

Commentary

George Black and the Wuksonovich Trial: Finding the Truth in History

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Abstract: Inaccurate historical details often become embedded in the narrative because of frequent repetition. Such was the case with a murder trial that involved prominent Yukon lawyer George Black in 1922. This is a cautionary note for those gathering historical accounts to dig deep and evaluate the content carefully, or risk perpetuating historical myths.

It is often difficult to get to the truth of history, and Yukon history provides many such challenges. For example, some tall tales from the gold rush era have been repeated so often that they are accepted as fact. The shooting of Dan McGinniss by Jack Dalton has been repeatedly glamorized into a Hollywood-like gun fight in a saloon, when the actual incident was much less romantic.³ Countless people recall meeting Jack London in Dawson City, though most of these accounts can be dismissed.⁴ And how many people remember packing over the Chilkoot Pass in the company of the Yukon's bard, Robert Service, or witnessing the shooting of Dan McGrew?⁵ Even noted jurist and early chronicler of northern history, James Wickersham, reports seeing Service in a bank in Dawson during a visit in 1900, years before Service was posted to the gold rush town.⁶

Such has been the challenge in unravelling the actual events in the life of Yukon lawyer and parliamentarian, George Black. Black came to the Yukon during the Klondike gold rush and became central to the political development of the Yukon for the next half century. He was also a prominent lawyer in Dawson, Whitehorse, and Vancouver for fifty years. He participated in the gold rush and, to the best of our knowledge, is the only individual who traversed three different routes into the Yukon in 1898—the Chilkoot and White passes, and the overland trail from Telegraph Creek to Teslin Lake.

We have been compiling the life history of George Black for some time, and during our research we came across an intriguing article in the *Dawson News*, dated February 19, 1931. George Black had been selected as Speaker of the House of Commons only a few months before, and there had been numerous articles in the press detailing his colourful history. One article was titled “Two Thousand Mile Errand of Mercy by Black,” which had first appeared in the *The Province*, a Vancouver newspaper, five weeks earlier.⁷ In it, Grant Dexter, a parliamentary journalist for the *Winnipeg Free Press*, recounted how Black had been called upon to represent a man in a murder case in Edmonton. The accused's name was Mike Zarkovitch, and he had stabbed a man in a dispute, the article said, over remarks derogatory to the British Empire, made by a German.

The man had no money, nor could he speak English fluently, but he insisted that George Black would defend him. The prosecutor seemed skeptical that a sitting Member of Parliament would leave his post in Ottawa to defend a man 3,500 kilometres distant in Edmonton. But the man had served with Black during the First World War and Black counted those who served with him as his closest friends. To the astonishment of prison officials, Black responded with a telegram stating that he was on his way to Edmonton. According to Dexter, “The case

seemed rather hopeless, but Mr. Black put up so moving a plea in his address to the jury that Zarkovitch was acquitted and restored to liberty.”⁸

This story was a tantalizing glimpse into Black’s legal career, his sense of honour and loyalty to those who served with him in the Canadian Expeditionary Force, and his character as an individual. We wanted to learn more about this case, but where to begin? This started us on an eighteen-month quest for answers. We queried the law library in Whitehorse, to determine if they had any record of this case, but they do not hold records pertaining to a trial in a distant jurisdiction. We turned to then Yukon Supreme Court Chief Justice Ron Veale for advice on where to look for more information. He suggested that we make an inquiry of the Alberta Court of Queen’s Bench, in Edmonton. That did not produce any results, nor did a query sent to a sitting judge residing in Edmonton, who had been referred by a work colleague (the judge was his brother).

We continued to pursue leads to this case wherever an opportunity presented itself, but a year and a half later the trail remained cold, although we kept the files for this mystery on the back burner for future exploration. Could the story be true or was it merely a piece of journalistic sleight-of-hand?

The answer to this question took us on a long and winding trail. We turned to the military records online at the national archives in Ottawa. Yes, they held the First World War personnel file of a Marko “Mike” Zarkovich. The military records were systematically being digitized, but since the Zarkovich name fell at the end of the alphabet, it could be months before the file might be accessible online. It should be noted that Dexter spelled the surname incorrectly, which compounded the difficulties of doing online searches.

We had planned an extended trip to conduct research on George Black at various institutions from Calgary, in the west, to Fredericton, in the east, with a stop in the middle at Ottawa. At the Glenbow Library and Archives in Calgary, there was a file on George Black that included a bio produced by the Canadian Press in the early 1950s, which mentioned the Dexter version of the stabbing. We scanned various records of the Royal Canadian Mounted Police, reasoning that such an event would have appeared somewhere in the files. We worked back for several years starting in 1931, but found nothing that would set us on the right course. Another inquiry led us to the Provincial Archives of Alberta and the Legal Archives Society of Alberta. We moved on with our research on other topics while waiting for responses from these two institutions.

In Ottawa, we were able to examine the military records of Mike Zarkovich (not Zarkovitch, as misspelled by Dexter), confirming that he existed and was from Edmonton. This was an encouraging step forward. Zarkovich had enlisted in the Canadian Expeditionary Force in Edmonton, February 3, 1916.⁹ But the national archives held no records of a murder trial for him in its vast holdings.

Returning to Calgary, we contacted the Provincial Archives of Alberta in Edmonton and confirmed that there was a file for the Zarkovich trial, so arrangements were made to visit and examine the trial records. Unfortunately, the circumstances of his trial did not match the information we already had for the murder case we were interested in. It seemed like we had reached a dead end. Why was this case mentioned in the article written by Grant Dexter?

Meanwhile, we had received a reply from the Legal Archives Society of Alberta, confirming that they did not have any records pertaining to the murder trial for Mike Zarkovich; however, they did have George Black's application for admission to the bar in Alberta. This included the date of May 19, 1922. In our previous research, we had not worked that far back in time from the 1931 article in the *Dawson News*. Within minutes, we were on the computer, checking an online database for Edmonton newspapers. Since May 19th was a Friday, we started with the newspapers for the following Monday, and searched articles in both the *Edmonton Journal* and the *Edmonton Bulletin* for the dates May 22nd and May 23rd. There, we finally found what we were looking for.

The name of the accused in this trial was George Wuksonovich. The difficulty that we had encountered up to this point in our research was due, in large part, to the wrong person being named in the Dexter article. This was further compounded because the 1931 article in the *Dawson News* did not provide the date of the trial, which had taken place nine years earlier.

On the morning of April 1, 1922, Mike Mattich, a coal miner, accused Wuksonovich of being a scab in a labour dispute at Mountain Park, Alberta, now a ghost town. In the struggle that followed between the two, witnesses saw Wuksonovich produce a knife, with which he stabbed and killed Mattich.

Dexter, in his 1931 article, had identified the incorrect accused. Wuksonovich was not acquitted, as stated by Dexter, but was found guilty of the lesser charge of manslaughter. George Black, who assisted in the defence of Wuksonovich, gave a brilliant closing statement according to the *Edmonton Journal*, which covered the trial. However, the judge agreed with the prosecution that an example should be made of the accused as a lesson to other foreigners in Canada, and he was sentenced to ten years hard labour at the penitentiary in Prince Albert, Saskatchewan.¹⁰

Now that we had the facts of the case, it was possible to contact the Provincial Archives of Alberta, this time with the correct name; in short order, they were able to supply us with the transcripts of the trial.¹¹

There are lessons to be learned from this account. Had the newspaper version been accepted at face value, then the outcome of the trial would continue to be misrepresented in later historical accounts. Fortunately, this would not have dramatically altered the narrative of Black's career (the true facts of the matter were every bit as interesting as the Dexter version), but what if it had?

So why did Dexter get his story so wrong? George Black had been selected for one of the most important and prestigious positions in the Canadian parliamentary system. The newspapers were flooded with articles about Black and his unique northern experiences. It made good copy. Perhaps the Dexter article was an attempt to enhance Black's profile in the public eye. The account certainly captured our interest when we found it in the Dawson newspaper.

Was the 1931 article the result of poor research by the reporter? There are clear similarities of place, time and circumstances between the cases of Zarkovich and Wuksonovich. In either instance, the point is the same. Sometimes you must dig deep to get to the facts of the story, even if they challenge the accepted narrative. Otherwise, inaccurate accounts become embedded in the story, and they are very hard to get rid of.

Notes

1. Michael Gates is the former curator of collections for Klondike National Historic Sites in Dawson City. He is the author or co-author of seven books on Yukon history. He is also the author of the long-running popular History Hunter column in the *Yukon News* newspaper.
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3. Michael Gates, "Jack Dalton and the Shooting of Dan McGinniss," *Yukon News*, June 16, 2007, updated July 21, 2017, <https://www.yukon-news.com/letters-opinions/jack-dalton-and-the-shooting-of-dan-mcginniss-6968729>.
4. For example: Franklin Walker, *Jack London and the Klondike: The Genesis of an American Writer* (San Marino, CA: Huntington Library, 1978), 111–112.
5. See Pierre Berton, *Klondike: The Last Great Gold Rush, 1896–1899* (Toronto: McClelland & Stewart, 1972), 429.
6. As noted in James Wickersham, *Old Yukon: Tales, Trails and Trials* (Fairbanks: University of Alaska Press, 2009, edited & abridged by Terrence Cole), 13.
7. Grant Dexter, "Two Thousand Mile Errand of Mercy," *The Dawson News*, February 19, 1931, 1. See also: *The Province*, January 11, 1931, 35.
8. Dexter, "Two Thousand Mile Errand."

9. Library and Archives Canada, Canadian Expeditionary Force (CEF), RG 150, Accession 1992-93/166, Box 10676 – 8.
10. “Guilty of Manslaughter,” *The Edmonton Journal*, May 23, 1922, 1.
11. Provincial Archives of Alberta, GR 1983.0001 file 2602, 118.