

BOOK REVIEWS

MURDER IN THE YUKON

By M.J. Malcolm

Saskatoon: Western Producer Prairie Books, 1982, 173 pp.

TRAPLINE OUTLAW

By D.C. Williams

Victoria: Sono Nis Press, 1982,
162 pp., Bibliography and Index 8 pp.
Cameron Harvey*

Murder in the Yukon and *Trapline Outlaw* can be compared. Respecting their similarities, both are intriguing "who done its" about murders which took place in the Canadian wilderness around the turn of the century. The victims were ambushed and shot to death with rifles. Both books deal for the most part with the aftermath of the murders, leading up to an account of the trials which eventually ensued. And, there is more or less doubt about the guilt of the accused. On the other side of the ledger, the outstanding feature in the one case was superb detective work and in the other case a remarkably long period of outlawry during which the accused "changed in the eyes of the public from villain to hero". In the one case the trial ended in a guilty verdict and the convict was hanged; the other case ended in an acquittal, following a prosecution which was either "badly presented" or a case of a reluctant prosecutor who "simply went through the motions". More about their differences in due course.

These books join a growing number of books about Canadian crimes. A quick survey of the Faculty of Law Library revealed the following: *Famous Canadian Trials* by A.R. Hassard, 1924; *Who Said Murder* by C.W. Bell, 1935; *This Man Hanged Himself* by E.C. Guillet, 1943; *The Black Donnellys* by T.P. Kelley, 1954; *I Accuse the Assassins of Coffin* by J. Hebert, 1964; *The Trial of Steven Truscott* by I. Lebourdais, 1966; *Verdict* by J. Kettle and D. Walker, 1968; *They Got to Find Me Guilty Yet* by T.P. Slattery, 1972; *Torso* by M.J. Campbell, 1974; *A Matrix of Evidence* by B.M. Olsen, 1975; *The Donnelly Murders* by W. Crichton, 1977; *By Persons Unknown* by G. Jonas and B. Amiel, 1977; *British Law and Arctic Men* by R.G. Moyles, 1979; and *The Coffin Murder Case* by Edward Belliveau, 1979.

What caught my eye respecting *Murder in the Yukon*, the day that I was enjoying a half-hour of browsing in a local bookshop, was the name Frederick C. Wade on the dust jacket. My fantasy is wilderness living in northern Canada. Consequently I love to read about it. I had just finished *Northern Vagabond* by Alex Inglis, a biography of J.B. Tyrell, one of the modern explorers of Canada for the Geological Survey. Reference is made in that book to Mr. Wade, an Ottawa lawyer, who first went to the Yukon at the beginning of the Klondike Goldrush in 1897 with a group of Mounties and Judge Maguire. It was their job in general to see to the administration of justice; Fred Wade's particular contribution was to be registrar of the court and crown prosecutor.

Murder in the Yukon focuses upon the detection of the murderers, or at least one of the murderers, of Lawrence Olsen, Frederick Clayson, and Lynn

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Relfe who were murdered on Christmas Day, 1899, at a spot on the Yukon River between Minto and Hootchikoo. The successful prosecution of George O'Brien by Fred Wade was anticlimatic to the superb piece of painstaking detective work done by P.R. Maguire, a private investigator from the United States, and Constable Alexander Pennycuik. Maguire was originally hired by Clayson's brother and subsequently employed by the Mounties to assist in the investigation. Perhaps to those familiar with detective work what these two men did to gather evidence will seem to be routine. But it amazed me. For example, like archeologists, they carefully excavated and sifted through over two hundred cubic yards of snow along a drifted over bush trail to uncover patches of blood, rifle and revolver shells, a medicine bottle belonging to one of the victims, and most significantly a tooth fragment of Lynn Relfe.

Murder in the Yukon is written in the form of a novel. The storyline, so to speak, is quite simple. Two men, Clayson and Relfe are making their way "out" from Dawson along the Yukon River. Relfe is walking. Incredibly, Clayson began the journey bicycling on the river ice. A broken pedal forces him to walk and he is overtaken by Relfe. The two spend Christmas eve at Fussell's roadhouse in Minto. Christmas morning they set out with Olsen, a telegraph lineman, who is heading for a Christmas dinner with Constable P.J. Ryan at the Hootchikoo post. The three men vanish.

On the plus side, *Murder in the Yukon* measures up technically to the standard of excellence that the publisher has set with earlier publications with which I am familiar. It is enhanced with photographs and sketches from the Daily Klondike Nuggett. The dust jacket is especially attractive. On the negative side the dialogue is a trifle simplistic. As well, I had some difficulty in keeping the people involved sorted out and in maintaining my bearings. This necessitated repeated reference to earlier passages and to the maps and sketches. Regarding the latter they might have been better located altogether at the front for easy reference instead of being as they are, "somewhere there in the text". A glossary of the people involved would have been helpful. Nonetheless, the book provides a fairly engrossing, quick read which I recommend might be just the ticket for that teenager for whom you are going to buy a present.

Trapline Outlaw, on the other hand, is a much more scholarly book, the highlight of which is the trial and Mr. Williams' analysis of Gunanoot's guilt or innocence. *Trapline Outlaw* is Mr. Williams' second book. I could hardly put down the first book, *The Man for a New Country*.¹

The outlaw is Simon Peter Gunanoot. After being bested by a man named MacIntosh in a drunken barroom fight, Gunanoot, an expert marksman, said to MacIntosh "just wait and I will kill you" and to a friend that he would return and "fix this man MacIntosh". MacIntosh left to have a wound bandaged at the local hospital, taking a road over which Gunanoot would have returned from his ranch had he chosen to follow up his threat. MacIntosh never made it to the hospital. He and another man were found dead on the road each killed by a single shot through the back. Gunanoot took to the bush, charged with the murders of both men. He was on the lam for thirteen years in the Skeena

mountain country north of Hazelton, British Columbia, with rewards up to \$2,000.00 offered for his arrest. The police were never able to apprehend him. Tired of the outlaw existence, Gunanoot surrendered after arranging to be defended by a leading counsel.

This is Williams' description of the book in the first paragraph of the Foreword:

"This is a factual account of a romantic episode Gunanoot's exile as an outlaw is well known. Many writers in newspapers, magazines and books have chronicled the affair. In some of these accounts fiction has masqueraded as fact. Many authors have romanticized the episode, portraying Gunanoot as a larger-than-life size figure — a man of super-heroic powers. This account neither downplays nor exaggerates the heroic aspects of the episode."

I must confess that I have not read any of the other accounts of the affair. I take it that this is the first booklength account. In any event, there cannot be another account which was as thoroughly researched or which provides as methodical a documentation. A definite strength of the book is Mr. Williams' facility for explaining legal matters, particularly evidentiary points.

Similar to Gunanoot himself, his lawyer, Stuart Henderson, was a legendary character:

" . . . aged fifty-five at the time of the trial he had become a well-known criminal defence lawyer, the Gunanoot trial cemented his reputation. He became the leading criminal lawyer in British Columbia and perhaps in Canada He took the side of the underdog; he was anti-establishment; he loved the outdoors; he practised law in a style markedly different from his fellow lawyers. His dress out of court was sloppy and unkempt;² he did not hobnob with other lawyers or attend legal conventions He had graduated from the University of Toronto at the top of his class After studying law at Osgoode Hall, he was called to the Bar of Ontario, practising first in Toronto, then in Ottawa [and then in 1898] he settled at Ashcroft B.C., in ranching country Elected as an M.L.A. he spent much time in Victoria He moved there in 1913 He sponsored and successfully urged passage of a bill in 1905 to forbid the wearing of wigs in B.C. courts When engaged in a trial he devoted himself to it single-mindedly spending long evenings in the library at the courthouse studying the law and the facts His success did not rest on dramatic presentations to the jury, or flamboyance, but in complete knowledge of the refinements of the criminal law He practised law very successfully but very inefficiently. His filing system, records of correspondence, instructions from clients, were chaotic [Nonetheless] in his lifetime he defended forty-five men [accused of murder] and secured acquittals for all but two He [siphoned] his earnings into ill-advised mining speculations, even refusing to spend money to rent an office worthy of the name. In his disorganized and impractical fashion, he shared a room with a real estate agent His real office was on the sidewalks of Victoria, where he conducted most of his business, his files being his memory and a few scraps of paper in his hip-pocket."³

As I write this book review I note in the Winnipeg Free Press the announcement of another batch of Queen's Counsel appointments. True to form, and to his credit in my opinion, Stuart Henderson apparently never accepted one. It would be surprising if a lawyer enjoying his success had not had more than one opportunity of accepting a K.C. (as it would have been in his time). Perhaps Mr. Williams' next book will be about Stuart Henderson.

2. This is borne out by one of the several photographs which adorn the book.

3. Pp. 93-94, 114 and 160.