knew any of them and they [the Belgium women] couldn't understand why we didn't show any emotion on account of these men being dead."⁶⁰ A further opportunity to honour the dead came on the 13 November when the city held an elaborate mass funeral for ten of the dead "killed for Mons."⁶¹ Here both Divisions had a heightened sense of irony and sorrow, having had the last to die brought to their attention. For the exhausted soldiers, the capture of Mons was not a joyous occasion. Reverend George Kilpatrick, Divisional Chaplain of the Third Division, observing the gulf between officers and men, commented:

I think we all were much struck by the total absence of any evidence of joy or delight on the part of the troops. We went about with a sense of strange unreality at the whole business, and through that day in Mons, and

⁵⁸:30 battle order 7:45 am 11 November 1918, Trial transcript p. 2141.

⁵⁹Harwood Steele, The Canadians in France (Toronto: Copp Clark, 1920), p. 336.

⁶⁰Robert N. L. Hill testimony, Trial transcript, p. 525.

⁶¹The speeches made by the Mayor of Mons gave direct credit for the liberation of Mons to those who had fallen and were honored at the funeral.

particularly through the evening the soldiers did not celebrate in any way.⁶²

The Armistice did not bring the rest the soldiers sought. On the Armistice morning General Loomis, Commander of the Third Division, ordered a parade in appreciation of the historic capture and the end of hostilities. That afternoon Loomis pressured General Currie to attend another parade.⁶³ Here Currie realized that the troops were sensitive to this advance. He stressed in his speech that "the reason why Mons was taken was we obeyed the orders of Marshal Foch that we should go on until ordered to stop."⁶⁴ Although Loomis called both parades voluntary, the two parades left a bitter memory among enlisted soldiers who felt "a parade for Sir Arthur Currie" represented homage to the man who had driven the Corps too far.⁶⁵ The parades exemplified the problems which would face Currie. There was evidence of unrest, and at least one account of the brother of a 10th November fatality threatening to kill Currie.⁶⁶

The privates were exceptionally critical of a battle which

⁶²George Kilpatrick testimony, Trial transcript, p. 2085.

⁶³Loomis testimony, Trial transcript, pp. 1660/1667.

⁶⁴Currie Papers, Fred Claxton to Currie, 19 May 1928, Currie Papers, file 66.

⁶⁵Roy Wilson testimony, Trial testimony, p. 165.

⁶⁶See Will Bird, Ghosts Have Warm Hands (Toronto: Clarke, Irwin, 1968) chapter Mons. Here he describes an account of an incident among two Mills' brothers. Tom Mills upon realizing that his brother had been killed the previous night swore vengeance, threatening to kill Currie during the parade that Armistice day.

both Currie and fellow officers celebrated. Officers celebrated the 'battle of Mons' before the smoke had cleared the city. They sought, and received, special recognition for the units involved by bestowing upon them a 'battle honor' in the name of Mons. Other officers stressed their roles in the fighting. General Burstall, commander of the Second Division, disclosed his impressions of the Mons fighting in a letter to Currie, while seeking credit for his troops:

Mons was captured on the night of 10th/11th. My Division captured the heights which actually commanded the town a great part of which are within its official limits... that is, my Division captured not only the heights commanding the town which are largely within its official boundary, This I can prove by a large scale 1/10000 map of the town in my possession which is signed as correct by the Burgomaster and Council. Moreover, what forced the Germans out of Mons was the capture of the heights. Mons was then absolutely untenable, whereas of course, while the Germans were still holding the heights, a few machine guns sweeping the streets rendered the city absolutely secure against an attack without heavy artillery preparation. During this phase we had 4 officers and 42 other rank killed and 18 officers and 294 other ranks wounded, considerable losses being sustained in storming the heights of Mons which were very heavily held with of machine guns.

Burstall also expressed the competitiveness of his Division and his concern that the Third Division might gain all the credit in the heroic effort:

The Third Canadian Division on the other hand, naturally, because of our action had cleared the town, and sustained trivial losses in capturing their part of the city. But the work of my Division which culminated in capturing the heights of Mons and part of the town itself has been absolutely ignored inasmuch as the G.O.C. of the 3rd Canadian Division claims the exclusive right to its capture.

Finally Burstall complained of his troops being slighted by not being invited to the victory parade held at Mons:

...on the morning of the 11th, the 7th Canadian Infantry Brigade, who went through the most populous part of the town, including the Grande Place, public offices, etc., had a ceremonial parade and were received by the Burgomaster and Council. In the afternoon of the 11th, a ceremonial parade was held by the 3rd Division in the Grande Place to officially receive the Commander of the Canadian Corps and none of my troops, although billeted within a stone's throw, were invited to take part.

As at Cambrai this special claim by the 3rd Canadian Division for the sole honour of Mons and the recognition which the pretensions have obtained has not only caused resentment in my Division on account of its being ignored in the matter, but has also gained credence generally, on account of press reports etc., and I would as that in the Corps Narrative special care be taken to put these operations in their true light and that full credit may be⁶⁷ given to my Division for its share in both operations.

This letter showed an enlarged view of Mons and greater casualties than had been imagined. These impressive sacrifices described by Burstall were believed unjustified by the privates whose comrades made them.

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After Mons, the Corps Commander again brought himself to the soldiers' attention. Currie increased his unpopularity by reviving rigid discipline immediately following the Armistice. He believed "you never allow any laxity of discipline. As soon as you begin to do that, the troops begin to deteriorate."⁶⁸ His November memorandum to Canadian troops ordered the rapid preparation for the advance to Germany, stressing:

Your task is not yet completed, and you must remain what you are--a close-knitted army in grim, deadly earnest.

⁶⁷ Currie Papers, file 6, General A. P. Birchall to Currie, 11 April 1919.

⁶⁸ Arthur Currie testimony at the Examination of Discovery, Question # 2122, Trial transcript p. 653.

German agents scattered throughout the country must not be able to report to their German masters any weakness or evidence of disintegration of your fighting power. It is essential that on the march⁶⁹ and at halt discipline must be of the highest standard.

Thus the new emphasis on 'spit and polish,' route marches, and training camp behaviour aggravated veterans who merely wanted to go home. Furthermore, Currie created new enemies within the Corps by scuttling the established demobilization plans. His changes called for the Corps to be returned by units instead of the previously arranged 'first over, first back' policy. This bitterly disappointed veterans who had served years in France, but who had to wait while some recently arrived conscripts appeared to catch the first ship home.

General Currie was aware of increasing criticism of his leadership. In November he received word of rumours against him in hospitals concerning unnecessary casualties for which he was held responsible. Officers of the Third Division became noted for their criticism of Currie. At a November meeting in Mons, Currie related the following story to Sir Alexander Godley:

As I was driving along in my car to attend this conference I passed a battalion of Canadian infantry on the march. The driver of the car honked, but the men did not move to the side of the road and as far as I know the battalion the officers did not give them the command to do so. As⁷⁰ we passed the battalion I met quite a few dirty looks.

Discussing the situation, the Commanders were of a "unanimous opinion that the conscripts were in great part responsible for

⁶⁹ Currie Papers, file 169, November 1918 Memorandum.

⁷⁰ M.A., Urquhart Papers, circular, Alexander Godley to Urquhart.

the new atmosphere and they decided that no more should be sent to France."⁷¹

Currie blamed the conscripts and the "foolish speeches by professional agitators" when the Seventh Brigade, the liberators of Mons, rioted in December. Here protestors chanted, "where did Currie get all his ribbons?," to which the response was "from us!" In all, 103 men of the Third Division were charged as a result of these riots.⁷² This Division remained the most rebellious of the Corps. There was so much unrest in this Division that, when the Forestry Corps members rioted at Kemel Park, Currie "concluded that the whole Third Division had rioted." In fact, a rumour that shipping had been directed away from the Forestry Corps for demobilization of the troublesome Third Division had been a major reason for the riots.⁷³ In view of the problems with the Third Division, Corps Headquarters decided it would be "convenient" to break the established plan of demobilizing the Divisions in sequence by sending the Third Division home first.⁷⁴ As a result, the most discontent members of the Corps, and the most vocally dissatisfied with Currie, were the vanguard of the soldiers returning to Canada.

Currie had little chance to repair his unpopular image with the war over and the Corps divided within itself. In Canada soldiers encountered Hughes' dissatisfaction with Currie, to

⁷¹Ibid.,

⁷²Dancocks, Spearhead to Victory, p. 228.

⁷³Ibid., p. 229.

⁷⁴Ibid., p. 227.

which they added their own complaints. In addition, the severity of the fighting in the last hundred days caused many families to receive word of their next-of-kins' death after the final attacks on Mons. They speculated that Mons was the reason, and thought the casualties around Mons may have been higher than officially stated.⁷⁵ The troops involved knew there had been a sharp fight and casualties sustained at Mons. Their unrest probably inspired Hughes' first inquiries into the battle at Mons. The common attitude toward Currie guaranteed that soldiers would accept, if not encourage, Hughes' accusations. Together, the privates and Hughes provided a convincing depiction of this bloody and unnecessary struggle, and Currie's role in it. Their accounts of heavy fighting and Currie's ill-advised actions endured in the absence of documentation to the contrary.

Ironically, the battle's obscurity worked against Currie. Soldiers, politicians, and the Canadian public desiring information on Mons were dependent on the few men who took part in the attack. The soldiers' perspective gained importance after Hughes' public attacks on Currie. The official records such as the Ministry's summary Overseas Military Forces of Canada, 1918, or a spattering of published dispatches, offered the only other sources of information on the topic, and there was too little detail to be useful. A battle of similar scale at a different time or place would be considered trivial. But this fight was the last battle of the Great War, and fought for a city of

⁷⁵"A Rumor That Killed A General", op. cit., p. 42.

symbolic rather than military significance. Soldiers questioned the necessity of this battle despite a lack of specific knowledge of casualties. It was reasonable for them to be critical of heavy fighting on the last day of the war. Complaints of high casualties and unnecessary sacrifice in the morning battle at Mons would likely have evolved from these circumstances without any specific attack on a particular commander. Currie's unpopularity, however, encouraged soldiers to direct their dissatisfaction toward him.

When men of the Canadian Expeditionary Force reflected upon Mons, their views exposed the degree of strife that affected the Corps on its final drive. Certainly neither resentment of the draft, nor simple impatience, can adequately explain the tormented end of Canada's greatest fighting force. The draft, political agitators, and Hughes' vindictiveness had not been the only factors which influenced soldiers to turn against Currie; rather, their attitude resulted from the chain of events starting with Currie's March proclamation and ending with the exhausted Seventh Brigade parade for him at the town square in Mons. General Currie had exhibited a style of reclusive leadership and given a number of unfortunate commands which made any rumour seem credible. Currie's actions created the embittered group of veterans who continued to hate Currie to their deathbeds.⁷⁶

⁷⁶During my research and while giving a lecture for the East Durham Historical Association I found several individuals who had noted their parents' hatred for Currie which never faded.

These soldiers had no need of envious officers or a plotting Hughes to maintain and propagate their enmity.

Thus the seeds of a malicious attack against Currie had been sown. The soldiers present at Mons, whether friend or foe of Currie, understood there to have been an attack which inferred sustaining casualties. The action itself had been too small to be carefully documented or accounts of casualties widely distributed. Currie's opponents believed the worst while others had no concrete casualty figures to come to Currie's defence by explaining the small scale of the encounter or an absence of fatalities. As a result, the events at Mons were legitimately questioned by its captors until these complaints reached a rather receptive Sir Sam Hughes.

CHAPTER THREE

TACTICS: ATTACK AND EVASION

Carry on! Carry on!
Things never were looming so black.
But show that you haven't a cowardly streak,
And though you're unlucky you never are weak.
Carry on! Carry on!
Brace up for another attack.
It's looking like hell, but --you never can tell:
Carry on, old man! Carry on!
[Robert Service, Carry on! 1915]¹

The end of the war brought little peace to Currie. By then Currie believed that Hughes and other officers conspiring within the Corps and Argyll House had created the unfavourable climate of opinion towards him. In reality, Hughes took advantage of, rather than created, this climate. Rightly or wrongly, in 1918-1920 Sam Hughes wanted to destroy Currie and sought information to that end. The criticism of Currie concerning Mons emerged from military miscalculations made in September and October 1918. Once the war had ended, Hughes could actively criticize Currie and gather information for a public inquiry. Hughes believed that Currie would be warned of his inquiries and would prepare himself. Thus the stage was set for a confrontation, but neither man behaved as one might have expected, so that both suffered from the conflict. Still, in their behaviour lay the foundation for the libel trial a decade later.

Hughes possessed charm, even though many hated him. His appealing qualities and long-standing career in the militia guaranteed life-long friendships among military people. Moreover,

¹Robert Service, Rhymes of a Red Cross Man (New York: Barse and Hopkins, 1916), p. 97.

the charismatic Hughes was noted for his "common touch" among soldiers.² Hughes' enthusiasm and sincere concern for the soldier made him close to "his boys at the front." Hughes was occasionally credited with a "second sight" when suspecting problems among the troops.³ Hughes "second sight," however, was due in large measure to co-operation from friendly officers in France. Currie was not the only capable soldier Hughes had assisted through the ranks. Soldiers with complaints about Currie would not hesitate to express them to their old friend and leader.

Urquhart concedes that the complaints against Currie were not solely the work of Hughes. In the early draft of his book Urquhart admitted, "the cruel fact [is] that this propaganda against the Corp commander was fostered, if not begun in the literal sense, within the C.E.F... amongst a group of the Corps of officers."⁴ In all likelihood, Hughes learned of this unrest against Currie while meeting with such officers. Throughout the war, Hughes sought tours to France to see the troops. In September 1918 Hughes travelled to England and France.⁵ Certainly he

²Ronald G. Haycock, Sam Hughes: The Public Career of a Controversial Canadian 1885-1916 (Wilfred Laurier Press, National Museums of Canada, 1986), p. 85.

³McGill University Archives (M.A.), Urquhart Papers, circular, Harold Daly to Urquhart.

⁴McGill University Rare Book Room, (M.R.B.R.), Urquhart Papers, draft-3, p. 2.

⁵National Archives of Canada, (N.A.C.), Perley Papers, (MG27

talked to soldiers who expressed their dissatisfaction with the Corps commander and the Corps's recent misfortunes around Arras and Cambrai. In October 1919, Hughes, writing to Max Aitken (later Lord Beaverbrook), reported comments heard from officers to the effect that "The Black-hand Gang" is the name returning officers give Currie, and the small crowd behind him. God pity the Canadians. Gallant fellows butchered needlessly."⁶ Currie's military miscalculations encouraged critical comment, and Hughes' growing animosity promised that Hughes would bring the issue back to Canada.

Predictably, on 1 October 1918, Hughes wrote to the Prime Minister complaining of the unnecessary sacrifices around Cambrai:

I have on other occasions, drawn your attention to the massacres at Lens, Passchendaele, etc., where the only apparent object was to glorify the General in command, and make it impossible, through butchery, to have Fifth and Sixth Division and Two Army Corps...

I have no details other than general and special reports, but I know the locality thoroughly and any General who would undertake to attack Cambrai by suburb or street fighting, should be tried by court-martial...

Bull-head and incompetency are traceable by the horrible casualties rolling up into eight and ten,⁷ times the total force of a battalion or a brigade...

II D12 vol. 11), Sir George Perley to Prime Minister Borden, 20 September 1918.

⁶ Sharpe, The Last Day, the Last Hour: The Currie Libel Trial (Toronto: The Osgoode Society, 1988), p. 46; citing a letter from Hughes to Aitken, 8 October 1918, Beaverbrook Papers, file E-I-7.

⁷ Hansard House of Commons Debates, 1919 session, vol. 1, p. 207

Hughes also sent copies of the letter to Generals Haig and Foch, and Prime Minister Lloyd George.⁸ The Currie diaries do not indicate knowledge of this letter. On 17 October, however, he issued an order, which remained in effect until the end of the war, against unnecessary casualties. Its timely issuance suggests that Currie knew of Hughes' written criticisms prior to the advance on Mons.

Currie quickly became sensitive to signs of an imminent confrontation with Hughes. Shortly after the Armistice, Currie received word of plots against him within the army. At about the same time Currie received a letter from a cabinet minister in Ottawa warning of Hughes' preparation for an attack. Several friends cautioned Currie to be sensitive to the issue of unnecessary casualties, and to expect further problems from Hughes. As events unfolded, Currie suspected that the problems both within the Corps and in Canada were inspired by Hughes.

The problem with Hughes angered and frustrated Currie. Exhausted by years of command, Currie felt "too tired" to honour the rumours, or Hughes, with a reply by succumbing to political confrontation.⁹ He detested the idea of a political debate over his career. In December 1919 Currie wrote concerning Hughes to Alistair Fraser:

⁸Ibid.

⁹A. J. M. Hyatt, General Sir Arthur Currie: A Military Biography, (Toronto:University of Toronto Press, National Museums of Canada, 1987), p. 131.

However much we dislike his slinging of mud I cannot see how I can ever stop him. To say casualties have been excessive is an easy thing to say but I can imagine nothing...more ungrateful... Apparently he chooses to utter his lies where he has the protection of the walls of parliament. I am now, as always, without pull. If my record in this war¹⁰ can be tarnished by such as he then I don't much care.

Currie believed his faithful years of service entitled him to protection from such attacks. He expected other people more politically skilled would defend him if the need arose.

Fatigue was not the only cause of Currie's hesitation; he also feared a confrontation with Hughes. He knew the anguish of the Hughes' family and the possible depths of their vindictiveness. On 26 December 1918, Currie wrote to his sister and then to his mother, suggesting that Sam Hughes would attack him in the next session of the House of Commons. He lamented that Hughes "is going to call me a murderer, a coward, a drunkard, and almost everything else that is bad and vile. There will not be a word of truth in what he says, but Sam Hughes is a vindictive and bitterly disappointed man, and so is his son Garnet."¹¹ Furthermore, Currie realized that both Sam and Garnet Hughes knew his weaknesses. They also had the political and military connections, and forceful oratory, to launch an informed and destructive attack on a career that they assisted in creating.

Currie pondered a suitable response to any statements Hughes

¹⁰N.A.C., Currie Papers, (hereforth Currie Papers are found N.A.C.) file 7, Currie to Alistair Fraser, December 7, 1918.

¹¹M.R.B.R., Urquhart Papers, Box 11: file 3, Arthur Currie to Margerie Currie, December 26, 1918.

might make in Parliament. He declined the use of preemptive strategies against Hughes, in case such an attack had not been planned. He wrote to his mother while weighing his options:

I have thought of how I might meet the attack of Hughes. First, I might get someone to shut him up, and I could do so, but if I did I would forever place myself under an obligation to that man. Secondly, I might anticipate the attack, and have it answered before it took place, yet it might never take place, and it would be wrong to beg the question. Thirdly, I might arrange for somebody in the House to answer Sam Hughes; and lastly, I might ignore the attack, which is the course I intend to pursue... It might be, though, that one would be forced to answer his charges, and to do so one would have to enter the House. That would be about the only thing that would ever make me enter the political field.¹²

In the end, Currie failed to be decisive in the political world. He did nothing in the face of Hughes' attacks, leaving his fate in the hands of others. He sought the assistance of the politicians General C. S. Mewburn, Minister of Militia, and Sir Thomas White, Minister of Finance. Currie hoped these men would rebut the charges Hughes might make, and show Currie in a more favourable light than that presented by Hughes' malignity. The existing correspondence fails to reveal what private help, if any, they offered. When Hughes' attacks came no one publicly countered his specific allegations about Mons.¹³ It was left up to Currie's military associates, sympathetic politicians, and the Canadian public, to defend his leadership.

Currie may have ignored events in Canada as a result of

¹²M.R.B.R., Urquhart Papers, Box 3 file 14. Currie to his mother April 14, 1919.

¹³See the debates following Hughes' 4 March 1918 attack, and Hyatt, General Sir Arthur Currie, p. 129.

similar rumours among his own troops. Currie's self-image, recorded in his personal records, leaves the impression of a man beleaguered by private and public enemies actively seeking to discredit him. This view could have been, in Desmond Morton's words, "directed by self pity and a paranoia of his civilian leaders and other officers."¹⁴

In November 1918, a friend informed Currie that "officers in England spend most of their time visiting hospitals and condoling with the wounded; intimating to the latter that the casualties in the Canadian Corps have been altogether too high."¹⁵ Currie asked Edward Kemp, Minister of Overseas Forces, to investigate this report and other efforts to undermine his command. Having done this, Kemp replied that he doubted the accuracy of such reports, stressing that the rumours against Currie did not start in England.¹⁶ On 14 January 1919, Currie met the Minister and interviewed one of the officers who reportedly circulated defaming rumours of Currie. Naturally, the officer "denied doing this in the most strenuous fashion."¹⁷ On 4 March 1919 Kemp, assuring Currie that the rumours were idle gossip, summarized the situation:

¹⁴ Desmond Morton, A Peculiar Kind of Politics: Canada's Overseas Ministry in the First World War (Toronto: University of Toronto Press, 1982), pp. 144/156.

¹⁵ Currie Papers, Vol. 43, Currie Diary November 17, 1919.

¹⁶ N.A.C., Borden Papers MG26H FA18, #55841-5, #55842/3 Currie to Edward Kemp and return, 26 February 1919.

¹⁷ Ibid.

I should attribute it more to the unrest and unsettled conditions of mind of other ranks and to young men whose habit it is to use language respecting which they do not understand the meaning... I am sure you will not overlook the fact that the soldiers since the Armistice, both here and in Canada, have been very loose indeed in their conversation...no matter how genuine a man's motive may be this does not debar him from being made a target of unwholesome gossip. The strength of your position is that the gossip happens to be of¹⁸ such a stupid character that it almost defeats itself.

As a result, Currie allowed the Mons rumour to continued unchallenged. In the same letter, Kemp forwarded a request he had received from Mewburn, the Minister of Militia, for casualty figures from the fighting around Mons. These were required to counter potential criticisms of Currie about unnecessary losses in its capture. Kemp astutely commented that "the rumours which you now describe are of a far more definite character than anything I have heard... Judging from my long experience in public life I do not think there is the slightest hope of being able to run it to earth." Kemp supported Mewburn's request to issue a statement, which Kemp guaranteed would be widely circulated back in Canada.¹⁹

For some reason, Currie failed to comply with the Minister's repeated requests for information. Perhaps he was annoyed by Kemp's inability to identify his slanderers in England, or Mewburn's lack of unqualified support. Ironically, Currie added in his first reply, "it seems to me that I have the right to ask

¹⁸N.A.C., Borden Papers, # 55845 Edward Kemp to Currie March 4, 1919.

¹⁹Ibid.

for protection."²⁰ Answering the second request, Currie wrote Kemp that he "was tactically under the British Army and that the application for such figures should be through the War Office made to an entirely unprejudiced source--namely the Commander-in-Chief."²¹ He may have desired explicit approval of his actions from his superiors. Whatever the motivation, neither politics nor politicians could wait for such official channels to render a response.

By 4 March 1919, Currie had delayed too long. Hughes made his first attack on Currie before an unprepared House of Commons on the same day that Currie sent his reply to Kemp's second request. Hughes opened his attack by reading to the House the letter concerning Cambrai he had sent Borden in October 1918. He then questioned the "needless sacrifice" of Canadian soldiers brought about by the capture of Mons saying:

... I have just this to say about Mons. Were I in authority, the officer who four hours before the Armistice was signed, although he had been notified beforehand that the Armistice was to begin at eleven o'clock, ordered the attack on Mons, thus needlessly sacrificing the lives of Canadian soldiers, would be tried by Court Martial, and I cannot find one Canadian soldier returning from France who will not curse the name of the soldier who ordered the attack. What was in it? They did not take the town, which was only a little one-horse town anyway. It had no strategic value, and the attack was only a bit of bravado as the Canadians had already passed it. What²² should have been done was to go around these places...

²⁰ N.A.C. Borden Papers, # 55843, Currie to Kemp, February 27, 1919.

²¹ N.A.C., Borden Papers, # 55870, Currie to Kemp, 4 March 1919.

²² Hansard op. cit., p. 207.

Even though Currie knew of the impending attack, he was stunned by the unfairness of his position. Currie's frustration over this affected his subsequent actions. He chose to rely only upon himself, distrusting those around him. He already suspected that General R. E. W. Turner, commander of the Overseas Military Headquarters in England, and a friend of Sam Hughes, may have been involved in Hughes' attack.²³ Consequently Currie suspected that Turner tried to pull him into a political confrontation when they met a week after the attack. Turner urged Currie to send the information Mewburn had requested, but, as Currie recorded in his diary,

At this meeting we prepared an answer to be sent to Ottawa in reply to a request from General Mewburn that I furnish a special report on the Mons operation. This I declined to [send] pointing out that, as the Canadian Corps was still an integral part of the British Army, these reports could be obtained through the regular channels, but I further pointed out that our War diaries and summaries of operations were very complete and were on file in the Record Office.²⁴

Currie's rejection of the Minister's request denied Currie the assistance of informed political allies upon whom he felt he could rely. He lacked the fortitude to help himself, and withheld from others the tools with which to save his reputation. His continued reluctance to assist Mewburn created suspicions among politicians that he indeed had something to hide about the casualties at Mons.

Some of Currie's friends contributed to his perception that

²³Hyatt, General Sir Arthur Currie, p. 130.

²⁴Currie Papers, vol. 43, Currie Diary 11 March 1919.

there was a conspiracy behind Hughes' criticisms. One officer in Canada, having described Hughes' speech as a failure, continued:

I have no doubt but that there was an attempt made to blacken your character which was first started in England, but it has fallen very flat. When I first arrived here certain men told me that they had been asked to attack you and refused to do so. This convinced me that the attempt²⁵ on your reputation was of more than ordinary design.

Henceforth Currie saw Hughes behind his difficulties in England. This assumption encouraged Currie to handle the problem himself, since some politicians appeared to have been swayed by his adversary. Kemp wrote Borden after Hughes' attack, stating that Currie wanted only a "subtle inquiry" over the issue.²⁶ Currie also made it clear to Kemp that the "Mons issue should be held when Currie is present and the official records are available."²⁷

One specific way in which Currie was the author of his own misfortune involved his meeting with the Prime Minister four days after the Mons battle. Undoubtedly, Currie shared with Borden the elation of the Corps' most recent victory. Borden commented, "Currie gave us a most interesting account of the achievements of the Canadian forces during the preceding few months. During that period they had had a magnificent record, unsurpassed in any previous period of the war."²⁸ Borden subsequently requested

²⁵M.R.B.R, Urquhart Papers, Urquhart Draft # 3, p. 17.

²⁶N.A.C. Borden Papers, # 55876-8, Edward Kemp to Borden, 11 March 1919.

²⁷Currie Papers, file 7, Currie to H. L. Irving September 14, 1919.

²⁸Dancocks, Spearhead to Victory: Canada and the Great War (Edmonton: Hurtig Publishers), p. 235.

information "regarding the late operations of the Corps," since "certain sections of the American press have adopted the attitude of belittling the importance of the operations of the Canadians."²⁹ Currie's concern that the Canadian Corps was not receiving proper appreciation increased after the Corps was denied recognition in the highly publicized liberation of Valenciennes. He eagerly responded to Borden's request for narratives of the battles of the last hundred days, including the following report of the situation at Mons:

While I appreciated the national pride our country would have if we finished the war with the old battlefield in our possession, and though we were anxious to take it, we did not care to suffer many casualties in doing so. We felt our way all Sunday, and shortly after midnight troops of the 42nd battalion found an opening. They entered the city fought through the streets, where I saw dead bodies there the next day, and surrounded enemy machine gunners holding the south. These machine gunners fought to the very last...By 4:30 in the morning we had cleared the city and when the armistice came into effect at 11 o'clock in the morning we were ³⁰ five miles to the east of Mons [Emphasis mine].

Such a spectacular account met Borden's needs, but its aggressive emphasis came back to haunt Currie since Hughes was even then preparing his revenge. Indeed, Borden's request came just a day before the cabinet minister sent his warning of a possible attack by Hughes.

Currie further emphasized the Canadian war effort by sending

²⁹ Currie Papers, file 194, Currie Diary, 26 November 1918.

³⁰ Extract letter from Currie to Prime Minister Borden, 26 November 1918, Currie Papers, He also makes reference to "fighting through the steets" in his diary 11 November 1918.

Generals Morrison and Brutinel to give more information to the Prime Minister, who was visiting the Canadian Headquarters in London.³¹ One can only speculate what they said to Borden about the entire campaign. Morrison, showing his pride at being the first British General to enter Mons since 1914,³² produced diaries revealing his thoughts on the fighting at Mons:

Entering Mons by the road we had attempted to follow the day before, we came upon dead Boches lying in the gutters. Most of them were the victims of shell-fire. The capture of the city had been so recent that the place was only partly cleaned up... The fight of the night before had been no bloodless victory. The enemy's dead were thick in the suburbs, and especially around the station where they made their last stand. The Canadian infantry had made it a point of honour, notwithstanding the cautions against casualties, to drive the enemy from Mons before the "cease fire" sounded... Sir Arthur Currie rode into the captured city along streets garnished with the enemy dead...³³

When Borden first heard Hughes' complaint over the Mons issue, therefore, the only information he possessed were Currie's public references to "stiff resistance" and "fighting through the streets," and Morrison's account depicting a German Armageddon at Mons. The General's hesitation over an inquiry would have increased the doubts of Borden and Members of the House. In addition, most cabinet ministers had knowledge of Currie's past financial mis-management, while other politicians observed the

³¹ Currie Papers, file 194, Currie Diary, 26 November 1918.

³² Currie Papers, file 60, General Gow to Currie, 7 April 1928.

³³ A full extract of the published Morrison's diaries can be found in "The Great War As General Morrison Saw It," The Ottawa Citizen, Saturday 22 May 1928, p. 4.

strong undercurrent of popular protest against Currie led by soldiers returning to Canada and officers in England. Members of Parliament, understandably, avoided siding with Currie, or only cautiously supported his credibility.

In drafting the official reports for the Ministry of Defence, Currie sought not only to defend his actions against Hughes, but also to inform the Canadian public of the Corps' great achievements in the last hundred days of the war. Still, the only significant response from Canada to the Corps' success seemed to be Hughes' criticism. A friend wrote Currie directly after Hughes' first attack:

Anyone who knows anything about the facts, unless a wilful partisan, will recognize that such charges, fall to the ground. But the general public is not so well informed and nothing has struck me since my return as to the curiously incomplete idea in the public mind as to the achievements of the Canadian Corps, particularly since August 8th. The fact was that the brilliant record was overwhelmed to some extent in the general tide of victory.³⁴

Currie echoed his friend: "the people I am still sure are ignorant of the true magnitude of the fighting in the Last Hundred Days."³⁵ Currie believed a detailed report of the Corps' final efforts would both burnish its image and answer Hughes' criticisms. Still such a report would fail to respond directly to the casualties suffered at Mons.

Currie researched this period in response to Borden's request, Hughes' threats, and the need to produce a summary for Parliament. Currie was aware of Hughes' criticism concerning

³⁴M.R.B.R., Urquhart Papers, Urquhart Draft-3, p. 14.

³⁵Ibid., p. 17.

Mons while he drafted his report in the spring of 1919. Nevertheless, Currie believed it to be "an improper thing... to shape an official report as to answer criticism" and so he "framed that report in order to give the truth of the operation."³⁶ His report reiterated the comments about Mons sent to Borden, while deleting references to "fighting in the streets" and that "machine gunners fought to the very last." Friends encouraged Currie to produce his own narrative of the last hundred days. This he declined, being preoccupied with the more pressing matters of demobilization. Henceforth he neglected to put any response to the charges on paper.

His "official report" had been planned for the private use of Parliament. However, Currie's disappointment with the original public draft, which failed to depict fully the achievements of the Corps, led him to suggest that "if any report be used that the Ministry use his."³⁷ Hence Currie's own official public record revealed a "stubborn German defence at Mons" in a final confrontation in the early morning hours of 11 November.³⁸

Currie downplayed the Mons engagement immediately after this report had been submitted to the House in late May. He reported to Kemp in June that "there was no assault on the city of Mons and there was no particular battle for it... it would be

³⁶ Currie Papers, Trial transcript, p. 1997.

³⁷ Ibid., pp. 1994-1997.

³⁸ Report of the Minister, Overseas Military Forces of Canada, p. 182.

absurd to say that the casualties suffered by these two Divisions on November 11th or on November 10th and 11th were due to the capture of Mons."³⁹ Currie felt the move on Mons could not be considered an assault without the use of artillery, since "the casualties at Mons were not more than have been incurred from time to time in raids."⁴⁰ He could not support his claims because he lacked the detailed casualty statistics which had been shipped home.⁴¹ He would substantiate his claims upon his return to Canada.

Currie's supporters in Parliament required substance to face the fearsome and knowledgeable military giant, Sir Sam Hughes. His intransigence left them incapable of defending him against the Mons criticisms in concrete terms. Cy Peck, V.C., an officer and friend of Currie's, had been warned, as had Currie, of Hughes' upcoming attack. He had served with the Fourth Canadian Division under Currie during the last hundred days. When Hughes rose in the House, Peck did not respond while other Members "egged on" a reply, because it was his first day in the House. Although Dancocks records that Peck "leaped to Currie's defence," his defence came ten days after the first attack.⁴² When he did

³⁹Currie Papers, file 7, Currie to Edward Kemp response to letter 18 June 1919.

⁴⁰Currie Papers, Currie to Langley, 16 April 1919.

⁴¹Currie Papers, Currie to Edward Kemp, op. cit.

⁴²Currie Papers, file 63, C. W. Peck to Currie May 2, 1928, file 63 and Dancocks, Sir Arthur Currie: A Biography, p. 196.

reply, he referred to Currie as "one of the great Canadians, and one of the great commanders we have had in this war."⁴³ He refuted in detail Hughes' charges concerning Cambrai but could not do the same with Mons since he was sick at the time of the final assault, nor was it his Division in that pursuit. He recounted the large advances before Mons and estimated that there were as few as 1000 Germans defending the area.⁴⁴ Other belated references to the General made in Parliament offered praise without specific reference to the battles of Cambrai and Mons.⁴⁵ No cabinet minister spoke on Currie's behalf until May 1919.⁴⁶

Outside of Parliament, defenders of Currie battled the reputation and not the issue. Newspapers such as the Toronto Globe criticized Hughes merely because of Currie's absence: "The enemy never dealt a fouler blow than that directed by Sir Sam Hughes against the leaders of the Canadian Army still in the field and unable to defend themselves."⁴⁷ On 18 March 1919, past Solicitor-General Rodolphe Lemieux anticipated future events while commenting on the Mons issue in the House,

Sir, the Prime Minister and his colleagues may deny the charges; brother officers in this House may refute them, and the press may speak of the cruel egotism of the member for Victoria [Sam Hughes]. But there is a sound public opinion in Canada, and whether the charge is well founded or not, you cannot annul it by a mere denial or a sneer. The fathers and mothers of those

⁴³ Dancocks, Ibid..

⁴⁴ Hansard, op. cit., p. 467.

⁴⁵ Duncan Campbell Ross, cited in Hansard, op. cit., p. 500.

⁴⁶ Dancocks, Sir Arthur Currie: A Biography, p. 195.

⁴⁷ Ibid., citing the Toronto Globe, 6 March 1919.

who went through the valley of shadow during the great war will not be satisfied by a denial or by a sneer; they will insist, with bleeding hearts, upon an investigation which will probe these charges to the bottom.⁴⁸

Meanwhile other veterans offered credibility to Hughes' accusations with related statements. One letter published in the Toronto Telegram, signed Cambrai, placed the casualties at Mons at 7000, of whom half were fatalities.⁴⁹ Everyone wanted more facts about these battles than were contained in Currie's inconclusive summary. Parliament and the press waited for a response from Currie, while he remained strangely quiet.

The crisis was damaging to all concerned. In hindsight the legacy of Sir Sam Hughes suffered most from this event. The last years of the war and of Sir Sam's life were a sad period for a man who was once powerful and respected. His own grandson perceived Sam, at that point, as "a physical and political casualty of the war."⁵⁰ A need to exact retribution demanded that Hughes attack Currie, now that such divisiveness would not interfere with the war effort. He was too strong-willed an individual just to fade away, although his health and vitality had already deserted him. Still, his attacks would only have been effective if others were willing to challenge him. His

⁴⁸ Rodolphe Lemieux, cited in Hansard, 18 March 1919, p. 575.

⁴⁹ Sharpe, The Last Day, the Last Hour, p. 48; citing the Toronto Telegram, March 1919.

⁵⁰ C. P. Stacey's review of Hugh Urquhart's book in Canadian Historical Review, 1951, p. 74.

campaign against Currie was an unpleasant topic which few Parliamentarian wanted to discuss. Some Members ignored him, considering his attacks groundless vindictiveness. Others dismissed his actions altogether, having always considered him mentally unbalanced. Most Members of Parliament, lacking military experience, felt unqualified to judge or feared confronting a military expert on this topic. Outside Parliament, newspapermen declined to attack Hughes, after his initial outbursts, as his health deteriorated. As a result, Hughes' efforts to revive his past oratorical fury against his absent opponent generated only pity.

War-weariness, Currie's evasiveness of Hughes, and an unwillingness to confront Hughes countered Hughes' criticisms against Currie over the Mons battle. A friend wrote Currie in June 1920 when Hughes continued to defame Currie in the House:

I was very sorry to see in today's Press that Sir Sam Hughes has again returned to Ypres fiction. He seems determined to fasten onto you. Everybody realizes that he is not responsible for what he says but still there is a certain class who would⁵¹ only be too ready to believe anything of this kind.

Another friend described the scene of Hughes' attack on 29 September 1919:

Sir Sam made his speech to a very "thin" House and his demeanor was pitiable in the extreme. He disclosed the fact that his real complaint was loss of prestige and loss of that flattery and adulation upon which his soul has fed for the past six or seven years...He looked the picture of a man mentally and physically broken. He made some extraordinary statements and undoubtedly attempted to attack you. Throughout his speech there was no applause and when he sat down there was perfect

⁵¹Currie Papers, file 15, J. Ratteray to Currie June 17, 1920.

silence. A great number of the representatives of the Press left their seats in the Press Gallery shortly after Hughes began to speak, and to the best of my recollection the whole of them had gone by the time the speech was ended.⁵²

Some parliamentarians pondered over a response to Hughes' charges. It could prove dangerous supporting Currie, in view of the increasing speculation against him. It was equally dangerous attacking a dying Parliamentary hero. One Member wrote that, while eager to attack,

...we were inclined to take the view that it might have been wiser not to have done so. They emphasized that while the temper of the house was one thing, the influence upon the country was another thing. The temptation in defending you, and perhaps the difficulty of doing so, is the danger of attacking Hughes himself. His mental and physical health is such that it would be a very unsound thing to do.⁵³

Cy Peck felt that until his rebuttal to Hughes' charges "the Government, in fact Parliament, was afraid of Sam Hughes, and it took very little to puncture his bubble."⁵⁴ But neither fear of Hughes nor his failing health provided concrete evidence to counter the accusations about Cambrai and Mons. Currie refused to provide the necessary information. Moreover, Hughes could justifiably persist in voicing the concerns he had heard in Europe since no one offered acceptable answers. Currie's biographers have chastised the Canadian public for accepting Hughes' stories after they had been refuted, but it took nearly six months before Currie returned with statistics about the

⁵²M.R.B.R., Urquhart Papers, Draft-3, p. 22.

⁵³M.R.B.R., Urquhart Papers, General Griesbach, quoted in Urquhart Draft # 2, p. 491.

⁵⁴Currie Papers, file 63, C. W. Peck to Currie, 2 May 1928.

battles in question. Currie's delay gave returning soldiers and other critics nearly a year to spread their views of the battle of Mons. His reputation suffered irreparable harm during this period as a result.

The final confrontation between Hughes and Currie never occurred. Currie wrote in 1918 that, if Hughes "ever repeats his charges outside the walls of Parliament, in which as a Member he enjoys certain privileges, I shall see what protection the law of Canada will give me against his malicious slanders."⁵⁵ Whether Currie ever had the opportunity is unknown. Currie later stated that he did not hear further allegations by Hughes after 1919.⁵⁶ Certainly Hughes' declining health made it imprudent for Currie to respond to this dying Canadian hero when Hughes continued his attacks into 1920.

Thereafter Currie attempted to minimize the damage caused by Hughes' criticism. Immediately upon his return to Canada, starting with a speech at Massey Hall on 31 August 1918, he detailed the Corps' activities in battles such as Cambrai and Mons. His defence was interwoven with the highlights of the Corps' achievements, thereby receiving little emphasis or press coverage. He avoided any direct criticism of Hughes or the Commons speeches, relying strictly on the facts of the battles

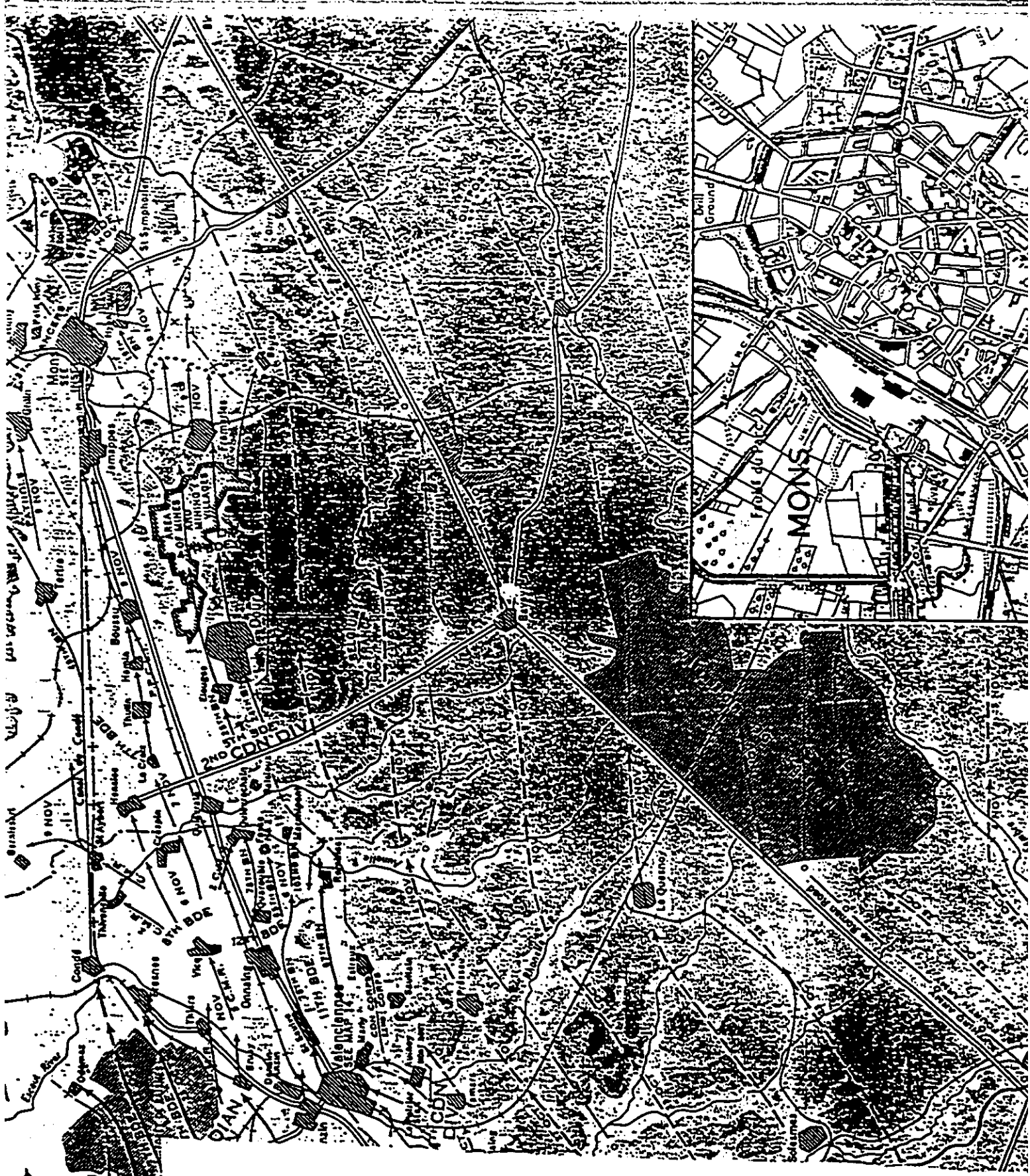
⁵⁵Dancocks, Sir Arthur Currie: A Biography, p. 196.

⁵⁶Currie Papers, Currie Testimony, Trial transcript, Vol. 19 p. 2032.

to answer Hughes' allegations.⁵⁷ Currie clearly evaded Hughes' charges, although one does not know whether he bowed to honouring Hughes' past glories, appreciating his previous personal assistance, or fearing Hughes' present vindictiveness. Whatever the reason, Currie allowed his only chance to confront his defamer to pass, leaving only the war records and personal speeches to vindicate his activities as Canadian Corps Commander.

The Mons rumour was only a small facet of the struggle between Canada's military leaders of the Great War. The open bitterness of Hughes' Parliamentary attacks demonstrated his resentment over Currie's treatment of Garnet, his frustration at his former protégé's success, and his anguish over his own political demise. Currie's supporters, seeing no justification for Hughes' attack, concluded that Hughes' failing health and evident self-pity led him to create an issue of Mons out of completely groundless speculation. They did not appreciate that the issue had not yet been resolved. Nor do they weigh the long-term influence of Currie avoiding the direct confrontation with Hughes that Kemp had felt necessary. Equally lacking were any timely public statements or carefully published narratives that would respond to the question about Mons. Refusing to use the Ministry's official summary to answer criticisms, or review the small number of casualties involved, and neglecting to publish a report elsewhere, failed to provide a decisive response. Hence, by the end of 1921, the man who promoted the rumour was dead, but the rumour itself lived on.

⁵⁷ M.R.B.R., Urquhart Papers, Urquhart Draft-3, p. 33.



Advance of Second and Third Canadian Division--November 1918:
Valenciennes to Mons (from G. W. L. Nickolson, Canadian
Expeditionary Force, 1914-1919 (Ottawa: Queen's Printer, 1962)).

CHAPTER FOUR

New Enemies/Old Enemies

Men will not hate you,
Enough to defame or to execrate you,
But pondering the qualities that you lacked,
Will only try to find the historical fact.
[T.S. Eliot, Murder in the Cathedral]¹

The attacks on Currie did not die with Hughes in 1921. If the attacks had solely been the design of a vindictive, senile man, the Mons accusations should have disappeared along with the other rumours about Lens and Passchendaele. The rumours of the last day of the war had unusual appeal, however, especially among some veterans and civilians who firmly believed Hughes' depiction of wasted lives at Mons. By 1927, these men had preserved a social history of the troops at Mons that two journalists would find and later defend in court.

The confrontation between The Port Hope Evening Guide and Sir Arthur Currie started in the office of The Port Hope Times. The article would not have reached Currie without the efforts of the Guide's rival newspaper. The Conservative Times competed for readership and political allegiance in this small community. Its owner, Peter Brown, deserved his reputation as an aggressive 'high wheeling' businessmen. He challenged the long-established Guide, assisted by new printing presses and professional staff.² Upon seeing that the Mons article undermined the credibility of

¹T. S. Eliot quoted in Collins Concise Dictionary Of Quotations (London: Collins Sons & Co., Ltd.), p. 108.

²Conversations between the author and Port Hope historian Norman Strong, Port Hope, Spring 1986.

Canadian Corps headquarters and, especially its commander for his needless sacrifices at Mons, Brown seized the opportunity to send a copy to Sir Arthur Currie, and offered the Times to Currie to a vehicle for his reply. Mons, the article on the front page of the 13 June 1927 Guide, opened with criticisms of the Canadian Headquarters staff, stating:

Cable dispatches this morning give details of the unveiling of a bronze plaque at the Hotel de Ville (the City Hall) at Mons, commemorative of the capture of the city by the Canadians on November 11th, 1918. This is an event which might very properly be allowed to pass into oblivion, very much regretted rather than glorified. There was much waste of human life during the war, enormous loss of lives which should not have taken place. But it is doubtful whether in any case there was a more deliberate and useless waste of human life than in the so-called capture of Mons. It was the last day, and the last hour, and almost the last minute when to glorify the Canadian Headquarters staff the Commander-in-chief conceived the mad idea that it would be a fine thing to say that the Canadians had fired the last shot in the Great War, and had captured the last German entrenchment before the bugles sounded eleven o'clock, when the armistice which had been signed by both sides would begin officially.

Canadian Headquarters sounded the advance upon the retreating Germans, unsuspecting that any mad proposal for further and unnecessary fighting was even contemplated. The men were sent on in front to charge the enemy. Headquarters, with conspicuous bravery, brought up the rear. The fighting may have been more severe than was expected. Certain it is the Germans did not take the attack lying down.

Next, the article described the sentiments and outlook of local veterans:

Of course the town was taken just at the last minute before the official moment of the armistice arrived. But the penalty that was paid in useless waste of human life was appalling. There are hearts in Port Hope stricken with sorrow and mourning through this worse than drunken spree by Canadian Headquarters. Veterans who had passed through the whole four years of war lie buried in Belgium

cemeteries as the result of the "glories of Mons".

The article made its sharpest comments when recalling local "common gossip":

Headquarters staff assembled in the centre of the town as eleven o'clock signal sounded that the official armistice was effective from that hour. Along the route that they had carefully, and with safety, made their way to the center of the town, passing the dead and dying and the wounded, victims of their madness. It was common talk among the soldiers that while the staff were congratulating themselves upon the great victory and enjoying the pride upon having "fired the last shot in the Great War", a sergeant advanced and whispered to one of the staff that unless they withdrew immediately to a place of safety they would not be allowed to leave the place alive, as the guns of the indignant Canadian soldiers were already trained on them. In less time than it takes to tell the story, Headquarters got into motors and were fleeing for their lives.

Finally "Mons" revives a contention of Currie's:

It does not seem to be remembered that even Ottawa, neither by government nor Parliament, gave Sir Arthur Currie any official vote of thanks, or any special grant as an evidence of the esteem or appreciation for his services. And this is the only case of the the kind in connection with any of the high commanding officers of the war. He was allowed to return to Canada unnoticed by officials of the government or of Parliament and permitted to sink into comparative obscurity in a civilian position as President of McGill University. The official desire to glorify Mons, therefore, deserves more than a passing or silent notice. Canadian valour won Mons, but it was by such a shocking useless waste of human life that it is an eternal disgrace to the Headquarters that directed operations.³

Brown encouraged Currie's reply, insisting, "that such a slight should not go unchallenged." He went to note, "I sincerely trust you will not allow a slur of the kind published in the Guide to

³Port Hope Evening Guide, June 13, 1928, p. 1.

rest on either your good name or the good name of the Headquarters staff of the C.E.F."⁴ Brown did not anticipate the scope and vigour of Currie's reaction. He expected to embarrass his opposition, reproduce an authoritative reply from Currie or by Brown's own pen, and enjoy witnessing the Guide's humbled retraction. Among local subscribers there had seemed to be "little importance attached to the incident."⁵

"Mons" was more than an historical interpretation. The two opponents of Currie connected to the Guide were politically-minded men judging Currie's actions from a distance. Neither the writer or the publisher was a young man, neither had served in the Great War and neither had private connections with General Currie and Sam Hughes. Both were responding to questions asked locally, and in Parliament, which Currie had failed to resolve years earlier. Although their backgrounds differed, each had previous cause to be critical of Currie while they researched and increased their suspicions over the Mons issue.

Frederick Wilson, the owner and publisher of the Port Hope Evening Guide, was not a sensational, risk-taking newspaperman. Wilson, who was 72 in 1928, had long passed the zenith of his career. His newspaper started as a daily under his father, George Wilson, in 1876. Although occasionally stubborn, George

⁴National Archives of Canada (N.A.C.), Currie Papers (all references to the Currie Papers and Trial transcript refer to those in the N.A.C.), Vol. 18: file 63 Peter Brown to Currie, 20 June 1927.

⁵Currie Papers, Vol. 18: file 62, G. N. Gordon to Currie, 28 July 1927.

Wilson would not willingly endanger the family business or tarnish its name.⁶ Also, his business did not offer sufficient financial backing to fight a prolonged legal battle. The Guide itself survived with a circulation of just over 1,000 and lacked powerful financial support or political connections. Wilson ran the local automotive dealership beside the newspaper's office to supplement his income.⁷ Still, Wilson, while unimportant in wider circles, had earned the respect of his community. His record indicated his caution. Wilson testified that in all his years as a newspaperman, "I have never had a case of libel brought before me before."⁸

The most recent of Currie's biographers, Dan Dancocks, incorrectly assumes that the close proximity of Sam Hughes' home town of Lindsay made Port Hope "Hughes Country."⁹ The Wilson family's long-standing Liberal party loyalty ensured no such personal alliance. In all likelihood, the columns of the Guide under Fred Wilson's father battled Lindsay's Conservative Warder, which was owned and edited by Hughes. The Guide preached primarily to Liberal supporters. Hughes had had close ties with

⁶Conversations between the author and Port Hope historians Norman Strong and Michael Wladyka, Spring 1986.

⁷Currie Papers, Trial transcript, p. 22. and, John Sweetenham, To Seize the Victory (Toronto: Ryerson Press, 1965) p. 1.

⁸Wilson testimony, Trial transcript, p. 1000.

⁹Dancocks, Spearhead to Victory (Edmonton: Hurtig Publishers, 1975), p. 242.

the local militia, but neither Port Hope nor its Liberal newspaper, had an intimate relationship with him.

The reputation of William Thomas Rochester Preston lacked the admirable qualities credited to Wilson. Preston, a man of confrontation and controversy, had been branded everything from a "political mudslinger" and "slippery individual" to an "infamous rouse" and "polished scoundrel."¹⁰ A friend of Currie commented: "I have always considered W. T. R. Preston one of the worst damn genius rascals in Canada [particularly] in the days of the Union Government."¹¹ Preston was an extremely opinionated writer who had already been involved in several lawsuits.¹² He had also made many enemies, most notably in military circles.

True to his Ottawa birthplace, Preston's passion was national politics. His convictions made him a staunch member of the Liberal party, and the success of that party dictated his advancement. Preston had, at times, represented the London Advertiser, Montreal Herald, and other Liberal journals in the House of Commons Press Gallery. His unyielding loyalty to the Liberals paid dividends in an age of blatant political patronage. The party appointed him General Secretary of the Ontario Liberal Association from 1883 to 1893. In 1893, he was appointed

¹⁰Currie Papers, Vol. 19: file 67, A. Link to Currie; file 69, R. G. W. Turner to Currie, 3 May 1927.

¹¹Currie Papers, W. Fabrsironger to Currie, 3 May 1928, Currie Papers, file 66.

¹²Currie Papers, file 67, J. R. Green to Currie, 21 April 1928; O. Jammell to Currie, discusses Preston's attacks on Lord Strathcona; file 66, W. H. Griffirith to Currie, 3 May 1928.

Librarian to the Ontario Legislature. In the same year the Dominion Government selected him as Inspector of Emigration Agencies in Europe. Here his thorough reorganization of European emigration departments played an important role in those years of substantial immigration to Canada.¹³

It was natural that, as a Liberal, he had few friends among the Conservative party and when Laurier fell from grace, so did he. The Conservative Borden Government had no use for "hug the machine Preston" after the Liberal defeat in 1911.¹⁴ Moreover, by this time, Preston's reputation as an administrator was even tarnished among Liberals. His poor past record, including spending irregularities in his Immigration Department, disreputable involvement in a ballot stuffing scandal in the 1902 West Elgin by-election, and several libel suits for slander alienated him from the rejuvenated post-war Liberal party.¹⁵ The Liberal party faced a decade of adjustment and change following their defeat. Political parties were now somewhat embarrassed by patronage-oriented patriots like Preston. Thereafter, Preston played a marginal role in the Liberal party, despite his desire to contribute more, and spent the twilight years of his career being shunned by both parties.

Always a newsman, Preston remained alert to political

¹³The MacMillan Dictionary of Canadian Biography from New York Times 4 November 1942, p. 677, and, Henry James Morgan, Canadian Men and Women of the Time (Toronto:William Briggs Ltd., 1912.) Reproduced in Canadian Who's Who p. 916-917.

¹⁴Currie Papers, file 69, M. Pense to Currie, 5 May 1928.

¹⁵Currie Papers, file 67, J. R. Green to Currie.

issues. In 1924 he returned to prominence as the chief witness for the prosecuting attorney in a parliamentary committee's investigation of the North Atlantic Steamship Conference. Here his credibility suffered while testifying on a topic which lay far from his expertise as a witness. His testimony lacked evidence to support his accusations against the secretive international shipping combine. The Canadian Forum recorded:

He [Preston] abounded in truculent challenges and vague rumours, but was exceedingly short on definite fact and accurate data, and a Progressive member who was no friend of shipping rings summed up his evidence with the terse comment that he would not muzzle a dog, let alone a combine, on the strength of it.¹⁶

While Preston never admitted error in this case,¹⁷ he had learned from bitter experience that careful preparation was essential in a judicial forum.

Preston had strong links to the Port Hope area. Educated at Victoria University in the neighbouring town of Cobourg, he married Evelyn Harris, the daughter of a prominent Port Hope family. Preston established local credibility by running the unsuccessful [Port Hope] News in competition with the Guide in the 1870's.¹⁸ When he retired in 1924 from the last of a series of careers in business, journalism, and politics, he returned to

¹⁶ Canadian Forum, June 1925, p. 263, and May 1925, p. 231.

¹⁷ W. T. R. Preston, My Generation of Politics and Politician (Toronto: D.A. Rose Publishing Company, 1927), chapter 51, p. 413-429.

¹⁸ Henry James Morgan, Canadian Men and Women of the Time, p. 916-17.

Port Hope to write his memoirs.

Preston published his informative yet sensational memoirs, My Generation of Politics and Politicians, in 1927. Contemporary critics gave a more favourable review of Preston's life than have Currie's biographers. Reviewers agreed that the book offered great insight into the internal operations of past Liberal regimes, while conceding Preston's sensationalist tendencies and unyielding loyalty to party.¹⁹ He was ready to publish this book when he wrote the Mons article for the Guide. There is no indication that he felt the article would come to Currie's attention. Once it had, Preston likely believed the publicity resulting from a confrontation with the Canadian Corps Commander would promote his new book. Preston's background also made him more comfortable and experienced in fighting a court battle than was Wilson.

Preston's wartime activities played an important part in his acceptance of the Mons rumour. In England when the war broke out, he found employment with the British Government serving in a passport branch under the Director-General of National Service. Understandably, his interests remained with Canadian politics and its extension in England, the Canadian Expeditionary Force. In 1917, Preston gladly offered his talents to Laurier's depleted Liberal party in their stand against the formation of a Union

¹⁹Two reviews of Preston's book are found in the Canadian Forum, 1928, p. 694, and The Canadian Historical Review, 1928 "Review of Books," pp. 77-78.

Government.²⁰ Laurier asked Preston to organize Liberal canvassers and scrutineers for the voting of men in the Overseas Forces. Preston's pursuit of an impartial election, one which might benefit the Liberals, made him the opponent of many officers who sought a Union Government and its move toward conscription.

Preston performed this task with so much dedication and persistence, that, on the evening before voting, his complaints about Liberal scrutineers being refused admission to polling subdivisions caused him to be arrested and detained at Witley Camp until late the following afternoon. Preston long remained sensitive to political corruption within the officer corps in England, and included a chapter in his book describing election frauds and irregularities committed by Canadian officers there.²¹ Preston's complaints were not unfounded, and the sad story of Canadian democracy in wartime has never been fully revealed.²²

Preston, incensed by this electoral corruption, hoped to expose these irregularities in the next session of Parliament. At Preston's insistence, Sir Wilfred Laurier drafted a resolution, presented by Arthur Copp, for an inquiry into overseas election fraud. Naturally, the dominant Union Government defeated Laurier's resolution. Undaunted, Preston hoped to present the

²⁰ Desmond Morton, A Peculiar Kind of Politics: Canada's Overseas Ministry in the First World War (Toronto: University of Toronto Press, 1982), pp. 139-40.

²¹ Preston, My Generation of Politics, pp. 364-78.

²² Morton, A Peculiar Kind of Politics, pp. 131-48.

issue personally to the 1920 Liberal Convention.²³ Here he succeeded in winning the support of the Convention to pursue the issue, after overcoming persistent attempts to table this divisive resolution. It came to nothing, however, as a result of the Progressive Party's stunning victory in the 1921 election.

Preston must have felt a kinship with Sam Hughes, since both had strong criticisms of the military's leadership. They had been acquainted with each other having maintained a professional friendship for 50 years, although being politically opposed to one another.²⁴ Preston respected Hughes' credibility in military matters, and was less anxious to lay blame on him or his administration.²⁵ Preston also remembered the wealth of criticisms of Currie by officers in England. In 1919 and 1920, Hughes' attacks on Currie represented the only significant challenge to the military corruption which had victimized Preston. Preston's conflict with the army's leadership made him skeptical of all officers' motivations. Preston saw Hughes' attacks on Currie as a partial effort to make Canadians aware of the mismanagement and corruption within the Corps. Preston could not accept that a man criticized in the House of Commons would not meet the challenge. Later, Preston recalled Hughes' stand

²³Preston, My Generation of Politics, pp. 380-88.

²⁴"Council Finishes Arguments in Currie Libel Suit", op. cit., p. 4.

²⁵Robert Sharpe, The Last Day, the Last Hour: The Currie Libel Trial (Toronto: The Osgoode Society, 1988), p. 63; citing Preston to Laurier 21 December 1916 (vol. 704,194165) and 2 April 16, (vol. 697,191486), Public Archives of Canada, P.A.C.)

against Currie in a footnote in his 1927 memoirs by citing an extract of the Commons speech.²⁶

Preston's own experiences encouraged him to join Hughes' attack. In his memoirs Preston added criticisms of members of the Canadian High Command for "military errors around Arras" and "inexcusable excessive spending" over the legitimate costs of the Overseas Forces."²⁷ To Preston the fact that the Canadian Corps was led by a military amateur seemed to exemplify the army's poorly-structured political nature. His book offered this comment on the militia background of the Corps Commander:

The science and art of war requires the highest degree of training. In England it is considered that it takes years even to make a good junior officer. It takes years of experience and unremitting study to make a good senior officer. It is no job for the amateur, save under most exceptional circumstances. To set amateurs to fight highly-trained professional officers is nothing less than insanity.²⁸

Officers within the Canadian Corps knew of Currie's non-political nature, notably that the General avoided the conscription election issue which angered Preston, but Preston was ignorant of Currie's stand against political influences.²⁹ In 1918, Preston reported to Laurier that General Currie had

²⁶ Preston, My Generation of Politics, p. 393-4.

²⁷ Ibid., p. 391-2.

²⁸ Ibid., 391.

²⁹ Hyatt, "Sir Arthur Currie and Conscription: A Soldier's view," Canadian Historical Review, (September 1969), pp. 285-97.

intervened to stop improper electioneering at the front.³⁰ Thereafter, his growing skepticism of the military led him to accept the more critical conclusions about Currie presented by Hughes. From Preston's perspective, a Militia General could only have achieved that rank through political influence. Preston did not know that, while political connections had helped Currie to advance to the top, natural talent had kept him there.

Preston's respect for Sam Hughes was personal and did not extend to Sam's son Garnet. Preston's book attacked Garnet Hughes and Arthur Currie with equal intensity. He specifically mentioned Garnet's administration of the Fifth Division in England as a center of electoral corruption. He attacked Lieutenant-Colonel Parsons, Chief of Staff to General Hughes, for abusing both his Liberal scrutineers and himself.³¹ Preston suggested that General Garnet Hughes had a written promise from certain members of the government that "if the boys voted right" in the 1917 election he should go to the front in command of the Fifth Division. Preston wrote that Garnet "formed a committee of the officers in charge of every battalion, save one, in the Division, which met twice a week and arranged in detail which constituencies fraudulent votes were to be placed."³² Consequently Preston found few friends in either of the surviving camps of the Hughes-Currie rivalry, and he could not be

³⁰ Sharpe, The Last Day, the Last Hour, p. 64; citing Preston to Laurier, 9 February 1918, N.A.C., (vol. 721, 199653).

³¹ Preston, My Generation of Politics, p. 367-8.

³² Ibid..

considered an ally of Garnet either.

The Mons article developed innocently on the morning of 13 June 1927. The Toronto Globe arrived at the Guide office while Preston and Wilson were conversing. The front page carried an article commemorating the tenth anniversary of the capture of Mons by Canadian troops on 11 November 1918. It recalled a determined battle honouring "the men of the Canadian Corps who had fallen in the fighting for the town."³³ Neither Preston or Wilson had previously discussed "writing any article touching on the war before the Globe arrived."³⁴ Preston was just finishing his memoirs for publication and likely voiced both his and Sir Sam Hughes' criticism of Currie. Wilson, an avid reader of Hansard, recalled the incident.³⁵ After further discussion on the war, they both agreed a rebuttal should be written. Wilson suggested that Preston write the article because of his familiarity with the issue. Wilson's newspaper welcomed the opinionated articles which Preston, a notable Liberal, occasionally contributed. Preston went home and in three or four hours, prepared the article for publication. After a few technical revisions by Wilson, the piece ran in that afternoon's edition.³⁶ For them, the simple passage of time would not dispel the issue.

³³The Toronto Globe, 13 June 1927.

³⁴Wilson testimony, Trial transcript, p. 1031.

³⁵Ibid., p. 993.

³⁶Ibid., pp. 990-1034.

Wilson's enthusiasm for "Mons" was specifically related to the impact of that event on local veterans. The accusations about Currie at Mons survived as established history in the Port Hope area. Veterans had for years recited eye-witness stories about the unnecessary push to capture the city. These were fueled by individual memories of hearing the armistice announcement, as well as an abundance of stories sharply critical of Currie. Journalists like Preston and Wilson were skeptical of common gossip, and especially 'war story' gossip, but reputable local sources widely encouraged these criticisms. Even two members of the Port Hope Royal Canadian Legion executive promoted the accusations.³⁷

Other local veterans provided first hand-accounts of Mons. Fred Lingard, wireless operator of the 4th Divisional Artillery in 1918, received word of the Armistice hours before it was officially documented.³⁸ Another veteran had been a member of the colourguard for the 13 November funeral honouring the fallen Canadians at Mons.³⁹ Several years before the article R. N. L. Hill influenced Wilson with his opinion of the morning advance after notification of an armistice. He reiterated in court:

You can imagine, after fighting two or three years, you know the war is over, and you have to continue it--when you know that an armistice is going to be signed at eleven o'clock, say you hear it at eight o'clock in the morning and you continue to eleven--I have to leave that

³⁷Currie Papers, Vol. 18: File 60, Currie to Brigadier-General J. A. Gunn, 7 April 1928.

³⁸Fred Lingard testimony, Trial transcript, pp. 181.

³⁹William Woodlock testimony, Trial transcript, pp. 104.

to your imagination. You know how you would feel.⁴⁰

Wilson found that all these men would defend their statements in court if necessary. Naturally opinions of front-line soldiers about staff officers were questionable until substantiated by the more informed statements of Sir Sam Hughes. The soldiers' experiences were combined with the criticism of the former Militia Minister to reinforce the article.

Meanwhile Currie placed greater emphasis on the article than anyone expected. He reflected on his post-war position. In the war, he had overcome all adversity, rising to the top of his field. Yet he had been hurt by the cold reception he had received in Halifax on his return to Canada, the jeering crowds in Ottawa, the absence of any monetary recognition or significant show of appreciation by the government. The scars of a hero scorned lay deep. He felt that the post-war disaffection showed his old enemy, Sam Hughes, had won the last confrontation. Upon his return to Canada, Currie, having just led an army bigger than Wellington's at Waterloo, and as successful, was offered the job of Inspector of Militia, a position somewhat lower than Hughes' old job.

Nevertheless the General worked hard to rehabilitate his public credibility in post-war society. His road to recovery began in 1920 when he accepted the position of Principal at McGill University, which freed him of the patronage position of Inspector-General. At McGill, he demonstrated his

⁴⁰R. H. L. Hill testimony, Trial transcript, p. 528. Wilson previously influenced by Hill, Transcript p. 1029.

progressiveness and versatility in the worlds of finance and academia as well as his considerable administrative talents. Currie's sincere concern for veterans led him to take a subtle but nevertheless supportive role among veterans. He openly sympathized with the plight of destitute and invalid soldiers, and actively promoted the Tuberculosis Society, soldier land grants, and other veterans' assistance groups. His willingness to face dissatisfied veterans attending McGill showed his eagerness to challenge this nemesis. In these years his public popularity improved dramatically. A 1928 Maclean's Magazine poll preceding the trial found that Canadians selected Arthur Currie sixth--ahead of the current Prime Minister, Mackenzie King--when naming "the greatest living Canadian."⁴¹

Still, veterans, during the post-war years, continued to criticize Currie and inquire into the accuracy of the various rumours against him. The "Mons" article showed that the rumour Currie had calculated would die remained alive in 1927.⁴² He became increasingly concerned that posterity might judge him "the murderer of Canadian soldiers."⁴³ Currie had always been "hypersensitive of the press," and, when the Guide published its

⁴¹"Who is the Greatest Living Canadian?", MacClean's Magazine, 15 May 1927, p. 10. The poll lists in the following order: Banting (16%), Saunders (developer of Wheat species--10%), Robert Borden, George Foster, Jack Miner, Arthur Currie, Prime Minister King.

⁴²Currie testimony, Trial transcript, p. 1979.

⁴³Currie Papers, file 65, Currie to J. G. Brown, 18 June 1928.

attack, he felt compelled to respond.⁴⁴ "Mons" offered Currie the chance to retaliate which Hughes had not provided, since, according to Currie, "the charge has been repeated freely for the last ten years, but this is the first time it has appeared in print."⁴⁵ He confided, "I have been waiting ever since the war to have the opportunity of clearing this thing up."⁴⁶

Preston's past encouraged Currie to prosecute the insignificant newspaper. Currie's fellow officers remembered Preston's wartime meddling in military affairs. General Turner wrote Currie, recalling:

Preston gave me and others much annoyance during the war election of 1917. In fact for trying to interfere unduly he was confined in one camp's guard room one night. He is a slippery individual.⁴⁷

With these recollections, Currie and fellow officers discounted the criticisms; Preston had 'cried wolf' too often to be considered a sincere journalist with a legitimate claim. They assumed he only sought sensationalist copy to accompany the release of his book in early 1928.

Currie sought information tying Preston to the article four days after its release. In responding to Brown's letter, he asked, "can you in any way link up Preston with the authorship of

⁴⁴ McGill University Rare Book Room (M.R.B.R.), Urquhart Papers, Urquhart Draft-3, p. 60.

⁴⁵ Currie Papers, Vol. 18: file 64, Currie to Brigadier-R. P. Clark, 30 March 1928.

⁴⁶ Fred Wilson testimony, Trial transcript, p. 1001.

⁴⁷ Currie Papers, file 69, General R. W. G. Turner to Currie, 31 March 1928.

the article... if I can do that I know what my next step will be."⁴⁸ Brown and Hector Chisholm, a Port Hope legal consultant hired by Currie, had difficulty attributing the article to Preston since everyone at the Guide office was 'tight-lipped' over the affair. Eventually Chisholm paid the Guide's typesetter to verify Preston's authorship.⁴⁹ Currie's legal counsel advised him to bring suit against the newspaper owner merely to catch Preston: "There is no reason why you should not sue the proprietor of the newspaper as well as Preston in one action, and certainly in that way you could obtain... Preston's complicity."⁵⁰ Hence in October 1927, Currie filed suit for libel against the writer and the publisher of the Mons article.

Through the effort of a concerned friend, Wilson might have escaped the confrontation. G. N. Gordon, a lawyer and fellow Liberal, wrote Currie seeking an interview between Wilson and the General. Gordon commented, "If you knew the editor of this paper and something of the circumstances of this case, I think you would have a different view of him."⁵¹ Gordon convinced both parties to meet in Montreal in December of 1927. Wilson went to Montreal, in his words, "to be convinced he was wrong in the

⁴⁸ Currie Papers, file 62, Currie to P. Brown, 17 June 1928.

⁴⁹ Currie Papers, file 62, D. H. Chisholm to Currie, 25 June 1927.

⁵⁰ Ibid.

⁵¹ Currie Papers, file 62, G. N. Gordon to Currie, 18 October 1927.

article."⁵² At the meeting Currie explained the manoeuvres around Mons with the aid of maps and operation orders. Currie discounted a battle at Mons and reiterated that no Canadians died in its capture. Currie questioned Wilson about the source of his information. Wilson found that "the General scorned the idea of taking the word of returned enlisted men."⁵³ The detailed maps only confused Wilson, and Currie's attitude toward the enlisted men confirmed Wilson's preconception of the General's callousness. The hour-long meeting ended with Currie asking, "what are you go'ng to do about it?" Wilson replied, "I intend to do just what I believe is right."⁵⁴

Gordon also called on Currie, and after that meeting Gordon advised Wilson and Preston "that it would be best to retract the statements made about Sir Arthur and that if they didn't do so" he "would withdraw from the case."⁵⁵ But Wilson's resolve had hardened after his meeting with Currie, and he refused. Gordon acted as Wilson's and Preston's solicitor in the interim. He drafted a retraction hoping it would be acceptable to both parties. However, Currie rejected the draft, providing his own five page retraction which his own lawyers were confident the

⁵²Fred Wilson testimony, Trial transcript, p. 994.

⁵³Ibid., General description of the encounter found in Wilson testimony, Trial Transcript pp. 962-1028.

⁵⁴Trial transcript p. 1003.

⁵⁵Currie Papers, file 67, G. N. Gordon to Currie, 9 June 1932. Gordon his testimony in 1932 suit against Wilson estate, recorded in Toronto Star 8 June 1932.

Journalists would not accept. Currie's lawyers, feeling that this retraction may give his adversaries too much information, encouraged Currie to use a shorter version.⁵⁶ This retraction insisted on a retraction which provided a "full and complete acknowledgement by the Guide of its guilt, and the lack of any justification for any charge it has made against myself or my conduct."⁵⁷

The newspapermen's unfavourable impression of Currie's character may have clouded a true appreciation of the ramifications of a libel trial over the Mons issue. Certainly they failed to appreciate the legal statutes concerning libel and evidence; specifically that each statement of their article was factual and that their view or evidence of Currie's overall inappropriate behaviour was irrelevant if not connected to the article. Gordon, who understood the legal situation, tried to persuade Wilson to escape a confrontation. Spurned, he drafted a defence for Wilson's other local lawyer, and withdrew from the case.⁵⁸

Many assumed Preston, the worldly politician, had manipulated his editor under a veil of "Prestonian lies."⁵⁹ A

⁵⁶ Sharpe, The Last Day, the Last Hour, p. 68.

⁵⁷ Currie Papers, file 62, Currie to G. H. Montgomery, 21 December 1927.

⁵⁸ Currie Papers, G. N. Gordon to Currie, 9 June 1932, op. cit..

⁵⁹ Currie Papers, file 65, W. M. Beattie to Currie, 3 May 1928.

fellow officer wrote Currie: "Rightly or wrongly I have an impression that the arch-offender was Preston, and that the local publisher was to a large extent a tool in the hands of Preston."⁶⁰ Preston and Wilson had been acquaintances for some time. Their friendship had deepened upon Preston's retirement to Port Hope, as both men were long standing newspapermen and Liberal party members. The depth and detail of Gordon's efforts prove that Wilson was not ignorant of the possible legal consequences. Wilson's conversations with Currie and Gordon should have unsettled any newsman being tricked by an associate. Therefore, for Wilson to risk his family's financial ruin, he had to be fully committed to the Mons story.

Stubbornness may also have influenced Wilson. From the beginning, he and Preston had suspected that Brown's Times may have been responsible for bringing the article to Currie's attention. The possibility of being humiliated by his newspaper rival may have sharpened Wilson's determination while the influence and evidence presented by Preston gave Wilson encouragement. Years of battling his opposition over local issues within his expertise, clouded Wilson's impression of the role he would play in a confrontation with a national figure.

By December 1927, the situation satisfied General Currie. He wrote a lawyer friend, "I sometimes think that the very fact that I entered action against the paper achieved a good deal of

⁶⁰Currie Papers, file 68, Macaeulay to Currie, 3 May 1928.

what I might hope to gain by prosecuting the matter to an end."⁶¹ Perhaps Currie's draft may have been negotiable, so that a retraction could refute the accuracy of "Mons" without exploring, in the General's words, "the lack of any justification for any charge" against Currie. Unfortunately, Wilson's new resolve was incompatible with Currie's demands for an unqualified apology, leaving little room for compromise. Preston was willing to allow Wilson to withdraw from the case upon his return from Montreal, but Preston was eager to fight.⁶² Thereafter two lawyers, G. F. Hall and Frank Regan, joined Wilson's cause, encouraging a legal resolution. By the new year, with Gordon out, Preston, Wilson, and their new lawyers prepared themselves for a confrontation.

To understand the journalist's motives in publishing the article, and later defending it against libel, one must follow the chain of evidence which lay before them. These men, like most of the Canadian public, were completely outside the military establishment and relied upon an assortment of official and unofficial information. The documentation for Mons was the decisive factor in the journalists' decision to oppose Currie. Both official publications, such as, the official report to the Ministry of Overseas Forces, war diaries, Battalion and Brigade reports, or popular narratives which greatly relied on the official publications described a battle that Currie denied had occurred. Preston and Wilson feverishly researched the closing

⁶¹Currie Papers, file 62, Currie to G. H. Montgomery, 21 December 1927.

⁶²Fred Wilson testimony, Trial transcript, p. 1028.

days of the war, gathering witnesses and studying all available written documentation. A critical flaw existed in the records resulting from a constantly embellished review of a sharp battle which neglected to detail the numbers of casualties sustained. These records had undergone no revision despite years of controversy. This was partially because the battle was considered too insignificant to warrant detailed study. Moreover, it is unlikely that Currie publicly compared his contradictory statements of "no casualties" with the growing record of determined fighting at Mons.

Contemporary observers neglected the diluted version of the battle which Currie made in speeches across Canada in favour of his official report. As a result, their writings continued to recount a vicious final encounter, while Currie's oral statements told of a battle without Canadian casualties. In 1919, Currie only needed to establish his own innocence of Hughes' charge. Currie would not undermine the Corps' achievements by challenging the war records and the credibility of those who had documented the events of Mons. Thus Currie had created a major contradiction by referring to determined resistance in his written narrative, and stating in his belated oral defence against Hughes that there were no casualties. Eventually the Guide article and the trial resolved this contradiction.

Despite the Currie-Hughes controversy, a violent history of the battle had endured. A November 1920 article recalling the second anniversary of the capture of Mons told of a terrible

battle: "On a clear day one could stroll from the town hall across the Grand Place to Reubens for a 'cafe avec' in less than a minute--but that day it was a gargantuan task."⁶³ Inglis Sheldon-Williams and Ralf Frederic Lardy gave a contemporary appraisal of the battle's unclear circumstances and the Currie-Hughes controversy in their 1920 book, The Canadian Front In France and Flanders. In defence of Currie they wrote:

There is another (a minor) point about the taking of Mons which has been fruitful of argument, not without acrimony. It has been charged to the door of our Commander-in-chief that he sent the Corps in to attack Mons on the morning of November 11, that is to say, at an hour when the Armistice was virtually de facto, if not de jure. The truth is that the operation orders for the taking of the town were complete on the previous evening, and read to the effect that we were to enter Mons that night as soon as it was dark...All ranks were under standing orders to continue fighting as though peace were a twelvemonth distant, and to take no heed of rumours, official or otherwise. By the terms of the Armistice all hostilities were to cease at 11 o'clock in the morning. They did so cease. But not till then.

That there were many casualties on our side in the last hours of the War is to be regretted, but only goes to prove that the German soldier intended to continue fighting till he was ordered to stop. His last flash was a plucky one, and proved him a better man than his superiors at Potsdam.⁶⁴ [Italitics mine]

In this case Currie's supporters justified his actions without questioning the battle's intensity. Therefore, even Currie's supporters failed to appreciate that Currie now belittled the importance of the fighting.

⁶³"The Mons Anniversary," Saturday Night 13 November 1920, p. 5.

⁶⁴Inglis Sheldon-Williams and Ralf Frederic Lardy, The Canadian Front in France and Flanders, (London: A. and C. Black, 1920), pp. 168-9.

By 1927, written histories of the war consistently indicated that Canadian troops overcame the determined German resistance of 10 November 1918 while fighting continued into the morning hours of the 11th. For a decade officers documented their determination to reach Mons, contradicting Currie's statements, that Mons was not the Corps objective, with such comments as that "headquarters were bound to capture Mons before the end."⁶⁵ The Canadian Gazette of 21 November 1918 recorded the offensive spirit among officers, recalling "The Canadians, with an inspired sense of historic fitness, had sworn to be in Mons while the war lasted."⁶⁶ In so far as expectations of an armistice were concerned, the First Army reported that "rumours of an armistice were on every tongue and betting in the messes was all in favor of actual if not nominal peace by the following Sunday [November 10]... all ranks felt the drive as far as possible before the armistice."⁶⁷ Douglas Haig's despatches in The [London] Times declared:

Only in the neighbourhood of Mons was any substantial opposition met with. Here the Canadians, advancing towards the town from south and west and working around in the north encountered an organized and tenacious machine gun defence.⁶⁸

⁶⁵ Trial transcript, p. 564.

⁶⁶ Ibid., p. 1161.

⁶⁷ First Army Report recalled in testimony, Trial transcript p. 1379.

⁶⁸ Douglas Haig Despatch in the London Times as cited in the Trial transcripts, p. 309.

The official military war-records highlighted the insignificant battle. One war diary commented "by nightfall [9 November] all the companies had a foothold in the western outskirts of Mons, but the advance was slowing up and stiffening resistance showed that without reenforcements and a fresh effort the enemy was not to be driven from the city."⁶⁹ The Third Division recorded for 10 November: "On the outskirts of Mons the enemy showed that he intended to resist our entry into the town to the utmost."⁷⁰ J. F. B. Livesay wrote,

"Hard fighting took place all along the line next day, Saturday, Nov. 10. During the night the enemy had moved back his guns east of Mons, but kept up a heavy fire from the hills east of the city... The enemy fought with the greatest tenacity, to give himself time no doubt to evacuate his material, and small progress was made. The 19th. in particular suffered severely, losing four officers killed and 53 other ranks killed and wounded."⁷¹

The last showdown between the two armies retained its intensity within the written historical accounts. A published history of the Royal Canadian Regiment also recalled the fighting on 11 November during which "the relief was not allowed to proceed smoothly, for the capture of Mons was to be a very difficult task from the overrunning of the villages and the

⁶⁹"Council Finish Arguments in Currie Libel Suit", op. cit., p. 15.

⁷⁰Trial transcript, p. 1151.

⁷¹J. F. B. Livesay, Canada's Hundred Days: With the Canadian Corps from Amiens to Mons, Aug. 8 - Nov. 11, 1918 (Thomas Allen: Toronto 1919), p. 381.

clearing of the suburbs."⁷² Another reported the Germans were "all volunteer machine gun crews, who stood at their posts and continued to fire heavily throughout the night of the 10/11 November."⁷³ The 7th Brigade report, from which Currie took his information, referred to the 11 November battle stating:

42nd Bn fought their way into and completely through the town between 2300 hours and 0430 hours. Enemy machine guns offered resolute resistance and remained until killed or captured. R.C.R. fought their way through the northern portion of town, crossed the Canal du Centre and captured the village of Nimy, also meeting stubborn resistance.⁷⁴

Livesay wrote, "At dawn on Nov. 11 the 3rd Canadian Division entered the town and a line was established east of it. Fighting had been carried on all that night and dead Germans still lay in the streets and were kicked by the inhabitants."⁷⁵ The 42nd Battalion narrated: "By daybreak on November 11 the whole country of Mons had been mopped up. We had established outposts on the outskirts."⁷⁶ The war diary of the Second Division documented receipt of a wire that morning from the Third Division indicating "they were proceeding to clean up active machine guns in the city

⁷²Beresford Topp, The 42nd Battalion, C.E.F. (Montreal: privately printed, 1931), cited in Trial transcript, p. 1155.

⁷³"Council Finish Arguments in Currie Libel Suit," op. cit., p. 15.

⁷⁴Extract of the Seventh Brigade narrative, Trial Exhibit #32.

⁷⁵Livesay Canada's Hundred Days, p. 388.

⁷⁶"Council Finish Arguments in Currie Libel Suit", op. cit., p. 15.

of Mons."⁷⁷ Another narrative supports the belief in close fighting, recalling that "the suburbs of Nimy and Petit Nimy to the north were quickly cleared with the bayonet."⁷⁸ Even within the Parliament buildings there now hung prominently a 16' by 20' oil painting popularizing the historic battle. Through these extracts Preston and Wilson concluded that significant Canadian casualties had resulted from a confrontation involving gas, entrenched German machine guns, determined defenders, and an absence of Canadian artillery.

Preston and Wilson had trespassed into a field outside their own and required experts to clarify documentation. They found, however, that the officers generally retained a monopoly on the writing of military history. The army remained sensitive to attack and officers cautiously guarded war records, since the Great War had drawn exceptional criticism of their policies and actions. Not unique, Currie's concern over his own career reinforced ongoing censorship. While responding to a question about the use of the war records in 1919, he stated:

My contention is that the war diaries are the property of the Government of the Dominion of Canada, and that it is for them to say whether this book, compiled as it has been from information furnished by the war diaries, should be published or not....It goes without saying that it should contain no criticism of strategy or tactics, of discipline, and that it should avoid as much as possible personal individual praise or censure.

⁷⁷ Ibid.

⁷⁸ Quoting Sir Rodolphe Mons speech, Trial transcript, p. 1885.

⁷⁹ Currie Papers, Vol 3: file 7, Currie to Sir Edward Kemp,

This policy insured that military history remained under the direction of a self-interested group of officers recording their own actions. Consequently the 1920's produced narrative histories closely resembling the war records, supplemented by a few non-offensive accounts of personal experiences.

Military solidarity ensured that the two journalists found no Corps officers willing to testify against their old commander and comrade as long as Currie assured others that he "was fighting the case of officers generally."⁸⁰ Equally, the staff at the Army's historical section had reservations about the newsmen's search through official records. Preston found that, during his monitored search through war diaries, maps, and casualty and medical reports,

the Minister refused or hesitated to give any documentation to either myself or Sir Arthur without the ordinary legal process...[but] Currie received documents from the Ministry without the Minister's knowledge for the Examination of⁸¹ Discovery... Afterward Wilson received the material.

Furthermore, the Ministry restricted access to many of the papers until Currie's legal action necessitated their examination.⁸² Thus the defence found that it was only at the trial that they were permitted to examine documents fundamental to their

28 May 1919.

⁸⁰Currie Papers, file 69, M. Pence to Currie; and file 60, Currie to M. T. Gregg, 26 May 1928, Sharpe, The Last Day, the Last Hour, also makes this observation, pp. 77/79.

⁸¹Trial transcript, p. 954.

⁸²Ibid..

investigation. This problem forced Regan to subpoena 73 items from the Minister of Defence in March of 1928.⁸³

Port Hope veterans, despite their enthusiasm, offered little concrete evidence to detail the Armistice morning battle, defend the article, or document the motives of their distant commander. As the newsmen's investigation continued, however, evidence of Currie's unscrupulous past came to light. Whether solicited or volunteered, several men revealed incidents which should have destroyed Currie's military career. Currie's old business partner, George Price, disclosed Currie's embezzlement of militia funds in 1914. John Currie, a fellow officer, desperately wanted the trial to investigate a 1915 'dugout incident' which had branded him with incompetence in the field. He sought to testify that the two surnames had been confused and that he had been the victim of Arthur Currie's failings.⁸⁴ In this context, the newspapermen felt renewed merit in their attack. They thought that further evidence specific to Mons would emerge with access to official records or when challenging previously unco-operative officers in court.

Sam Hughes' death in 1921 had denied Preston and Wilson their star witness. Hughes' past position as Minister of Militia, and his close relationship with soldiers and parliamentarians alike, lent his statements credibility. In his

⁸³Ibid., p. 950.

⁸⁴Colonel John Currie testimony, Trial transcript, pp. 208-230.

absence, the journalists discovered an officer who verified that a Government report investigating Mons had been produced for General Mewburn by Edward Kemp. A suspicious Preston, comparing this report with the documented historical accounts, assumed that the report had been sent but never published due to damaging conclusions. Otherwise the report would naturally have been used to clear Currie in 1919-20. Preston concluded shortly before the Examination of Discovery,

...no government can exist in this country that won't inquire into every phase of that war, no matter who is hurt. We may have to go to war again, not perhaps in my lifetime, but certainly in the lifetime of some who are here. But let us know what took place in this war. Let us know the facts, and let the facts be taken by us as a lesson to learn...

On 10 March 1928, Currie, Preston, and Wilson confronted each other to present evidence at a pre-trial hearing referred to as an Examination of Discovery. Currie endured three days of examination involving some 2645 questions. Many were unrelated to the Mons issue. He was asked, for example, 285 questions pertaining to the Second Ypres dugout incident.⁸⁶ Others investigated everything from Currie's pre-war militia and real-estate dealings, to the merits of having two batmen responsible for the unique portable bath that he used at the front.⁸⁷

The discovery went poorly for Currie. The General co-
⁸⁵ Sharpe, The Last Day, the Last Hour, p. 87; quoting statements made at a Liberal Association Meeting in North Toronto, recorded in the Toronto Telegram, 16 March 1928.

⁸⁶ Urquhart, Arthur Currie, p. 318.

⁸⁷ Ibid., and conversations between the author and Norman Strong, Port Hope, Spring 1986.

operated fully throughout the seemingly countless hours of examination, but refused to answer two sensitive questions unrelated to Mons. Judge L.V. O'Conner ordered that all questions be answered. Currie's associates felt the defence tried to intimidate Currie into avoiding a trial by presenting questions on an unnecessarily wide range of topics. Already troubled by the nature of the questions, Currie learned that some of the testimony had leaked to the press, despite the in camera nature of the proceedings.⁸⁸ Furthermore, Currie and his legal advisors accused the Cobourg judge of being sympathetic to Preston and Wilson to the point of "encouraging the defence" and "digging up witnesses for the defence."⁸⁹ Currie confided to General Clark, "I don't mind admitting that I am worried about it. If the judge should permit the wide latitude in questioning as the Commissioner did at the discovery proceedings, it will be quite easy to confuse the jury on the real issue. The defence should not be allowed to wander all over the war, but should be kept to the proving of their plea."⁹⁰

Currie was also concerned about the composition of a local jury. To one officer he wrote, "I am warned by the defendant that it will be impossible to find a jury in which there are

⁸⁸ Cobourg World, 10 March 1928, p. 1, 22 March 1928, p. 8.

⁸⁹ Currie Papers, file 62, R. H. Parmenter to Currie, 4 May 1928.

⁹⁰ Currie Papers, file 64, Currie to General R. P. Clark, 30 March 1928.

farmers of Durham and Northumberland who would give a verdict in favour of a soldier."⁹¹ To another friend he added, "They told me that farmers disliked anything that savoured of the military, that they were opposed to conscription and had little use for soldiers and that it was too much to expect that they would give a verdict in favour of one who had been a soldier."⁹² To proceed despite these misgivings required courage. Undaunted by the Examination of Discovery, Currie prepared to endure what appeared would be a bitter trial.

The intensity of the Examination of Discovery failed to discourage Currie. He was confident with his investigation of the Mons incident beginning immediately after its capture. His close comrades traced witnesses present at Mons. With their help he could reconstruct the old chain of command enabling detailed testimony from several different and knowledgeable perspectives. He had difficulty finding privates willing to help. One notable correspondent, marking the gulf separating officers and men in post-war Canada, wrote:

I hope to get in touch with two men who fought with us through the Mons fighting, two unfortunates now confined in Queen's Sanatorium here--other than these I do not know anyone in the immediate area. Of course there are many officers...⁹³

⁹¹ Currie Papers, file 67, Currie to Judge Huycke, 14 June 1928.

⁹² Currie Papers, file 60 Currie to J. L. Ralston, 5 April 1928; and file 61, Currie to L. T. McLaughlin 14 March 1928,

⁹³ Currie Papers, file 61, G. M. Little to Currie, 28 March 1928, Currie Papers, file 61.

Currie asked A. F. Duguid, a member of the War Records section of the army, to search the war records for the "temper of the troops at Mons," believing that soldiers generally shared the officers' zealousness to reach Mons.⁹⁴ Nevertheless, the libelous nature of the article would not change with Currie's reputation among troops or their attitude toward the capture of Mons. Generally satisfied, Currie concluded, "if I can't win this, I can't win anything."⁹⁵

Overall, however, the Examination of Discovery represented a limited victory for the newsmen. They were encouraged by the judge's acceptance of a wide scope of questions placing Currie in an unfavourable light; this was vital to challenging Currie's national prestige. Currie had reiterated that no one had died on 11 November, which the defence knew to be incorrect. Regan confidently attacked the accuracy of the war records on the grounds that all casualties for the 10th and 11th November had been backdated to the 9th of November. Regan surmised the official records clouded the actual death rate in the final hours by moving the Mons casualties to an earlier date. Regan attributed this unusual record keeping to Currie's attempt to hide the scope of casualties suffered on the 11th. He declared to the press after the proceedings, "If it were not for the

⁹⁴Currie Papers, file 60, Currie to A. F. Duguid, 22 September 1927.

⁹⁵Currie Papers, file 64, 30 March 1928, Currie to General R. P. Clark.

unfortunate fact that these records had to be made up to mislead and not to represent the true state of affairs, the matter would be simpler."⁹⁶ The defence could produce witnesses who, having themselves seen the dead, confirmed there had been casualties in the city's capture. The defence required only complete access to the official records to round out its case. To that end, Regan subpoenaed the relevant government documents for the trial. After the Examination, Wilson demonstrated his personal determination to see the matter through by repudiating rumours that he and Preston had had a "falling out" or that he might dissociate the newspaper from the article.⁹⁷

Suspicion and intrigue plagued both sides at the end of the Examination of Discovery. The defence followed suspicions of the falsification of military records, while Currie suspected that he had fallen into a trap. Gordon's first letters triggered this concern by referring to the article being "a kind of baiting episode."⁹⁸ The comment was designed to belittle the article's importance and discourage Currie from action, but instead sparked Currie's suspicions that his old enemies were at work against him.

Thereafter, the confrontation took a new direction. It ceased to be an action against misdirected newsmen and became Currie's final campaign against the Hughes faction. As Currie

⁹⁶ Cobourg World, 22 March 1928, p. 8.

⁹⁷ Ibid..

⁹⁸ Currie Papers, file 62, G. N. Gordon to Currie, 28 July 1927.

wrote to General Clark: "They knew I was very tender on that spot [unnecessary casualties] and so they goaded me into taking an action and now they are going to try to bring in everything that they can which can injure whatever reputation I have got."⁹⁹ He further concluded that Garnet Hughes was a participant in the plot. After a conversation with a friend, Currie reported:

"In the same conversation he told me that he had seen Garnet Hughes in Toronto and that Garnet seemed to be engaged on some mysterious mission at the present time. The threat he made to me in London [that he would "get him"] when I refused to take him as G.O.C. 1st Division is being carried out at the present time."¹⁰⁰

During the Examination, Currie declared to a friend "Garnet is here and I am sure he is busy."¹⁰¹ To another friend he concluded; "It may be that Preston is bringing the balls that others have made... someone has taken the trouble to coach him very well."¹⁰² Next he wrote to O. F. Brothers at the opening of the trial:

You, of course, have some knowledge of the propaganda indulged in during the closing months of the war. Well I think the same gang is at work now... Every effort will be made to include irrelevant matter that may hurt me...¹⁰³

⁹⁹Currie to General R. P. Clark, op. cit..

¹⁰⁰Ibid..

¹⁰¹Currie Papers, file 63, Currie to Major General Ross Hayter 22 May 1928.

¹⁰²Currie Papers, file 61, Currie to V. Odlum, 5 April 1928.

¹⁰³Currie Papers, file 60, Currie to O. F. Brothers, 30 March 1928.

Currie counterattacked, convinced that he now faced his enemies of 1918-19. He sought, for example, information to undermine their credibility. He asked a friend to trace a drunk driving offence committed by Garnet Hughes four years earlier.¹⁰⁴ He also hoped to expose his old enemies by obtaining a court order subpoenaing all communications received by Preston pertaining to the trial.¹⁰⁵

Preston may have sought the assistance of Garnet Hughes in Sam Hughes' absence. It is doubtful that Garnet overlooked Preston's attack upon him in his recently published book, however, Currie nevertheless judged Garnet's attendance at the proceedings to be evidence of his aid to the defence. The protection of his father's memory, upon whose words the trial revolved, offered a more likely motivation.

It is doubtful whether a confrontation could have been avoided in this particular case. Some newsmen might have been more trusting of Currie's admirable nature; others might have not been so skeptical of the war records and casualty reports. Preston, however, had experienced the political intrigue of the Canadian command in England and he distrusted Currie. Similarly, the Port Hope community had many veterans among the Third Division who had witnessed the Mons battle, including those vocal in their disapproval of Currie. Certainly Wilson held his convictions under the influence of Preston and Regan, while the sentiment of local soldiers reinforced his determination to see

¹⁰⁴ Ibid.

the matter through.

Preston, Wilson, and Regan confidently maintained their stance against Currie despite the offer of an opportunity to retract without prosecution. Having weighed all the evidence available to them, they drew their conclusions that a vicious battle against a determined German rearguard would sustain Canadian casualties, and that these casualties could be identified under the scrutiny of a legal proceeding. The 'needlessness' of these losses would be judged fair comment in view of the military circumstances of the Armistice morning. Preston's past experience determined his mistrust of Currie and the officer corps' willingness to accurately list Canadian losses while the behaviour of officers attached to the war records office furthered his skepticism. Interviews with those present in the Mons fighting, and Wilson's interview with Currie encouraged Wilson to confront the Guide's rival newspaper and the General. The soldiers' beliefs, compared with the examination of relevant written narratives and official documentation, presented the defence lawyers with a promising understanding of the events at Mons. While Preston's determination may have been tainted with personal opportunism, the strength of their position appeared well founded. As a result, the journalists and the General were inescapably drawn toward a trial.

CHAPTER FIVE

"The 50,000 Dollar Story"

Ignorance of the laws excuses no man;
not that all men know the law,
but because 'tis an excuse every man will plead,
and no man can tell how to confute him.
[John Selden (1584-1654)]¹

Currie's biographers believed a detailed study of the trial was unnecessary, since the results satisfied Currie and silenced his enemies. On the other hand, studying the trial from the defence's perspective reveals a trap from which the defence could not escape. Their investigation found justifiable reasons to challenge Currie. The newsmen believed that they needed only to identify the casualties about which they had written to win the case. Belatedly, the defence realized that the trial was simply an evaluation of guilt or innocence against slander, not an inquiry into the event itself. Other elements such as the roles of Currie or Hughes in specific events were irrelevant in a judgement on the "Mons" article.

The journalists had miscalculated in their decision to meet Currie in the courts. Now their continuing investigation had been placed within a legal arena, which operated under specific statutes and rules of conduct. Currie's lawsuit was brought in the Supreme Court of Ontario and the legal role of the newsmen was to defend the contents of their article. There was no guarantee that the wide investigation permitted at the Examination of Discovery would be permitted in this civil action.

¹John Selden quoted in Collins Concise Dictionary of Quotations, (London: Collins Sons and Co. Ltd.), p.223.

Careful legal manoeuvring would be required to shift the defence's role from proving the validity of the article to having an inquiry into the events of Mons. Unfortunately, all the defence's logical assumptions and hearsay material produced little concrete evidence about Mons or Currie. Where Gordon had advised against a trial because of the newsmen's legal position and the evidence available, Regan and Hall, gambled that the court would accept this evidence.

It was a poor gamble. Currie's correspondence reveals that the defence lacked a sympathetic judge. Counsel for the plaintiff may even have known that the defence would have difficulties with the presiding judge. William N. Tilley assured Currie's other legal advisors before the trial that "just so long as you get the right judge he [Tilley] felt the results would be right, but he was by no means certain that he could arrange to have the right judge."² Later, after Mr Hugh Rose was appointed to hear the case, Tilley informed his Port Hope associate that "Rose is the best judge for the trial."³ One does not know whether the plaintiff's good fortune in arguing before Judge Rose was a result of chance or effective backstage efforts. Rose was leery of the nature of the trial from the beginning. Shortly before the trial he said, "I don't believe in publicity and that

²Urquhart Papers, McGill University Rare Book Room (M.R.B.R.), Box 5, William Tilley to Currie.

³National Archives of Canada, Currie Papers (All references to Currie Papers are those in National Archives of Canada) file 62, W. Tilley to Montgomery, 30 December 1927.

sort of stuff."⁴

Libel law was simple.

To libel a person is to write or print and publish concerning him a statement which exposes him to hatred, ridicule or contempt, or which tends to cause him to be shunned or avoided or which has a tendency to injure him in his profession...

A defendant may prove his statements or justify his comments provided that the statements made are true. As Rose clarified the law during the trial:

It is necessary for him in order to succeed upon that defence, to prove that every material defamatory statement contained in his article is true in substance and in fact...A comment cannot be justified as a fair comment upon a matter of public importance unless the facts upon which the comment is made are stated and stated truly.

Rose maintained that the defence had to prove each line of the article without roaming into the background of the text. This meant that Regan could not ask questions which did not pertain directly to the legal issue.

The defence tried to use the trial to complete its investigation. The defence's case came to revolve around the very way in which the battle had been recorded. The defence sought to explore the disputed circumstances leading up to the capture of the city in the early hours of 11 November, to question Currie's motives, and to show that the casualties suffered that night justified the comments in the Guide article.

⁴Robert Sharpe, The Last Day, the Last Hour: The Currie Libel Trial (Toronto: The Osgoode Society, 1988) p. 99.

⁵Trial transcript, Currie Papers, p. 2098.

⁶Trial transcript, p. 2099.

They needed to prove that the battle of Mons had caused casualties among the Canadian troops, that the soldiers' lives had been wasted, and that Currie had been negligent in his decision to take the city, thereby causing these losses. The trial was the first time that all the witnesses and documentation were available. The defence had confidence in Hughes' statements in the House of Commons, the claims of local veterans, war diaries, and other official documentation. Regan expected to force the War Records Branch to admit in court statistics they had previously denied. The defence hoped their investigation of the Hughes-Currie scandal, or an extensive review of existing documentation, would locate the missing records. Regan spent much of his spare time between court sessions searching among the Government documents for the elusive casualty figures. In court, Regan explained the logic of their argument and the abundant sources which "lay the foundation as to why" they wrote the article.⁷

At no other time in Canadian military history has there been such an extensive review of a specific battle. The trial benefitted from a wealth of written and oral documentation. The Historical Records Branch of the Army sent two trunk-loads of official documents including operational orders, casualty reports, Battalion, Division, and First Army war diaries.⁸ Other documentation from Ottawa was available upon request, so the

⁷Trial transcript, p. 91.

⁸Trial transcript, p. 33.

trial had access to all the information about the battle possessed by the government. A total of seventy-two witnesses testified. Their war-time ranks ranged from Privates to Generals, their positions from artillery men to a Divisional chaplain, and from front-line soldiers to General Turner's Headquarters staff from England.

The plaintiff's and defence's exhaustive search for documentation and witnesses allowed most oral and written testimony to be cross-referenced. The fear of perjury discouraged the exaggerations, if not outright lies, common to personal accounts of battle. The lapse of ten years between the battle and trial promised increased objectivity and allowed soldiers a greater understanding of the larger strategies involved. However, the time lapse was short enough to prevent significant memory loss or the death of many of the important individuals.

While the defence set out to investigate numerous aspects of the battle to establish accurate casualty figures, the judge was solely to seek the validity of the article. Clearly the defence felt they could not reveal that their evidence was incomplete by requesting an adjournment. Judge Rose naturally assumed both sides were prepared to proceed.⁹ As a result he rejected the defence's efforts to explain the circumstances behind the article, maintaining, "if a libel is in a newspaper; he [the newsman] may investigate and find out that possibly his information does not warrant the statement he made, and he may then withdraw and retract and make it right; but when it comes to

⁹Ibid., p. 983.

trial pleading justification, my submission is that that sort of defence is not open to him."¹⁰ Rose did not accept Regan's explanation of the need to enter the court to gain access to the complete War Records.

The trial opened with complaints from the defence about their difficulties in obtaining information from Army records while Currie had free access.¹¹ Regan reiterated his statements from the Examination of Discovery, questioning the rationale for placing all casualties killed from 9 through 11 November as killed on the 9th. Regan claimed the military "were ashamed to admit that losses were occurring on the 11th."¹² Regan found that the unit despatches supported the narratives indicating stiff fighting but could not uncover a clear record of casualties. He publically concluded that the records had been deliberately falsified by Currie.¹³ He then attempted to prove the falsification of casualty records and the existence of misplaced casualties resulting from the "tenacious resistance" at Mons.

Several days' testimony studied the time, place, and circumstances, of casualties occurring on the 10th and the morning of 11 November. Regan's witnesses from the Ninth Brigade

¹⁰Ibid., p. 93.

¹¹Trial transcript, pp. 26/7, 30, 34, 99, 111.

¹²Justice Hugh Rose Bench Notes, 16 April-17 May 1928, Archives: Supreme Court of Ontario, p. 228.

¹³Ibid., p. 712.

claimed to have seen Canadians lying dead in the streets on 11 November. Overall, the witnesses demonstrated two separate perspectives of the battle. All but one of the defence's witnesses were enlisted men, while all but one of the plaintiff's witnesses were officers.¹⁴ The privates' vivid testimony about casualties reflected their agonized recollections of the war's final hours. Their evidence established the presence of machine gun and artillery fire throughout the night of 10/11 November. However, the enlisted men were rarely able to provide details as to when the soldiers they observed had fallen. They were also inconclusive about geography, or military directives, since they took orders from the junior officers who carried the maps and directives. One soldier explained, "When you are advancing like that day in and day out, you haven't got any idea how far you are from what place; you simply go and that is all; I just can't tell you the distance."¹⁵ The soldiers also expressed difficulty in distinguishing the line dividing Mons and its suburbs without maps or pre-established reference points. Their testimony established that the fighting had been lighter than originally believed, since no soldier recalled seeing more than six "to a dozen" dead Canadians.¹⁶ The judge soon discounted the numbers

¹⁴"Counsel Finish Arguments in Currie Libel Suit; Evidence In Trial Not Entered Into," The Ottawa Citizen, Tuesday 1 May 1928, p. 15.

¹⁵Joseph Smith testimony, Trial transcript, p. 67.

¹⁶Danial Dancocks, Sir Arthur Currie: A Biography (Agincourt: Methuen Publications, 1985), p. 240, and Sharpe, op. cit., p. 111; citing the testimony of J. Goulding.

killed, on the grounds that different soldiers could see the same bodies more than once.

In the end, the court established that all but one of the 49 Canadians listed killed between 9 and 11 November were killed before midnight of 10 November. With the co-operation of the Historical Records section, the court found that the witnesses from the Ninth Brigade had a distorted conception of the city limits because of an absence of hostile fire discouraging their advance. Eventually, testimony clarified that the majority of the bodies in the streets of Mons were soldiers killed on the outskirts of the city during the daylight fighting of 10 November. In addition to one death, there were only 15 non-fatal casualties on the 11th.¹⁷ However, Regan assumed that the official list of 49 killed did not include all the dead of Mons. He placed the Canadian soldiers honoured at the city funeral held on 13 November among those unnamed losses. Later, the plaintiff's witnesses rejected this claim, stating that Belgium civilians had collected the dead from the city's outskirts and surrounding fields for the mass funeral.

The legal limitations upon the issue to be argued at trial, ruined the defence's efforts to explore the circumstances behind the Guide's article. Judge Rose disallowed unofficial documentation such as the Mons Proclamation issued by the Burgomaster of Mons, other newspapers, and even the Globe article

¹⁷Trial transcript, p. 696.

which the Guide article rebutted.¹⁸ These materials were important in indicating the substantial literature about a "battle for Mons," but were unacceptable as authoritative sources complying with the laws for the submission of evidence. The defence attempted to file this material to demonstrate the sheer volume of published accounts which implied heavy fighting, but Rose prohibited this because it was hearsay in nature; being evidence which was not within the direct experience of the person testifying. The judge surmised that Regan tried to put this material on record as a means of gaining sympathy that his evidence was unduly oppressed.¹⁹ It is clear, from his persistent attempts throughout the trial, that Regan continued to hope that he would be allowed to submit this material. Frustrated, Regan lamented near the end of his presentation, "I never thought for a moment that these men couldn't tell this jury precisely why they wrote that article."²⁰

The limitations upon the evidence that could be presented removed the influence of Sam Hughes. Although Hughes' speech inspired the article, the defence was unable to present it in court because his House of Commons speech fell under the heading of privileged speech. A member of the House was not legally accountable for his comments, nor could these statements be used as evidence in court.²¹ Consequently, the defence could not

¹⁸ Ibid., pp. 42/132/415-35/970.

¹⁹ Ibid., pp. 415-35.

²⁰ Ibid., p. 983.

²¹ Ibid., p. 979.

explore the motives behind the comments made by this authoritative figure, much to the disappointment of Currie's friends and foes alike. Several of Currie's supporters expressed their disappointment that Hughes had been left out of the debate, since they also saw the trial as the long-delayed final confrontation with Currie's old enemy.²² Judge Rose decided that questions about Hughes "do not help us at all as to the matter we have to deal with here. It is only useful to take one's mind off the issue we have rather than solve it."²³ The plaintiff's avoidance of Hughes was a calculated sacrifice. Ignoring Hughes' role confined the scope of the trial, while depriving Currie of the chance to deal with the man who had seemingly deprived him of a hero's return.

Three witnesses steadied the defence's deteriorating position. Frederick Lingard, wireless operator in the 4th Divisional Artillery, testified to receiving word of the armistice at 2230 on 10 November.²⁴ This was before the attack on Mons and only hours before the arrival of the documented notification of an armistice. However, Currie and other officers agreed that no message could have been "officially communicated" at that time, since the official communication arrived at 5:00 the following morning.²⁵ Later Colonel Ewing, testifying for the

²²Currie Papers, file 68, Percy Matts to Currie.

²³Trial Transcript, p. 459.

²⁴Frederick Lingard testimony, Ibid., p. 181

²⁵Officers stressed the words "officially". Another ex-

plaintiff, contradicted the testimony of other officers by giving evidence that he defied Currie's orders to push on, upon hearing the Armistice message by issuing immediate orders to his troops in a unit of the 42nd Battalion to halt.²⁶ The judge also ruled that the defence did not have to prove the section in the article concerning the troops "training their guns on the officers" and "the officers fleeing for their lives," because it had been identified within the article as "common talk and was dependent on the authenticity of the other sections."²⁷

Potentially, the most dangerous evidence came from Major Nickle, assistant to General Turner in England. "The son of a former Ontario Attorney General, Nickle enlisted as a private and had been wounded three times. He rose to the rank of major and recieved the Military Cross." His upstanding character is seen

operator, Port Hope historian Norman Strong, suggested an explanation whereby wireless operators often became familiar with each other, and would commonly be in constant communication throughout the line, transmitting official and unofficial dispatches. Lingard may have received word of the official armistice as the negotiations progressed, but it was not until the morning that the ordinary channels released the proper message with its corresponding operational orders. Naturally such communications added substantially to the rumors among soldiers of an upcoming armistice. Currie using the word "officially" appears in Trial transcript, p. 1917. The fact that the armistice was upcoming is common among correspondence outside of the trial. Alan Hugh Munro wrote his family in December 1920: "I shall never forget the tone of the man's voice on the night of the 10th who came over to the bivys and called out to the that Signals said the armistice was or was going to be signed toute de suite." (W.H. Munro Papers: Trent University Archives: B-79-006)

²⁶ Colonel R. L. H. Ewing testimony, Ibid., pp. 1320-24, 1643.

²⁷ Trial transcript, p. 1012.

by a long career in politics as an Ontario cabinet Minister throughout the 1950s and 1960s.²⁸ At the trial, he testified to receiving a telegram from British General Headquarters on 9 November stopping reinforcements from being sent to France, due to an expected Armistice.²⁹ Nickle believed Canadian Corps headquarters must have been informed of the Armistice. More importantly, Nickle revealed his knowledge of a post-war inquiry into the Mons battle, which was discussed on communications between the Minister of Militia, Sidney Mewburn, and the Minister of the Overseas Forces, Edward Kemp. Nickle confidently stated both that an inquiry had been conducted, and that a report had been made and sent to Mewburn.³⁰ No such report could be produced for the court, despite the defence's subpoena of House of Commons records. This secret report haunted the defence's examination.

The defence had difficulty producing any other documentation. Military regulations forbade soldiers to keep copies of official communications. General Currie was therefore the only soldier able to produce such official documents for either the defence or plaintiff. The defence filed a private letter from General David Watson to a friend criticizing Currie's actions at Mons. Unfortunately, the laws of evidence made a

²⁸ Sharpe, The Last Day, the Last Hour, p. 140; citing the Toronto Globe and Mail, 11 December 1968.

²⁹ Major Nickle testimony, Trial transcript, p. 396.

³⁰ F. Nickle testimony, Trial transcript, pp. 440-4.

personal letter from a deceased person inadmissible.³¹ What remained of the defence's case were numerous witnesses who had been at Mons and had seen the bodies, the parades, or the funeral, or who had heard stories about Mons and Currie.

Regan revealed the heart of the defence's case while questioning the way war records were compiled in the Fourth Division artillery. Judge Rose criticized this procedure, asking, "Are we going to try the manner in which the artillery kept their war diary?" Regan answered, "Absolutely, my Lord, that is the whole point in this case."³² Seeking further explanation, the judge questioned the relevance of enquiries pertaining to "how war diaries are kept." Regan answered, "That is all we have to go on, from our knowledge of the front of Mons, war diaries and records and reports."³³

Regan's case failed to justify the faith the defence had placed in the war records narratives. Throughout the first half of his presentation, he criticized Colonel Reginald Orde, a lawyer from the Judge Advocate General's office, as well as Colonel Logie Armstrong and Colonel Fortescue Duguid of the Historical Records Section of the National Defence Department. He attacked them for their inaccurate medical records and inability to produce requested material which accurately depicted

³¹ Trial transcript, defence presentation of a letter from General David Watson to Archie Hodgson, p. 248.

³² Trial transcript, p. 675.

³³ Ibid., pp. 677-8.

casualties.³⁴ Regan already recognized Duguid as a supporter of Currie as Duguid had served under him during the war. As a result, Regan's attacks suggested wrong-doing by these officials, and were so insulting that Orde issued a statement responding to Regan's harsh criticism.³⁵

Regan's exchanges with the Defence Department officials undermined the war records upon which the defence relied. Under examination Orde explained that, according to army regulation, war diaries were to "furnish an accurate record of the operations from which the history of the war can subsequently be written." They are to be "entered daily and initialed by the officer detailed to keep it."³⁶ Orde noted later that "the diary had no importance on operations," and "could wait three or four days without hurting anyone or creating any detrimental effects so far as the future history of the war."³⁷ After further questioning, Orde confessed that the war diaries were considered a necessary evil compiled for the benefit of historians. The judge summarized:

...one witness said the war diaries were looked upon as a kind of necessary evil, a nuisance, something that men who were compelled to write for the use, perhaps of the future historian or what not... he was writing, perhaps with some haste, but necessarily he was writing a good deal of hearsay, and perhaps writing rather loosely.³⁸

³⁴ Ibid., pp. 674-80.

³⁵ Ibid., p. 950.

³⁶ Ibid., p. 276.

³⁷ Orde testimony, Trail transcript, p. 703.

³⁸ Trial transcript, pp. 2122-3.

Judge Rose pressed Regan to withdraw the accusations of falsification of records, having established that the war records were fallible. Regan consented without argument, but the damage to the defence was already done. Regan had misunderstood the limited accuracy of the records, thereby damaging the credibility of what he had hoped was his best witness: the written word. In addition, Regan's attacks on the war records appeared time-consuming and unnecessary for a trial questioning the integrity of a famous Canadian. His harsh accusations against the Records Branch seemed unjustified and cruel. Consequently, the case the defence had relied upon deteriorated, as the various flaws of the official records became clear.

As a result of his inexperience and his frustration with the official records and their keepers, Regan became the defence's worst enemy. He undermined the defence's entire case with accusations of illegal activities by government officials, often coaxing and cross-examining his own witnesses, extending and then delaying court sessions, speaking too softly, and constantly questioning the judge's rulings.³⁹ Although his inexperience was tolerated, his irregularities in questioning witnesses nearly had him removed as head counsel for the defence.⁴⁰ Sharpe believed that Regan violated a basic rule of legal ethics by attempting "to elicit evidence that he must have known was inadmissible, hoping that the jury would take it into account despite its

³⁹ Ibid., pp. 833, 950.

⁴⁰ Ibid., pp. 1463-76.

formal rejection by Mr. Justice Rose."⁴¹ Regan gained few friends from his brutal style in examining witnesses. One veteran noted, "Every soldier I meet has the same feelings towards Mr Regan; as a woman with a [Passion] to scratch the eyes out of somebody."⁴² Regan even drew himself into open confrontation with the judge as his frustration mounted. On one occasion he replied to an explanation on one of Rose's rulings; "I don't want to argue with you, I have made my objection."⁴³ A friend of Currie's concluded after the trial: "In all fairness, was not Regan an unintentional but very real factor enabling you to reach your objective."⁴⁴

Some of Regan's difficulties were unavoidable. Regan hoped to place on record all the available documentation on Mons, "in order to be useful on cross-examining some of these high officers that they [the plaintiff] are to bring."⁴⁵ His undeclared strategy presented the wealth of available evidence as an indirect explanation for why the Guide wrote the article. He also wanted the jury to realize that Currie disagreed with most of the statements of the enlisted men. Reading the Examination of Discovery for the court would, in effect, place

⁴¹ Sharpe, The Last Day, the Last Hour, p. 110.

⁴² Currie Papers, file 69, Robert Wodehouse to Currie.

⁴³ Trial transcript, p. 2066.

⁴⁴ Currie Papers, file 69, N. A. Powell to Currie, 23 May 1928.

⁴⁵ Trial transcript, p. 432.

Currie's testimony on the court record first.⁴⁶ He wanted to highlight the conditions in Mons and the degree of suffering endured by the Canadian Corps up to 11 November; in short, to disclose the soldier's view of Mons. In his words, he desired to reveal "the real facts on Canadians being driven in the last 100 days."⁴⁷ He tried to explain the factors leading up to the article by re-creating the research that led the newspapermen to their conclusions. To do this, he spent hours reading into evidence various extracts from war diaries and published narratives. He also spent several days reading out the 2645 questions asked Currie at the Examination of Discovery. In total, Tilley and the judge agreed that 861 questions from the Examination of Discovery, almost 30% of the total, could not be mentioned at the trial since they did not directly pertain to Mons.⁴⁸ Somewhat paradoxically, the presentation of all this material hurt the defence. Regan gave the impression that he desired to cloud the libel issue with irrelevant material through this tedious performance. Rose constantly criticized the defence's weighty evidence, warning against the submission of an "entire library."⁴⁹

This lengthy process of presenting evidence created a time factor working against the defence. The defence had entered the

⁴⁶ Sharpe, The Last Day, the Last Hour, p. 131.

⁴⁷ Ibid, p. 433.

⁴⁸ Urquhart, Arthur Currie: A biography of a great Canadian, (Toronto: J. M. Dent and Sons, 1950), p. 319.

⁴⁹ Dancocks, Sir Arthur Currie, p. 251.

court expecting that the war records would reveal the missing casualty figures. While finding further extracts detailing the fighting that morning, the listed casualty figures hurt the defence. The defence needed time to rework its case, but Regan's lengthy submissions had strained the court's patience. Both Judge Rose and William Tilley, counsel for the plaintiff, expressed the desire to finish the case as quickly as possible.⁵⁰ The jury was also eager to finish, since most of them were farmers anxious to begin spring planting.⁵¹

One episode highlighted the courtroom's growing impatience with the defence. Regan asked for an early adjournment to prevent finishing the defence's case before the weekend. Rose replied: "Oh Mr. Regan time, time, time! You must have contemplated how you were going to present your case when you began to present it."⁵² In this incident Regan prolonged the questioning of his witnesses past the point of adjournment. To counter this, Rose suggested and the jury agreed, to extend the day's session in an effort to complete the defence's testimony.⁵³ Again Regan prolonged his examination past the end of the extension, but winning the moment strained the good-will of both judge and jury.

The war diaries were a trap from which the defence could not

⁵⁰ Trial transcript, p. 522.

⁵¹ Ibid., p. 835.

⁵² Ibid., p. 983.

⁵³ Ibid., pp. 982-7.

escape. Continued research into the records gave the defence little reason to reconsider its position. Furthermore, the court reviewed the Second Division's narrative which reiterated General Burstall's tally of 348 casualties involved in the storming of Mons (referred to in Chapter 2). The defence discovered that the copy sent to them by the War Records Office before the trial lacked an asterisk, as well as the accompanying explanation attributing this casualty figure to the period from 20 October to 11 November.⁵⁴ Thus, the incomplete report available to them led the defence to believe the casualties had taken place at Mons, while the accurate copy produced in court showed these figures covered a much longer period. Unfortunately, the defence had little chance of knowing this before gaining access to the war records at the trial.

The defence was in serious trouble by the end of its presentation. It had failed to discover any casualties to accompany the trusted war narratives. Without them, the Guide's statements of wasteful sacrifice at Mons did indeed seem libelous, and the adjacent comments defamatory. In addition, Regan had created unnecessary ill-will by erroneously accusing Currie and the war records department of criminal activities in manipulating the war records. In many ways the defence had lost its case before the plaintiff presented his own. Thus the defendant's miscalculation, effectively directed its case.

The plaintiff's presentation, in contrast, provides a model of legal professionalism. Currie's head counsel, William N.

⁵⁴ Ibid., pp. 1744-5.

Tilley, was one of the best lawyers in Canada. His polite presentation lacked Regan's abrasiveness. Tilley did not strongly object to the defence's unusual tactics such as Regan representing Wilson and Preston representing himself in a common defence. Judge Rose made specific reference in his notes that in Tilley's examinations his "questions were put forward but not pushed"⁵⁵ Meanwhile Tilley firmly restricted Regan's questions to those pertaining to the libel article. Judge Rose summarized Tilley's argument:

The defence tried a rule where you could print gossip and call it gossip and escape responsibility by proving that it was gossip. Now that is not so, obviously that is not so. If you do not prove that a statement is true-you have no right to repeat gossip. If you repeat gossip you have got to assume the responsibility when you are brought to task of showing that the gossip, if there was any, was true gossip.⁵⁶

Like all Currie's campaigns, his court battle had been well planned, with the solidarity of the officers assured. Shortly before the trial Currie "lined up the officers and NCO's at the Chateau Laurier" and planned for "the battle of Cobourg."⁵⁷ They willingly supported Currie, since the officers agreed that he was then "fighting a battle for all the officers of the Canadian Corps". General J.H. MacBrien was the most candid in his beliefs, declaring, "The charge was against me as well as against any officer who served... Now he [Currie] is fighting the battle

⁵⁵ Archives, Supreme Court of Ontario, Bench Notes, Justice Hugh Rose, 16 April 1928--17 May 1928, p. 73.

⁵⁶ Trial transcript, pp. 2109-10.

⁵⁷ Ibid., p. 2073.

for us, and we'll all have to stick by him."⁵⁸ Currie had reconstructed the officer corps to detail the various operations and directives concerning the advance on Mons. In sharp contrast to the defence witnesses, the majority of the witnesses for the plaintiff were officers possessing a formal education with poise in a courtroom atmosphere. Several witnesses were barristers themselves.⁵⁹ Each officer gave detailed information of operations deflecting compromising lines of cross-examination.

The testimony of officers was unusually consistent, suggesting collaboration among the officers. Officers consistently testified to an ignorance of rumours of an Armistice, while most Privates and war narratives mentioned knowledge of a specific armistice. Some officers belittled the importance of the rumours, stating that such tales had been commonplace for some time.⁶⁰ One officer, having heard rumours of a potential armistice since Amiens, stated that they might have been the creations of Germans committed to slowing the advancing Allied armies.⁶¹ Further evidence of collusion is found in the officers' testimony concerning the capture of the city. Officers agreed that the city fell because Mons lay within the lines of a general advance, although previous correspondence and written narratives overwhelmingly indicated a desire to

⁵⁸J. H. MacBrian testimony, Trial transcript, p. 2074.

⁵⁹Ibid., P. H. Hutcheson p. 1210 and A. A. Magee 1089. General Clark, after a successful career as a member of the House of Commons became the President of the Canadian Bar Association.

⁶⁰Trial transcript pp. 1690/1751,

⁶¹B. C. Hooper testimony, Ibid., p. 1752.

capture Mons.

Naturally such opinionated evidence as to whether officers 'heard rumours' or 'had desired to capture Mons' permitted the seeming collaboration of officers with their old commander. Regan nicknamed the Dunham Hotel where the plaintiff's witnesses stayed the "Dunham War College," after becoming concerned by this collaboration.⁶² One officer denied such co-operation while admitting the war was the obvious topic of conversation for the reunion.⁶³ Another soldier avoided the hotel for this reason.⁶⁴ The defence's criticisms do seem warranted, given the officers's overwhelmingly one-sided testimony. This testimony also misrepresented the environment existing at Mons in 1918, since their historical intpretation expressed in court removed any desire to capture Mons for symbolic or sentimental reasons. As a result, the officers's statements created an impression far more consistent and simplistic than another, more disinterested, investigation might have produced.

Finally, the plaintiff presented a witness who had been involved in the battle of Mons. His testimony of the morning battle surprised everyone. According to other witnesses, the significant German fire seen throughout the day of 10 November had withered once darkness arrived. However, Captain Grafftey, platoon leader of D company 42nd Battalion, reported the attack

⁶²Trial transcript, pp. 1342.

⁶³Ibid..

⁶⁴Richard Symons testimony, Trial transcript, p. 1477.

on Mons in these terms:

...between eleven and midnight at this location the city was exceedingly quiet, there were no shots being fired, there was no movement in the city by the civilians, and it would be difficult to imagine a similar situation. With Sergeant Gibson I proceeded to investigate, and by between the hours of twelve and one the two of us had gone--at least one half way in to the Grand Place, and not encountering any of the enemy, we both came to the conclusion that city had been evacuated...Returning to the company, we had signals established at company headquarters, the situation was reported to battalion headquarters, and a company desposition was made to proceed through the City of Mons.⁶⁵

Grafftey recalled that, upon advancing into the city, "Mr Handy's platoon was warned not to proceed on the boulevard without first making sure that the machine gun post in this location had pulled stakes." Hearing a minor engagement to the south, Grafftey investigated and found that "what actually took place was that Mr Handy's platoon had thrown five or six grenades in the general direction of the machine gun post... without receiving a reply." Later four prisoners surrendered, whom Grafftey assumed to be members of this enemy machine gun post who had "cashed in when they realized they were cut off." Since they had not been captured with their equipment he could not confirm this. "It took some considerable time for reports from these three platoons to get back to company headquarters, but by 0430 the reports had been received." Mons was in Canadian hands. The battle for the heart of Mons had ended, although Grafftey heard further machine gun fire to the south of the city.⁶⁶

⁶⁵W. A. Grafftey testimony, Ibid., p. 1170-1.

⁶⁶Ibid., p. 1190.

Another witness completed the story on the northern flank. In the north west, the B Company Royal Canadian Regiment (R.C.R.) and one section of D Company Princess Patricia's Canadian Light Infantry (P.P.C.L.I.), attempted an encircling movement toward Nimy in the early evening of 10 November. At first they were held up by German gas shells and other artillery fire.⁶⁷ The troops advanced to the machine gun post blocking their path only after the gas cleared and evidence of enemy activity had ceased. There the Canadians found "two dead Germans killed while in transition" of leaving their post. The witness was not sure whether they were killed by German shrapnel or by a Canadian grenade.⁶⁸ After passing this post, the Canadians encountered no further opposition on their advance through Nimy and into Mons.

The documented activity in the south correlated with Graffety's description of the Mons fighting. The Second Division-19th Battalion war diary concluded its account by describing the capture of Hyon, on Mons' southern flank, where on 10 November "heavy casualties from machine gun fire rendered a further advance impractical so at 2300 hrs a patrol under the command of Lieutenant Stuart entered the town of Hyon and finding the Hun evacuated, reported the town clear."⁶⁹ Previously it had been believed that the Germans had evacuated Hyon out of fear of being outflanked by attacks from Mons. Testimony of witnesses from all four sections involved revealed that the documented retreat

⁶⁷ Trial transcript p. 881.

⁶⁸ Roy Russel testimony, Trial transcript, pp. 1564-5.

⁶⁹ Trial transcript, p. 449.

recorded in the 19th Battalion report was the only accurate account of a general withdrawal around Mons. The "determined" fight for Mons that had previously been recorded was evidently a combination of Grafftey's platoon advancing against empty German machine gun posts, Handy's precautionary measure of using hand grenades to be certain the enemy had evacuated, two dead Germans killed in retreat, possibly by German guns, and some bewildered Germans surrendering without their weapons.

Thus it became clear that the Germans had evacuated before the Canadian attack. One officer who questioned Belgian civilians at Mons in 1918 was told that the Germans had completely evacuated the city between midnight and 0930⁷⁰ A member of the 24th Artillery Battery confirmed that "arrangements were made to manhandle a gun of the 24th Battery into an advanced position to encounter German machine gun nest at close range" but the gun was never fired due to the German retreat.⁷¹ Another soldier told the court that the only fighting he witnessed that night had been several Belgian civilians "fist fighting" in a court yard.⁷² Another soldier described one section of the P.P.C.L.I.'s attack on Mons as consisting of several soldiers running their rifle butts along the bars of windows in order to arouse the attention of the civilians to their liberators.⁷³ One

⁷⁰J. O'Neal testimony, Trial transcript, p. 1713.

⁷¹Trial transcript, p. 1681.

⁷²Ibid., p. 1255.

⁷³Ibid., p. 1214.

soldier testified that his final encounter with the German rearguard in Nimy.

... was just an argument of a bunch of Heinies underneath the light there, and they were evidently disputing something, and they weren't looking for trouble, so I decided as everyone was dead tired, I would not start anything, I would leave it till morning.

The only other prisoner captured that night was a German who had hidden in a cellar until civilians brought him to the Canadian soldiers.⁷⁵ Consequently, at least five of the seven recorded prisoners taken by the entire Canadian Third Division appeared anxious to finish the war.

The court testimony also challenged Currie's description of the troops. Currie thought "D" Company of the P.P.C.L.I. refused replacement by members of the R.C.R. because "they wanted to be in on the finish." while agreeing with other officers who confidently thought the troops were as "eager as anyone to capture Mons."⁷⁶ But the witnesses testified that after marching from dawn to dusk for two weeks, the good billets and jubilant crowds grateful to their liberators appealed to them more than the swampy fields around Mons.⁷⁷ The P.P.C.L.I. had miscalculated by volunteering for extra duty in the belief that

⁷⁴Symons testimony, Ibid., 1469.

⁷⁵Trial transcript, p. 1828.

⁷⁶Currie Papers, file 60, Currie to A. F. Duguid 22 September 1927.

⁷⁷Eric Finley testimony, Trial transcript, p. 1247; Alfred White testimony p. 1368.

the main German force would not stay past the night of 9 November. On the night of 10/11 November these soldiers attained their desired billets and advanced no further.⁷⁸

Regan shifted his strategy to defending the accuracy of the war diaries and narratives in the face of this crippling evidence recounting a passive final night. Previously Regan had attacked the records in search of the missing casualty records to the point that Judge Rose commented, "I wish I could get through my head the reason why we are spending hours upon hours in apparent efforts to falsify the records at Ottawa."⁷⁹ Throughout, Regan failed to clarify that he believed the narratives and questioned their inconsistency with the casualty reports. Now he confused his position by reciting these accounts from published literature in order to contradict the witnesses' testimony.

When questioned about the records, some officers were reluctant to challenge the official record, and confined their comments to personal observation. Others discounted the expertise of the authors. Several members of the P.P.C.L.I. condemned Ralph Hodder Williams' published account of his Battalion in P.P.C.L.I. as "fiction, a matter of light reading, not facts."⁸⁰ Another soldier discredited Canada's Hundred Days; with the Canadian Corps from Amiens to Mons, J.F.B. Livesay's record of

⁷⁸G. W. Little testimony, Trial transcript, p. 1423, Justice Rose Bench Notes, p. 89.

⁷⁹Trial transcript, p. 685.

⁸⁰G. W. Little testimony, Trial transcript, p. 1462.

front line activities.⁸¹ Even General Burstall's report of the storming of Hyon by the Second Division was dismissed as "absolutely impossible."⁸²

Conversely, the plaintiff's counsel challenged General Morrison's narrative of Mons with the testimony of General Walter Gow. Gow, who had travelled to Mons with General Morrison, testified to seeing "3 perhaps 4 bodies on the road to Mons" some distance from the city center.⁸³ Gow, commenting on Morrison's account said, "I wouldn't expect him to make any misstatement of fact," while ironically noting, "He [Morrison] was a journalist don't forget, possibly he might be a little enthusiastic at times in writing a story."⁸⁴ Thus Gow's testimony redefined Morrison's account so that "the enemy's dead thick in the suburbs" and "near the train station" was the result of Morrison having observed 3 or 4 dead Germans well outside the city center, and some distance from the final assaults on the city.

Naturally, General Currie offered the most important testimony. He must have been familiar with the inaccuracy of the military reports having studied the battle as the author of the Government's official report. Regan challenged the accuracy of the war records when Currie described the exhaustion of the

⁸¹Trial transcript, p. 1312. One particular story was told about Livesay telling a group of soldiers hidden in some buildings that there was nothing between us and Berlin--he walked up the street only to receive machine gun fire.

⁸²C. H. Hatch in Bench Notes, op. cit., p. 184.

⁸³General Walter Gow testimony, Trial Transcript, p. 2049.

⁸⁴Ibid., 2040.

German army. Regan sarcastically reminded the General of his own earlier published accounts: "Germans; all exhausted troops with stout hearts behind machine guns you said."⁸⁵ Regan contradicted Currie's passive portrayal of the events at Mons, asking, "Well if that is true that all these German machine guns, that were manned by German soldiers, who were all either killed or captured, if that is true and none of our men were killed certainly we had Providence on our side?"⁸⁶

Currie confessed, "I think it is quite possible that the reports of the [German] opposition is just a little exaggerated."⁸⁷ Exasperated by General Currie's concessions Regan, asked the General:

Will you tell the world, Sir Arthur, now where these men got all this information which is written in war diaries, army reports, reports by yourself, histories written by reputable, honorable men, statements made by a dead Major General if you differ with them all?⁸⁸

Currie had accepted the difference between the wartime accounts and the events depicted in court to be a degree of "poetic licence."⁸⁹ He concluded, after further references by Regan to the conflicting documentation: "I think that the Army report and the 3rd Division report would, in light of the evidence that has come out in this Court, be considerably revised."⁹⁰ Regan asked

⁸⁵ Trial transcript, p. 1913.

⁸⁶ Ibid., p. 1937.

⁸⁷ Ibid..

⁸⁸ Ibid., p. 1947.

⁸⁹ Ibid., p. 1886.

⁹⁰ Ibid., p. 1936.

Currie who should be believed, the men recording the story or the witnesses assisting Currie? Currie replied, "I think the best story will be the story we can write after this trial is ended." Regan retorted, "the story, I suppose, that we can properly style 'The Fifty Thousand Dollar Story'."⁹¹ By now, the defence felt that they would pay a terrible price for the investigation, since most of the official documentation that had encouraged their stand with inferences of a violent encounter, now seemed nothing short of fiction.

General Currie's testimony was unassailable. He testified that his decision to capture Mons was "not swayed by sentiment," and that Mons fell for no other reason than it lay within two geographical points marking continued pressure on the German retreat.⁹² He admitted that Mons "would have fallen within 24 hours without a shot being fired."⁹³ He stressed that "if we had not continued pressing I would have violated my orders; I would have acted unsoundly from a tactical point of view; I would have been traitorous to the troops on my right and left who were going on."⁹⁴ Currie specifically repudiated the popular belief that Mons was not the Third Division's primary objective, adding, "because some of the officers in the lower formations say that

⁹¹Ibid., p. 1938.

⁹²Ibid., p. 634.

⁹³Ibid., p. 1867.

⁹⁴Currie testimony from Examination of Discovery recalled at trial, Trial transcript, p. 481.

the attack was for the purpose of capturing Mons, that doesn't indicate my intention."⁹⁵ While conceding that he had heard of an armistice which he had ignored as rumour, the General denied having received official word of one before 0530 that morning. Regardless, Currie believed that, in 1918, an Armistice was "not a partial or temporary peace, it [was] merely a cessation of hostilities which may be renewed at any time."⁹⁶

The defence could challenge neither Currie's account of his motives nor his reputation. It wanted to produce witnesses who could testify to Currie's callousness or his extensive unpopularity among the troops. But Ontario law permitted three witnesses to give evidence of an opinionated nature related to Currie's reputation or motives. After the defence had done this, the plaintiff produced three officers offering favourable impressions of Currie. Currie's opinion of events at Mons could not be opposed effectively. For example, it was Currie's opinion that troops willingly paraded for him on the Armistice; the defence could not properly counter this image.⁹⁷ Tilley had also made it clear that "possibly his [Currie's] popularity and efficiency might go in an inverse way."⁹⁸ The General's reputation among troops had no place within the trial regardless

⁹⁵Currie testimony, Trial transcript, p. 1960.

⁹⁶Currie Papers, file 60, Currie to B. O. Hopper, 27 March 1928. .

⁹⁷Trial transcript, p. 653.

⁹⁸Sharpe, The Last Day, the Last Hour, p. 126.

of the soldiers' opinions of him or the Mons parade which played a role in the rumour's survival. Other material, such as John Currie's 'dug out incident' and Arthur Currie's difficulties with militia funds, also lay beyond the mandate of the court action. The result was the defence's inability to effectively challenge the reputable nature of Currie.

With defeat looming, the judge permitted Preston to return to the Currie-Hughes confrontation of 1919-20. In the Examination of Discovery, Regan had inquired whether Currie had ever discussed the Mons issue with Prime Minister Borden. In response, Currie suppressed his communications to Borden exaggerating the Mons battle, and denied any communication with Borden.⁹⁹ Preston asked Currie if he knew of Mewburn's cable to Minister of Overseas Forces, Edward Kemp, requesting an inquiry into Hughes' accusations, or of the subsequent investigation. Currie denied any knowledge of the cable, despite having known of Mewburn's request eight years earlier and having opted himself for a more "subtle inquiry."¹⁰⁰ Preston could not explore Currie's failure to accept help from Mewburn without the General's acknowledgement of these wartime communications, which had been revealed by William Nickle. Currie's flat denial made it difficult to pursue the question of whether any investigation had every taken place, or a report made, and effectively precluded further discussion on that issue. Preston dared not

⁹⁹Currie testimony from Examination of Discovery recalled at trial, Trial Transcript p. 540.

¹⁰⁰Trial transcript p. 1840.

antagonize the court with further accusations of a government cover-up, as the defence had already made enough unproven attacks against the government officials.

Finally Preston posed the questions which had plagued Currie for almost ten years:

Preston: Was there no channel of communication to the public which you could have availed yourself of that would have placed your case beyond question?

Currie: I don't know how I could have done it

Preston: Could you not have written a communication to someone to read in the House of Commons?

Currie: I might have done that, yes.

Preston: Remember we are all subjects to attacks in the House of Commons; I have been for forty years, but I have managed to get a reply made every time. Did you take any such steps?

Currie: No.

Preston: Was the channel not open to you?

Currie: It was open but I did not choose to use it.

Preston: Why?

Currie: Because I did not care at that time--I had come back to my own country after four years of war, and I did not think that I should be called upon to defend every charge that anybody made against me.

Preston: I quite agree with you there; but here is one particular charge made in a manner and in a place where it was circulated from the Atlantic to the Pacific...

Currie: I can say nothing more than I have. I felt too hurt to enter into any conflict of that kind at that time... I don't know how I can contradict rumour.¹⁰¹

Preston then stressed his own motivations for pursuing a court action: "all those in public life have to clear ourselves from attacks in the House of Commons or suffer the consequences."¹⁰² For him, Currie's failure to protect himself at the appropriate time, brought about first the article and ultimately the trial.

Currie maintained that the Mons accusations would have been

¹⁰¹Transcript pp. 1969-71.

¹⁰²Ibid., 1972.

merely the first of many had he responded to Hughes' charges. He also emphasized that the attacks "would have got worse if the man who made them had lived longer." This led Currie to reflect on his problems of 1918: "I had no trouble with the Department, I had no trouble with the public, I had no trouble with the Government. It seemed to be all with one man."¹⁰³ With these few words, Currie laid the blame for all his personal and public problems since 1918 squarely on Sam Hughes.

The verdict appeared a foregone conclusion by the end of the plaintiff's testimony. Preston's article now appeared to be vicious and malignant, utterly without justification. Nevertheless, Regan's closing address had some merit. He implied the loss of one Canadian by a sniper at 1057 represented the "needless sacrifice" mentioned in the article.¹⁰⁴ Regan reiterated the similarity of testimony among Currie's officers from the "Dunham War College", and suggested that their collaboration in such topics, as their ignorance of a possible armistice, meant that their testimony could not be trusted. He returned to whether the plaintiff's witnesses, or the mass of documentation, should be believed. He claimed that the records "were the reports written at the time when recollection is good."¹⁰⁵ In his submission, Regan appealed to the common sense of the jury: "If the reports

¹⁰³Ibid., 1997.

¹⁰⁴"Counsel Finish Arguments in Currie Libel Suit," The Ottawa Citizen, op. cit., p. 15.

¹⁰⁵Justice Rose, Bench Notes, op. cit., p 232.

are true, was it reasonable to believe there were no casualties? Was it possible to believe that German machine gunners were killed and fighting occurred without casualties to the Canadians? Is it impossible to believe, as the plaintiff and his witnesses say, that there were no casualties?"¹⁰⁶

Preston's closing address returned to the Hughes debate. Preston accepted that the plaintiff's testimony had completely undermined the defence's evidence. He desired to open the trial beyond the contemporary statutes of libel by explaining the causes leading the Guide to a trial. In the defence's case "evidence had been adduced which supported every word of the editorial." The sources of that evidence developed through official documentation, while the credible statements of the ex-Minister of Militia presented unique circumstances. [Preston] "realized that this trial is without precedent in the world." He claimed that, "Sir Arthur Currie ought to have met his accuser in some form. There was no indication that Sir Arthur had done more than speak at Massey Hall and no copy of the speech could be produced... to show what he said."¹⁰⁷ Preston also criticized Currie's failings in 1919, deducing that "Having said nothing and done nothing in Sir Sam Hughes' lifetime, [Currie] incurred an awful responsibility... It seemed strange that he had taken no action when his peer was alive and witnesses were still alive... consequently the responsibility and blame must rest on

¹⁰⁶"Counsel Finish Arguments in Currie Libel Suit," The Ottawa Citizen, p. 15.

¹⁰⁷Ibid.

his shoulders."¹⁰⁸

Preston also stressed the difficulty in getting evidence. He was particularly annoyed that he could not get a copy of the report by Mewburn and Kemp, of which Currie had denied any knowledge. Bearing this in mind, he asked rhetorically, "Do you wonder why we have had trouble with the disappearance of documents?"¹⁰⁹ Preston's closing arguments asked the jury to challenge the existing statutes in consideration of the unique circumstances of the evidence. Unfortunately, the entire performance of the defence had not inspired the jury to be sympathetic to its cause, and Preston's requests fell on deaf ears.

Tilley's closing speech for the plaintiff brought the case back into a legal setting. He argued:

This was an action for libel, not an inquiry into the war nor an investigation into casualties, but an action to determine whether defendants were to be excused for the article in the Port Hope Evening Guide...The article was mean, but the conduct of the trial meaner still... There is not one statement in that article with a dirty sting in it that has been justified. He was a General carrying out orders, and he carried them out with a saving in human life.¹¹⁰

Only then did Tilley remind the jury of the failing health of Sam Hughes, saying; "In 1919 Sam Hughes made this speech and it would seem that when he did so he left an impression that he was not physically and mentally in a position to appraise things."

¹⁰⁸Ibid.

¹⁰⁹Ibid.

¹¹⁰Ibid.

Tilley felt Wilson and Preston bore total responsibility for the article, since they had been given the opportunity to discuss the issue with General Currie, but refused to retract their statements even after having been told the facts.¹¹¹

The judge's closing address clearly assisted the jury's decision. He confessed he did not totally understand Regan's argument since he had made a practice of defending and condemning the documentation.¹¹² The defence made many suggestions Rose found difficult to grasp.¹¹³ He believed that some of the issues, such as responsibility for the documentation or Currie's failure to face Hughes, were beyond the mandate of the court. He condemned the section in the article relating to "common talk" as repeating gossip which the defence must substantiate.¹¹⁴ Rose's opinion was clear when he summarized the evidence to the jury:

I do sincerely hope that I have got you to believe my statement that no court, no jury, can ever go right except by sticking to the issue. Considering anything else than the issue joined and what the verdict upon that issue is, you are breaking your oath.¹¹⁵

Rose's closing statements stood, despite Regan's objection to the Judge's summary, which Regan argued paid little attention to the importance of the war diaries and to Rose's implication that Regan had conducted his case in an abrasive and insulting way.

On Tuesday, 2 May 1928, the trial came to an end. After

¹¹¹Ibid.

¹¹²Ibid.

¹¹³Trial transcript, p. 2113.

¹¹⁴Sharpe, The Last Day, the Last Hour, p. 233.

¹¹⁵Ibid., 222.

three hours of deliberation, the jury found the Guide guilty, and awarded Currie 500 dollars plus costs. There are several possibilities for the insignificant financial award. First, Preston cross-examined Currie asking why Currie chose to sue Preston and Wilson when two other wealthy newspapers also ran the story. Currie replied, "The purpose of my taking the action was not for the money. I wanted to hold responsible the parties that started it, that printed it, and who should reasonably expect would have known what they were printing."¹¹⁶ Second, Regan explained to the jury that a verdict in favour of Currie would incur about \$15,000 in court costs.¹¹⁷ The brother of a jury member suggested to Currie that the reason for awarding such a little sum was that the small newspaper might evade payment of a greater amount through bankruptcy.¹¹⁸ "For years later another juror said that the jury had been badly split: one faction wanted to give Currie substantial award of damages while the other wanted to find for Wilson and Preston."¹¹⁹ "The jury may have sympathized with the plight of the newsmen and softened the damage in the newsmen's defeat. Thus, vindication without undue expense offered a concession to both parties.

Immediately after the trial, the defence declared there

¹¹⁶ Trial transcript, p. 2134.

¹¹⁷ Ibid., 1975.

¹¹⁸ "Counsel Finish Arguments in Currie Libel Suit," p. 15.

¹¹⁹ Currie Papers, file 64, Judge Huycke to Currie, 14 June, 1928; and file 63, R. H. Parmenter to Col. Bovey, 29 October 1928.

would be an appeal. Regan argued that the rigidity of the judge and his restriction of evidence inhibited the defence's presentation, that the judge's summation to the jury was inappropriate, and new evidence.¹²⁰ Preston's new evidence was an order from Canadian Corps headquarters dated 4:30 p.m. on 10 November, 1918 stating "All operations cancelled, hostilities cease 11th hour 11th inst.. Troops stand fast at the line reached. No fraternization with the enemy."¹²¹ There is no indication of this document's source, nor was it likely to reverse all the trial testimony, but it did support aspects of the critical comment made in their article. Preston and Regan sought justice after logically researching and defending their argument, using the best documentation available. The newsmen held that they were not responsible for their misconceptions, since their article had been based on "facts" recorded in official reports.

Although there is merit in the defence's claims, the appeal heard the following October met with a similar, but quicker, fate. Thomas Hall, co-counsel to Regan presented the case. Chief Justice Latchford presided over three other Justices; Middleton, Riddel and Orde. The appeal became a nightmare for the defence. Justice Orde's son, Reginald Orde, had testified at the trial on behalf of the Historical Records Department. He was the one who issued a statement against the defences accusations

¹²⁰ Sharpe, The Last Day, the Last Hour, p. 230

¹²¹ Ibid., p. 233; citing the "notice of appeal" recorded in the Ottawa Citizen, 15 May 1928.

and conduct. His father offered little sympathy to the appeal, as he later concluded that "the article had slandered every officer of the Corps."¹²² Chief Justice Latchford, having had a son at Mons, also had firm opinions about the Mons story and its participants. He viciously attacked Sam Hughes' credibility by condemning Hughes' support of the Ross rifle. The judges openly disapproved of the attack on Currie and frequently interrupted Hall's presentation in an "unusual, if not unjudicial," performance.¹²³ Justice Latchford did not even call on Currie's representative, Reginald Parmenter, before rejecting the appeal and charging the defence with the costs of the appeal.¹²⁴ Even without a biased attitude against the journalists, the case appeared simple to a contemporary court; their best evidence had been incorrect and their assumptions, although logical and thoroughly researched, were not consistent with the facts of the event.

This trial rewrote the historic battle of Mons. Before it, almost everyone but Currie believed there had been a battle there on the last night of the war. Even General Loomis, commander of the Third Division, testified that he "had always been under the impression that the capture of Mons had happened as written in the war diaries."¹²⁵ It is not possible to know who exaggerated

¹²²Ibid., p. 234.

¹²³Ibid..

¹²⁴Ibid..

¹²⁵Trial transcript, p. 1675.

this "rear guard action" into a battle. Grafftey testified to having reported to his Company Command post that the town had been evacuated. The image of a final battle at Mons may have been heightened by an incident reported to Currie after the trial. On the outskirts, members of the Third Division racing for the city feared they may lose the race to the Second Division speeding through the open fields to the south. One officer confided:

...one machine gun section of south Battalion of the Third Division fired machine guns to give the impression of fighting in order to prevent the northern Battalion of the Second Division from entering the city...nobody seemed to ¹²⁶consider the attack on Mons as a serious engagement.

This comment was substantiated by Grafftey and other witnesses, who testified that they heard machine gun fire to the south of their position during the night.¹²⁷ Thus, a vivid impression of fighting existed because of the movement of artillery, the continued shelling (accompanied by gas in the north), Handy's grenade attacks, and bursts of machine gun fire in the south. That bodies were seen the next morning and a city funeral held two days later, seemed to confirm that a battle had indeed taken place. Those men who avoided an encounter with the enemy were thankful to have been spared the skirmishes which had apparently occurred all around them.

The battle of Mons could have been different. Generals

¹²⁶Currie Papers, Vol. 18: file 61, Lt. Col. N. R. Robertson to Currie.

¹²⁷Grafftey testimony transcript p. 1190 and another witness p. 1264.

Loomis and Currie met to discuss the operation in the morning of 10 November 1918. Although the degree to which the officers of the Third Division wanted to take Mons remains conjecture, Currie testified, in court, that he advised against unnecessary casualties. He gave Loomis permission to "sneak in" and take the city if the opportunity presented itself.¹²⁸ Accordingly, Loomis prepared an attack, which was not required since the Germans had evacuated shortly before the Canadians advanced.¹²⁹ Canadian troops were therefore in a position to sustain casualties if the Germans maintained the force present at Mons at dusk. The German retreat had been good fortune for the many Canadian soldiers who might have met the resistance recorded within the narratives. Such a confrontation was avoided, in the words of one officer, by "dramatic luck."¹³⁰

Luck is never evenly distributed, and at the trial the defence was deserted by it. The chain of evidence lay before them like a trap. The newsmen had a justifiable skepticism of Currie and the military. Their decision to go to trial was based on thorough research and confidence in their sources. The need to go to trial to examine thoroughly the records prevented the issue's resolution without a courtroom confrontation. The

¹²⁸Currie Examination of Discovery testimony recalled at trial, transcript p. 600-5.

¹²⁹Trial transcript, 1695.

¹³⁰Currie Papers, file 60, H. T. Coch to Currie 29 March 1928.

"official records" encouraged the defence by its indecisive and inaccurate nature when they examined them; the document with a missing asterisk led to assumptions of high casualties in the storming of Mons; the casualty records back-dated to 9 November. Zealous witnesses confirmed the presence of bodies in Mons after the Armistice. Furthermore, the defence's knowledge of a mysterious cable from Mewburn, and Currie's unusual inaction when facing the rumour in 1919-20, sustained the defence's skepticism. Thus impressive documentation and vivid personal testimony about the battle of Mons lured the defence to trial, but also condemned them to defeat.

CONCLUSION

THE VICTOR

How slight a thing had turned the scale,
The victor and the vanquished changed;
And I had couched with those who fail,
And he had with the heroes ranged.

Sometimes has victory or defeat.
The Gods decide, the Fates decree,
They dice with Chance, and haply cheat:
The sport of circumstance are we.

(from B. F. Trotter, The Victor, 1914)

The effect of the victory at Cobourg on public opinion far surpassed the importance of the trial itself. The trial merely examined the actions of the Corps commander for three days of the war. The public, however, perceived the verdict as a vindication of Currie's tainted war-time image. This single event restored him to the stature of an undisputed national hero. It also bridged divisions between officers and men of the Canadian Expeditionary Force by confronting the contentious leadership issue. The trial marked a new beginning for Currie as a popular hero.

The trial brought personal satisfaction to Currie, since he had exorcised an old ghost by defeating what Currie believed to be Sam Hughes' friends' silent campaign of slander. Nevertheless, both Currie and the newsmen suffered from the legal ordeal since in the end it affected Currie's health and vitality. Equally, for Wilson, it brought professional disaster, near bankruptcy and hardship for his entire family. Preston, considered Currie's principal target, escaped that fate.

By 1928, the public was more receptive to a verdict in Currie's favour than would have been possible in 1919. The power

and influence of Currie's defamers had eroded without Sam Hughes. Moreover, the enlisted men who had criticized Currie had returned to civilian life and dispersed. Their war bitterness and recollections of the last hundred days dulled with time. Increasingly, soldiers in veterans' groups accepted the status of respected veterans over the isolation caused by unproductive bitterness towards their old leader. Other attacks directed towards officers lessened as veterans' groups began to accept officers, appreciating their organizational skills and political influence. These men, who often expressed favourable impressions of Currie, did their bit in rehabilitating his reputation.¹ Time also provided the common soldiers with greater understanding of the strategies and decisions made by their leaders. In the final analysis, while some soldiers still clung to war's bitter moments, a significant number of others came to acknowledge Currie's military competence and strategic wisdom.

Most important, the public could now examine controversial engagements from a vantage point well removed from the tormented conditions of the war. A trial that would have created widespread scorn for Currie in 1919-20 generated positive interest a decade later, as it coincided with celebrations of the Armistice and victory. Concurrent with the trial, eulogies for

¹See Clifford Bowering Service: The Story of the Canadian Legion, 1925-60 (Ottawa: Legion House, Dominion Command, 1969), chapters 1 to 3, and Desmond Morton, and Glen Wright, Winning the Second Battle (Toronto: University of Toronto Press, 1987) pp. 178-201.

General Douglas Haig, Great Britain's commander-in-chief, drew favourable attention to war leaders. Public interest intensified with a new rivalry between Canadian and American magazines and newspapers, who debated which country had made the decisive contribution to victory in 1918.² Magazines offered the public sensationalist weekly features of Canadian military achievement, which had become regular fare for the Canadian public.

Consequently the possibility of scrutinizing Canada's wartime leader attracted national attention. Public interest was heightened during the Examination of Discovery by Regan's intimation of scandal and Government corruption, until the trial itself became a newsworthy spectacle rather than a legal proceeding. Reporters, government officials, and a wide variety of witnesses descended on Cobourg. That the trial was news can be seen from the coverage it received: "No fewer than 19 reporters converged on the community; they filed an average of 72,000 words per day."³ It was "the sole topic of conversation among Canadians" as far away as England.⁴

²Douglas Haig had been more successful in rebuilding his popularity among British soldiers by refusing to accept a title until Britain's government bestowed a gratuity and improved pension on his men. See Morton and Wright, op. cit., p. 179. The debate intensified directly after the trial with a Maclean's Magazine series debate between H. J. Reilly and George Drew's "The Truth about the War" and "Canada and the Great War", 1 July (p. 3), 1/15 October (pp. 3-5) and 1 November 1928 (p. 3.)

³Daniel Dancocks, Sir Arthur Currie: A Biography (Agincourt: Methuen Publications, 1985) p. 236.

⁴National Archives of Canada, Currie Papers, file 67, H. S. Goodland to Currie, 28 May 1928. All references to Currie Papers are those in Public Archives of Canada (N.A.C.).

To the general public, the details of the trial must have been disappointing. The Examination of Discovery and early days of the trial suggested a broad look at the war leader, as well as conspiracy and scandal. However, the sensationalist element necessary for widespread interest disappeared as the headlines revealed merely an abundance of operational orders and technical military terms.

If the interest in the proceedings themselves waned among the General public waned, they proceedings fascinated veterans. Throughout the fourteen days of testimony, Judge Rose faced large and occasionally boisterous audiences during the unusually hot April sessions. There evolved a background of jeering, laughter, jokes, and occasional outbursts of officers stamping their feet in approval of Currie's statements. At one point this commotion caused Rose to threaten to clear the courtroom. The expulsion of Colonel John Currie, who tried desperately to move the testimony to the Second Ypres dug-out incident, was of particular interest to soldier-spectators. Angered by John Currie's persistence, Judge Rose exclaimed that "you are not being tried." Currie responded, "I have been tried for 13 years."⁵ A policemen escorted Currie out of the courtroom, denying him the opportunity that Sir Arthur enjoyed of responding to his critics in a public forum.

Currie possessed all the opportunities for an easy victory

⁵Currie Papers, John Currie testimony, Trial transcript, p. 208.

before the trial. As commander of Corps operations it should have been a simple task for him to dispel the Mons rumour, having had for nine years specific knowledge of the encounter. He always knew the defence had "not a leg to stand on" as long as the examination was confined to questions strictly pertaining to the article. Nevertheless Currie had another battle to win; he desired to restore his devastated reputation. He had prepared for this moment. In terms of dealing with the public, the "battle of Cobourg" had been his best. In his preparation notes, entitled "Enemy's plan of Battle," he recognized the importance of a soldier-lawyer beside him, as well as "the value of striking statements" for the media.⁶ He provided memorable newspaper headlines stressing "duty," "honour," and "the spirit of Canadian Corps," despite being uncomfortable with public speaking. He impressed everyone with his sincere mix of pride in the Corps and remorse for their sacrifices. One particularly effective comment stopped Regan's attack on the General's sensitivity when he retorted: "I saw those magnificent Battalions go into battle and come out badly decimated, and I have feelings about it you can never appreciate."⁷

Currie inspired public sympathy and support by enduring days of testimony at the Discovery and trial. He created an image of a man simply following orders, a hero victimized by a few jealous and exploitative men. Currie displayed sensitivity and openness,

⁶Currie Papers, file 59.

⁷Currie testimony, Trial transcript, p. 1851.

in sharp contrast to the arrogant, unfeeling commander depicted by the article and the defence's enlisted soldiers. This provided the crowning effort of his public career, while devastating his adversaries.

Currie had won a strategic victory. As Currie wrote, his efforts to change the personal attack into a slight against "the soldierly conduct of every officer and NCO who led men in what might be called the Mons fighting... successfully unified the officers more than at any point since the Armistice."⁸ The officers felt they were back in the trenches fighting a common enemy. Their solidarity during the "battle of Cobourg" was reinforced by Currie at a reunion banquet in the Chateau Laurier shortly before the trial. Some officers felt that the judicial system examining this matter was inappropriate since "the Canadian public... were so far removed from the danger zone" and the jury was "composed mostly of men without military experience." Eventually the press encouraged this belief by calling the trial a fight between civilians and the military.⁹ Finally, Preston's past contact with Corps officers undermined any merit an officer might find in supporting his cause. The story of Mons and of Currie had been revised. With the military establishment behind Currie and seemingly little reason to support Currie's adversary's claims about Mons, W. M. Beattie

⁸ Currie Papers, file 60, Currie to M. T. Gregg 26 May 1928.

⁹ "Counsel Finishes Arguments in Currie Libel Suit", Ottawa Citizen, 2 May 1928, p. 15.

claimed, "Everywhere you now will be acclaimed as you would have been on your return from the war had not 'the enemy' at home poisoned the public mind against you with Prestonian lies."¹⁰

On the other hand, some spectators were unaffected by the trial and faithfully supported the criticisms of Currie. Two enthusiastic spectators, L. P. Jamieson and Charles Barrison, ignored their farm work and travelled daily from the countryside to the Cobourg courtroom. Jamieson, too young for the war, became interested in the trial because of his brother's hatred of Currie; his brother had been a surgeon in the C.E.F.¹¹ Spectators observed the emotional recounting of lost comrades. Regan played on this, seeking sympathy by showing the court pictures of casualties of Mons.¹² Observers saw the hostile mannerisms and blatant allegations of Regan, contrasted by the charm of Tilley, and they witnessed the frailness of the aging Wilson, who nearly fainted while testifying.¹³ But to Jamieson, the most vivid memory of the trial 58 years later remained the polling of the jury after the verdict went against the defence. Jamieson recalled that George Mouncey offered the only dissenting vote, being one of the two veterans in the twelve man jury. Jamieson said Mouncey, "stood and gave a loud 'no! I do not agree

¹⁰Currie Papers, file 65, W. M. Beattie to Currie, 3 May 1928.

¹¹Interview between the author and L.P. Jamieson, Port Hope in the Spring of 1986. Jamieson had attended many of the trial sessions. He passed away in the spring of 1988.

¹²Edwin Joyce testimony, Trial transcript, p. 59.

¹³Ibid., p. 998.

with the verdict."¹⁴ In all likelihood, Private Mouncey, twice wounded in France, could not accept that the history created in the courtroom depicted the same situation he experienced ten years earlier.¹⁵ Jamieson's friend was equally "put out about the verdict."¹⁶

Two opposing views exist of the emotional closing scenes. Upon hearing the verdict, many officers and friends rushed to congratulate Currie. In celebration, Currie moved to shake the hands and thank each of the jurors, including Mouncey.¹⁷ Wilson, "greatly fatigued and worn out by the long days in the courtroom," did not return to hear the verdict.¹⁸ Opponents of Currie, unfamiliar with Ontario libel laws, though the prosecution required an unanimous decision to reach a guilty verdict and also began celebrating. Anger and frustration developed quickly, however, when they learned that Ontario Supreme Court law required that only 10 of 12 jurors were needed.

¹⁴L. P. Jamieson interview, Port Hope, October 1986.

¹⁵Edwin C. Guillet, "Memories of Mons, 1918: a study of the evidence in the libel action, Sir Arthur Currie versus W. T. R. Preston and F. W. Wilson, 1928," unpublished Toronto, 1944, Chapter 10, Library of Parliament.

¹⁶L. P. Jamieson interview, Port Hope, October 1986.

¹⁷Dancocks, Sir Arthur Currie, p. 255, citing Montreal Daily Star, 30 April 1928.

¹⁸Robert Sharpe, The Last Day, the Last Hour: The Currie Libel Trial (Toronto: The Osgoode Society, 1988), p. 225; quoting the Peterborough Examiner, 2 May 1928.

The conflict reached the point where a man was arrested for striking a court official outside the courtroom following the verdict.¹⁹

The trial did not restore Currie's reputation among all veterans; indeed the trial itself resolved little. Some soldiers could not envision the Sir Arthur Currie described at the trial by the press, as the same man they remembered in the field. The trial had examined a dispute involving only three days of the war. Consequently this particular event could be buried under the many other attacks on Currie which the bitter soldiers had greater knowledge. The plaintiff's witnesses had finalized the detailed events of Mons without drawing Currie's career into question. In the same way, many soldiers found the trial to be inconclusive. Some saw the trial from Preston's position, where it was just another example of the officer corps pulling together to destroy a troublesome journalist. Consequently, they preferred to remember the attack on Mons as originally documented, and continued to retell this account.²⁰

The national impression of the trial, however, was very

¹⁹ Cobourg World, Thursday 3 May 1928, p. 1, and L. P. Jamieson interview.

²⁰ During my research I have on four different occasions encountered people who had fathers serving in the war and believed the Mons story as recorded by Hughes. Private James Doak of the 52nd Battalion recalled in Gordon Reid's Poor Bloody Murder: Personal Memoirs of the First World War, (p. 234) that, "We were among the first troops in Mons. We were right at the foot of the hill near the town in Mons. It was quite a slope, probably forty five degrees." "Six Canadians came around the corner and a German machine gun wiped them out. This was on the morning of the 11th November 1911."

different. Across Canada, Currie won an popularly welcomed and undisputed victory. The verdict cleared Currie of the nagging rumours which had tarnished his reputation since the war, and he instantly ascended to the position of an acknowledged national hero. On the first night of the verdict, Currie celebrated his victory with members of Cobourg's Heavy Battery veterans group, who presented him with a commemorative silver tray. The following day Currie returned to Montreal, where he was met with a long-denied hero's welcome. Thousands of McGill students and other well-wishers lined the streets from the train station and pulled his carriage through the city in celebration. Almost ten years after his lonely arrival at Halifax harbour, Canada's conquering hero had come home.

From a broader perspective, Currie's battle resolved some of the animosity and misunderstandings between officers and men. The verdict for Currie undermined the men who had bitterly opposed their old commander. Those who openly believed and encouraged rumours, such as that suggested in the article, had lost their audience. Even those people who had been skeptical of Currie admitted that he now played a prominent role in the veterans' movement after enduring his legal ordeal. One friend wrote to Currie, telling him that the victory presented "not only a vindication of your actions but of the honour of Canada as a nation."²¹ Some two thousand letters of approval and personal congratulations poured in, inspiring Currie to write: "One result

²¹Currie Papers, file 65, D. Adarris to Currie, 4 May 1928.

of the successful action is the welding together of the Canadian Corps as they have not been for ten years. Officers and men regard it as much their fight as mine and it was a Corps action as well as a personal one."²²

Such a change in attitude among veterans is best seen through the actions of the Canadian Legion. Before the trial, even Currie realized that he lacked the popular support necessary for him to participate in building a national veterans' organization. Currie, discussing the Great War Veterans Association's 1921 convention, concluded, "the fact of the matter is that I have never been invited to this convention, which would seem to indicate that I am not wanted."²³ The emerging Canadian Legion organization, backed by Colonel John Currie, also discouraged Sir Arthur's involvement.²⁴ In 1925 Currie attempted to enlist on behalf of veterans the aid of other leaders, including Britain's Field Marshall Douglas Haig, knowing that his own active participation in the veterans' movement might be divisive. However, the 1928 libel trial was a watershed for him with the, by then, dominant Legion organization. Currie,

²²Currie to General Hastings Anderson, Currie Papers, file 65. One indication of a new sense of solidarity among the officer Corps developed from General Turner's testimony at the trial. Several officers were quite surprised to hear of General Turner's defence of Currie's actions and reputation since their rivalry had been intense during the war. Currie Papers, file 64, C. W. Peck to Currie, 2 May 1928; file 66, W. H. Griffith to Currie, 3 May 1928; file 66, Fred ? to Currie 2 May 1928.

²³Desmond Morton and Glenn Wright, Winning the Second Battle: Canadian Veterans and the Return to Civilian life 1915-1930, (Toronto: University of Toronto Press, 1987), p. 185.

²⁴Ibid.

angered and discouraged by the lack of support he received from their national executive prior to the trial, openly complained to a friend: "But for the fact that he [Preston] is getting his false evidence from two of what I am told are officials of that Legion in Port Hope is a fine example of that comradeship which is supposed to exist among fellow members."²⁵ Afterward Currie's ascension to the status of national hero made him a personality behind which the Legion could rally. Accordingly, the Legion asked Currie to preside at their Dominion Conference in June 1928. Here, the executive unanimously elected him to be the Legion's first President.

One can only speculate as to the political or social heights Arthur Currie may have achieved after his vindication, had he not exhausted himself in the ordeal. His victory repaired the stigma against him and he had emerged as a popular hero. This happened at a time when Canadians wanted leadership and desired heroes to lead them through the trauma of the Great Depression. F. C. Harrington recognized this in a congratulatory letter to Currie: "I have a great hope that you will go into politics."²⁶ Currie might have considered a political career, had not the exhaustion and worry, as well as the fear of repeating the ordeal in an appeal, caused his collapse. As he recalled, "The reaction to the worry of the trial was apparently too much and I keeled over one

²⁵Currie Papers, file 65 Currie to Brig-Gen. J. A. Gunn.

²⁶Currie Papers, file 66, F. C. Harrington to Currie, 30 May 1928.

day at home. I went unconscious several times in the next 24 hours and the doctors were quite alarmed."²⁷ Urquhart records, possibly with poetic licence, that when the press phoned Currie "to ask if he had heard of the appeal, he collapsed at the telephone and was found unconscious."²⁸ Currie never fully recovered from this collapse.

It is tempting to second-guess Currie's decision not to face the Mons criticisms or Hughes in 1919. It may have been wise to ignore Kemp's suggestion, since Hughes' knowledge of the potential scandals over Currie's past might have destroyed any remaining public admiration for the Commander. The choice of ignoring the issue, allowing it to fade away with other criticisms, appears to have been a logical decision. Later, in 1927, an already discredited journalist, with little knowledge or access to military and political circles, offered a weaker adversary. Currie paid a lasting price, however, for counterattacking eight years later, since his health could not stand up to the challenge as it might have in 1920.

Currie would have been disappointed by Preston's evident composure throughout the trial, since Currie originally hoped to humiliate Preston and those he assumed were behind him. L. P. Jamieson recalled Preston as being notably clever.²⁹ Preston's arguments were reasonable and lacked the abrasiveness of Regan.

²⁷Currie Papers, file 66, Currie to H. M. Dyer, June 27/28

²⁸Urquhart, Arthur Currie: A Biography, p. 321.

²⁹L. P. Jamieson interview, Port Hope, October 1986.

One reporter cited Preston's closing address as being "full of eloquence with touches of oratory."³⁰ Preston's refusal to take the stand prevented any counter-attack against him. He calmly accepted the verdict, immediately announcing that there would be an appeal. Edward Kemp foretold the future, recording in a letter: "the man who made them [Preston] as long as I can remember has been playing the same game. He has got the kind of notoriety which he desires, but whether he will 'pay up' remains to be seen."³¹ Another friend concluded: "As you must anticipate, it is more than likely that Preston will publish a book, more carefully libelous than heretofore, and much more widely circulated. You cannot go on suing a man indefinitely: you have other things to think of and Preston hasn't."³² A third praised Currie's achievement, noting: "It is time someone clipped Preston's wings and you now have the distinction of being the only one who has done it. I have just concluded his book and he damns everyone from Confederation down."³³

Preston, Currie's main catalyst for the court action, escaped the financial responsibility of the verdict. Currie's

³⁰ Sharpe, The Last Day, the Last Hour, p. 220.

³¹ Currie Papers, file 68, Sir Edward Kemp to Currie, 4 May 1928.

³² Currie Papers, file 66, Brooks Clinton to Currie 3 May 1928.

³³ Currie Papers, file 68, J. R. McLogan to Currie, 14 May 1928.

recorded inquiries into Preston's finances revealed, "Preston is supposed to be moderately well off, but has no visible assets in the vicinity and I question very much whether you could ever collect a cent from him."³⁴ Later Currie's lawyer reported that Preston "has nothing as far as I have been able to understand... He seems to have an income from some source but where it comes from is a mystery."³⁵ It is logical to assume a retired senior civil servant, collecting royalties from his recently released book and married into a successful local family, might have significant assets. Preston's familiarity with legal actions, however, might well have encouraged discretion in his financial holdings and his assets were certainly well hidden by the time of Currie's suit. While Preston probably had money, in short, the plaintiff never did "collect a cent from him." Certainly the trial cost Preston money and credibility, but, of the three combatants, Preston lost the least.

The rest of Preston's life is a journey into insignificance. He stayed in Port Hope for a few more years. Scattered documentation indicates that Preston continued to roam the corridors of party politics in search of journalistic intrigue.³⁶ He and his wife retreated to England, but he returned to fight

³⁴Currie Papers, file 72, D. H. Chisholm to Currie, 8 April 1929.

³⁵Currie Papers, D. H. Chisholm to Currie, 23 May 1929.

³⁶The last existing letters are from Preston to Senator Murphy defending the integrity of Lord Byng and another attacking Prime Minister King for lack of loyalty to Liberalism and the party. N. A.C., M.G. 27, 111 B8, Vol. 25, folder 114.

one last court battle at 81 years of age. This time Preston sued P. D. Ross over defamatory comments made about him in Ross's book, Retrospects of a Newspaper Person. After three days of testimony the jury found for the defendant Ross, while officially noting, "We find that Mr Preston has had an honourable public career."³⁷ Following this he returned to England, where he died in 1942 at the age of 92.

Preston's life remains difficult to evaluate. He, much like Hughes, was extraordinarily opinionated and never indifferent in his judgement of others. His career is recorded by Currie's military friends, or remembered by people in a town he marred through his actions. Just the same, some of his reporting showed merit. His revelations about the wartime election and perhaps the shipping combine were uncovered issues which he faced alone. The evidence available to Preston concerning Mons in documentation, from veterans, or in Hughes' allegations in the House of Commons, convinced him that a vicious attack was justified. Preston could be judged unlucky in the issues he pursued in court, but his bold writing style and cutting commentary prevented him from gaining popularity as a newspaperman. Preston's attack on Currie was characteristic of this style, and a relic of an earlier age where such abrasive attacks were commonplace. His sharp attacks on a military leadership which had enjoyed years of censorship were, without doubt, cutting and hostile for a writer of any age. But the evidence surrounding this particular case does not warrant the

³⁷ Sharpe, The Last Day, the Last Hour, p. 241.

label of "unqualified scoundrel" with which Currie's biographers have tagged him. Moreover, when his own career in another libel case was on trial, he was found by a jury to have lived "an honourable public career." A fair judgement could be offered only after a detailed study of this controversial figure, but insignificance rarely presents such opportunities.

Currie accepted that his victory in Cobourg had defeated his old wartime enemies, notwithstanding the dearth of evidence implicating the Hughes' gang. Currie had been shaken by the informed level of questions and the presence of his old associates George Price and Garnet Hughes at the Examination of Discovery. Still, none of the trial testimony, or the post-trial pressure on Preston and Wilson, revealed Garnet as an accomplice. Nor did Currie's subpoena at the Discovery, calling for all Preston's correspondence, reveal Garnet's involvement. The only post-trial suggestion that Garnet Hughes had sought to "get Currie" was when a friend wrote Currie after the trial, commenting: "I trust that the whole matter will die out now and that, having had a lesson, the gang will lie low."³⁸

The concern surrounding Garnet's angry threat against Currie in 1917 demonstrates Currie's unwarranted fear of his associates. This is especially apparent given Garnet's evident ignorance of the threat's later importance. Currie had hidden his fears very well, since Currie's sister Marjorie thought that Arthur Currie

³⁸Currie Papers, file 65, O. Brothers to Currie, 7 May 1928.

truly liked Garnet even after the war.³⁹ Likewise, Garnet thought that their friendship survived. Garnet was eager to assist Urquhart in the creation of Currie's biography in the 1930s.⁴⁰ It is possible that both men surpressed the ugly confrontation between the Hughes family and Arthur Currie. Still, Garnet denied continued friction with Currie. Recalling the situation in 1917, Garnet believed he was refused the prestigious First Division because of Currie's disappointment with Garnet's preference to build the Fifth Division in England rather than command the Second Division already on the line.⁴¹ Hence Garnet sacrificed experience, and lost out when the First Division became available. He apparently attached no importance to the threat, as there is no mention of it in his correspondence to Currie or Urqhart. Still, in 1928, Currie could not accept that Sam's son would not carry on the attacks in Sam's absence. Garnet's attendance at the trial is understandable, given his father's role in the Mons issue. In all likelihood General Currie's attack on the Guide was directed against a major phantom that played little part in the confrontation.

General Currie's attitude toward Fred Wilson showed that Currie wanted revenge on someone. Several of Currie's

³⁹ McGill University Rare Book Room (M.R.B.R.), Urquhart Papers, Urquhart Draft-1, Box 3: file 2, p. 66.

⁴⁰ M.R.B.R., Urquhart Papers, Box 5: file 6, Urquhart circular, Major-General Garnet Hughes to Urquhart, 13 November 1934. Urquhart also makes the comment that he considered Garnet to be "guarded" in his response. Draft Box 3: file 2.

⁴¹ Ibid., Box 5: file 6.

correspondents minimized Wilson's role in the article. W. Buchanan concluded, "in this instance, I am seriously sorry for Wilson as I feel he was more or less an innocent victim of the other fellow."⁴² Currie rejected this. Certainly Currie rejected Preston's testimony that "Mr Wilson and I stand on entirely different relationships. He is a businessmen and I am as separate from him as anyone in this room."⁴³ When it came to the lawyers settling court costs, Currie's local lawyer, Hector Chisholm, advised the General to accept a settlement offer from Wilson of \$4000 instead of the complete payment of \$5,737.53.⁴⁴ Chisholm calculated that the higher sum would cause the newspaper's bankruptcy, which could prove embarrassing for the new-found hero.⁴⁵ Currie, nevertheless, instructed Chisholm to drive for the full amount.⁴⁶

There may have been ulterior motives behind Currie's insistence on pressing Wilson. Did Wilson's rejection of Currie's position at their Montreal meeting condemn Wilson? Or was Currie refusing the advice of his counsel in order to create

⁴²Currie Papers, file 65, W. A. Buchanan to Currie, 3 May 1928.

⁴³Trial transcript, p. 1820.

⁴⁴Currie Papers, file 72. Court cost tallied.

⁴⁵Currie Papers, file 72, H. Chisholm to W. Bovey, 11 April 1929.

⁴⁶Currie Papers, file 72, Currie to H. Chisholm, 15 April 1929.

friction between Wilson and Preston, and thus draw out the secret supporters of the Guide? Currie may have believed that driving at Wilson's tangible assets could achieve payment from both Wilson and Preston. This was scarcely credible, however, as the strain of the trial and verdict destroyed the newsmen's friendship.⁴⁷ Therefore, Currie's attack on Wilson brought retribution on Wilson alone. If Currie had hoped to achieve other goals by squeezing Wilson, he failed to do so.

Wilson's efforts to clarify the events around Mons and see that the "privates got their share of the glory"⁴⁸ destroyed him and plagued and his family for years. With the help of friends, Wilson eventually raised \$5229.09, making his final payment in late 1929, on the eve of the Great Depression. Wilson died on 13 October 1929, undoubtedly a casualty of the last battle of Mons. The Toronto Globe recorded his breakdown to be "brought on by the worry he had carried in recent years".⁴⁹ Afterward the paper struggled under the direction of Fred Wilson's two sons. Determined to retain the family business, they continued to pay back local creditors. Don Wilson is remembered for his determination to repay all from whom his father had borrowed during the trial.⁵⁰ For years the proud family silently endured

⁴⁷ Interview between the author and Port Hope historian Norman Strong, Port Hope, Spring 1986.

⁴⁸ Wilson testimony, Trial transcript p. 1028.

⁴⁹ Sharpe, The Last Day, the Last Hour, p. 241; citing the Toronto Globe, 14 October 1929.

⁵⁰ Interview between the author and Norman Strong, Port Hope,

the stigma and financial burden that the decision imposed. In 1944, George Wilson's daughter-in-law, who acted as managing editor of the paper during the war years, stated the family's position to an inquiring journalist: "Naturally enough we would feel reluctant to have the matter re-hashed in any way, as it was an unfortunate occurrence in any event, and to my mind is better forgotten."⁵¹ Thus the Wilsons family's reticence effectively inhibited research into their story. In addition, this display of embarrassment confirms that the newspaper was not involved in some devious plot. Rather, they had been wrong over the Mons issue, and their argument was untenable in light of the facts. Such circumstances aggravated the inflicted wounds.

Wilson shared his shame with his community and his profession.⁵² One correspondent mentioned to Currie that "from all sides I have heard expressions of very strong words against the editor of a little town in Ontario who has shown such bad taste years after the war."⁵³ Wilson complained in court that the Guide's staff were being threatened as a result of the

Spring 1986.

⁵¹ Ontario Archives, Ref. # M.U. 2137--#3/1944, Mrs. Ralph Wilson to Miss Leckie, 27 September 1944.

⁵² Port Hope historian and past mayor, Michael Wladyka, commented on the long-term effect the trial had on Port Hope's reputation, since it undermined the credibility of the local newspaper and prominent owner and editor F. W. Wilson.

⁵³ Currie Papers, file 67, F. Geo. Fallis to Currie, 5 April 1928.

trial.⁵⁴ The great newspaper baron, F. N. Southam, captured the national atmosphere in a letter to Currie: "It was rather taken for granted during the trial that newspaper people were a rather poor lot with no particular reputation to preserve."⁵⁵ Other newspapers prematurely joined Currie's side, and published resolutions of support until Preston registered a complaint.⁵⁶ It appears few appreciated the Guide's difficulties or the misleading path it had followed.

It is unknown whether Wilson ever confirmed the involvement of the town's competing newspaper. Both Currie and the Times editor, Peter Brown, kept their communications a secret throughout the trial. Regan tried to establish their relationship during the trial and in his closing summary, but the prosecution resisted any such disclosure.⁵⁷ Locally, Brown's complicity was suspected, since people in Port Hope saw the trial as a battle between Liberal and Conservative political parties.⁵⁸

In the end, the curse of the article also fell upon Peter

⁵⁴Trial transcript, p. 1016.

⁵⁵Currie Papers, file 62, F. N. Southam to Currie, 2 May 1928.

⁵⁶Trial transcript, p. 1004.

⁵⁷Trial transcript, p. 1979, and "Council Finish Arguments in Currie Libel Suit," op. cit., p. 15.

⁵⁸Interview between the author and Norman Strong, op. cit.. This opinion is supported by the Hall trial over the Wilson estate. According to G. N. Gordon, Hall had offered his services free as a political gesture. This event is detailed in subsequent pages.

Brown, the trial's instigator. Wilson's business managed to escape bankruptcy, largely due to his own determination and the assistance of his friends. Local people sympathized with Wilson's plight, feeling him a victim of a political battle or simply tricked by Preston.⁵⁹ Meanwhile, during the same period, Brown attempted to capitalize on the Guide's misfortunes by expanding his newspaper's capacity in an attempt to become the voice of the Conservative Party in Ontario. He took this action on the understanding that Conservative leader R. B. Bennett had promised to fund part of the project. Funding from the Party did not materialize, so Brown sought help among the Port Hope community. These people were less helpful to Brown than to Wilson. Brown failed to find other financial support when the money from political circles did not materialize. This shortfall overextended his resources, causing the Port Hope Times, published since 1869, to cease publication.⁶⁰

The trial irreparably marked Wilson's counselor Frank Regan. Regan's name endured as the vicious lawyer who had launched the inquisition against the General. Regan found the trial a stigma when he unsuccessfully sought a Conservative Party nomination in a Toronto riding in 1930. As Currie recorded with satisfaction, "everywhere he met the objection that he was the man who defended the action which Sir Arthur Currie took."⁶¹ Surprisingly, Regan

⁵⁹ Interview with Norman Strong, op. cit..

⁶⁰ Currie Papers, file 64, "memo of conversation with Mr. Peter Brown of the Port Hope Times" 9 February 1930.

⁶¹ Ibid..

enlisted Times editor Brown to speak to Currie on his behalf. Brown went to Montreal, explaining Regan's difficulties and claiming both that Regan had been "a gentlemen at all times during the Cobourg trial," and that the General "should find no fault with Regan as council in his client's interest."⁶² Currie refused to read Regan's letter. He commented to Brown that Regan's political problems were "no concern of mine," while noting "what constitutes a gentlemen was not regarded in the same way by all people."⁶³

Regan made his last appearance in connection with the trial in 1932. Wilson's local lawyer during the trial, W. H. Hall, had filed suit against Wilson's estate for payment of services. G. N. Gordon, Wilson's previous lawyer, represented Wilson's estate. Gordon stated that it was his understanding that Hall's services were to be given free, "as a political gesture," while "Mr Regan 'had soaked' in his fees, and in view of this Mr. Hall should not ask for fees." After a sharp exchange between Gordon and Regan, Regan expressed his opinion that the sum of the verdict would have been much higher without his efforts, retorting that the case "was not a complete vindication" for Currie.⁶⁵ Again Regan

⁶²Ibid..

⁶³Ibid..

⁶⁴Currie Papers, file 57, G. N. Gordon to Currie, 9 June 1932. In this letter he sends Currie a copy of a newspaper article entitled "Currie case is dragged up as solicitors tiff in suit" from Toronto Star 8 June 1932. Gordon apparently represented Wilson after the trial and did considerable work on the appeal according to researcher Edwin C. Guillet, op. cit., chapter 9.

had misjudged, since the trial's popular image had indeed vindicated Currie. Subsequently, the same popular opinion weighed against Regan's future.

One other trial sheds light on the nature of the defence and its counsellor, Frank Regan. In 1933, Regan represented a would-be bank robber in what became known as the "Dorland Affair." Once again he attacked government officials, this time the Toronto Police Department over serious misconduct, perjury and the forging of police and court records. Regan's persistence bore success as he disclosed corruption which implicated the chairmen of the Police Commission and forced him to resign.⁶⁴ Perhaps Regan's skepticism of the credibility of official records was fostered after the Cobourg trial. Certainly the Currie trial did not dissuade him from such skepticism or his persistence against bureaucracy.

Could another, more seasoned, lawyer have defeated Tilley in view of the evidence and presiding judge? Tilley was one of the best lawyers in Canada, while Regan was attempting to make a name for himself. Perhaps Regan was too inexperienced to know that he would be unable to present most of his evidence. Nor did his name carry the influence to impress a judge as did Tilley's. Regan went to trial focusing on casualty statistics which did not exist. He was never able to correct this misconception or effectively change his strategy to accommodate damaging testimony. The evidence required an expansion of the laws of

⁶⁵ Sharpe, The Last Day, the Last Hour, p. 243.

"fair comment," but Regan's methods exhausted the court's patience and his mannerisms were not conducive to gaining sympathy, or to creating legal precedents.⁶⁶

One can argue that the small newspaper had little chance of equal representation. Experienced counsel required more money than the paper could pay. Currie's lawyers were surprised that the defence could raise the \$400 necessary for an appeal, let alone finance another prolonged trial.⁶⁷ Currie had no such problems, since friends and McGill University rallied to his support, raising \$30,300 to defray the costs and enable him to take a vacation afterward.⁶⁸ This amounted to three times the money required for his legal fees. Admittedly, the money had been long deserved, since, as the article claimed, Currie had been the only war leader neglected by his government. But such funding ensured that the two sides of this case would not be represented equally.

It is ironic that Currie believed he had fallen into a well-prepared trap, in view of the irresistible pull on Wilson and

⁶⁶The impressive career of William Tilley was unchanged by the trial. In 1931, he was elected treasurer of the Law Society of Upper Canada. He continued with other important cases until his death in 1942. Equally "Rose was appointed chief justice of the High Court, a post he held until his death at the age of seventy-six in 1945." Sharpe, The Last Day, the Last Hour, p. 240.

⁶⁷Currie Papers, file 63, R. H. Paramenter to W. Bovey, 22 August 1928.

⁶⁸Currie Papers, file 65, W. M. Beatty to Currie 6 June 1928.

Regan to challenge Currie through the courts. The General had little to lose through a trial, while he had a good chance of benefitting. Well before the court battle, Currie's sensitivity to, and direction of, the events at Mons promised his victory in court. The presence of his old associates, Price and Garnet Hughes, caused him to feel a victim of clever trickery, but that simply was not the case. For Currie, the defeat of the newspaper was a foregone conclusion, since he knew there had been no night battle at Mons. Therefore, if there were traps laid, they were indirectly the work of Currie himself. He had documented the events at Mons to glorify Canadian efforts, and he later denied and defied this documentation in his own defence. This inconsistency is an error on Currie's part, to which Preston's and Wilson's journalistic persistence fell victim to the rehabilitation of Currie's career.

How should Preston and Wilson be judged after observing both sides of this confrontation? Were they opportunists in search of one last sensationalist scandal, or ordinary newspapermen drawn to almost unavoidable conclusions based on, in Currie's words, the military's "poetic licence"? If the former, then one must feel the verdict too lenient, since their efforts sapped the vitality of the most renowned Canadian military hero since Sir Isaac Brock. If the latter, the trial indicates the dangers inherent in journalism and in a journalist's attack on political or military establishments. Greater sympathy is gained for the newspaperman combatting conspiracy among the country's military and political leadership in the post-Watergate world. The

detailed evidence developed at the trial proved their harsh accusations concerning Mons to be incorrect, although the path they followed appeared inevitable prior to all the revelations of the complete testimony.

Probably both parties in the Cobourg courtroom acted with just intentions. The writers of the Guide article made understandable conclusions using the available information. In the end, the inaccessibility or absence of a basic tally of casualties at the heroic battle of Mons led the journalists down their hazardous path. Preston's wartime experiences and Currie's unusual behaviour toward Hughes' attacks encouraged a skepticism of the military which pushed Preston to challenge both Currie and the war records branch. Likewise, Preston and Wilson encountered military exclusiveness and equated it with conspiracy without realizing the recording officers' biases. The ideal circumstances for Preston for a confrontation coincided with the publication of his memoirs. But Preston was unlikely to abuse his friend or his community without firmly believing in his evidence. Wilson, without prior motive, was influenced by the oral testimony of his community; testimony which, similar to Mouncey's dissenting vote on the jury, would not be changed by the trial's verdict. In the end, persistent journalism saw Wilson pay the full price of fighting the wrong fight.

Major General W. A. Griesback wrote that Currie "was a great leader who rendered great service to an ungrateful country."⁶⁹

⁶⁹Urquhart, Arthur Currie: The Biography of a Great Canadian (Toronto: J. M. Dent and Sons, 1950), p. 269.

Currie had been an unquestionably good leader for Canadian troops and deserved a better reputation than fate had given him. To their credit, those closest to him, Currie's former staff members, acknowledged this and gave him wholehearted support at the trial. In the end, the Mons rumour offered Currie more advantage than detriment. The opportunity to review his reputation, once a war-weary nation had recovered, was a fortunate and deserved twist of fate. The benefits of disproving the rumour were far greater than the damage it previously caused, since it permitted an unusual recovery of the man's reputation. At Cobourg, Currie had won his last battle of the Great War.

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There is more to the story than the fate of its participants, since the significance of the trial is far greater than the sum of its parts. The verdict appeared to give the trial little historical significance. Currie's winning of the case made the battle fought in Cobourg appear to be of no independent historical value, since the allegations made against him were judged false. His adversary's most basic information, the fact of a battle of Mons on the night of 10/11 November, was proven incorrect. Therefore, the defence's whole argument carried little weight with those studying Currie's career or the last hundred days of the Great War.

Preston's final arguments defended the Guide's role as journalistic reporting of an historical event based on popularly accepted and officially recorded 'facts.' It remains that the Canadian Corps expected a final battle at Mons and, for the evening of 10/11 November, the Canadian military recorded a

battle that never was. Only Currie's post-war circumstances demanded that the records be scrutinized. Otherwise, the inconsistency surrounding Mons would have gone unnoticed because of the wealth of official records depicting a violent final encounter. Disclosing this inconsistency, the trial challenges the core of military studies by the defence's questioning of the methods and accuracy of official record making. At no other time has there been such an extensive review of a specific battle of which the war diary was demonstrated to be so wanting.

And yet the limitations of the war records, made so obvious at the trial, have not been given appropriate consideration. Currie testified that "the best account of the events of Mons would be written after the trial."⁷⁰ Even as the court testimony discredited General Morrison's diaries and his outrageous version of the events at Mons, the Ottawa Citizen celebrated the Armistice anniversary by publishing them. Later, a 1934 review article of "Historical Literature on Canada's participation in the Great War" curiously discounted the trial for the very reason it is important since "such a production hardly entitles [the trial's resources] a place among official publications."⁷¹

One must hope that the judicial forum in 1928 developed an accurate account of the historical situation in November 1918.

⁷⁰Currie testimony, Trial transcript, p. 1938.

⁷¹Professor Kerr, "Historical Literature on Canada's Participation in the Great War", Canadian Historical Review, 14:4, 1933, p. 426.

The trial did not account fully for the officers' biases in assisting Currie, the speculation surrounding the missing Mewburn report, nor the enlisted man's interpretations in the casting of the court's historical narrative. The judge properly performed his role in restricting emotion and hearsay evidence, although these factors had held a prominent place among soldiers in November 1918. Still, the trial resulted from the journalists defending their actions under the direction of what they believed to be the 'historical facts' present in official war records. The consistency of these records leaves untold the complete story of Mons, or of the recording of the battle of Mons. In the accurate tracing of events or the myth which evolved from Mons, we capture a time capsule of an important aspect of Canadian history. From the clash of military giants and the unrest of soldiers, to the honour of journalists and their confrontation with the legal system, the third battle of Mons enables the historian to acquire a new and challenging perspective on Canada's greatest military conflict and the historical figures who commanded these armies.

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