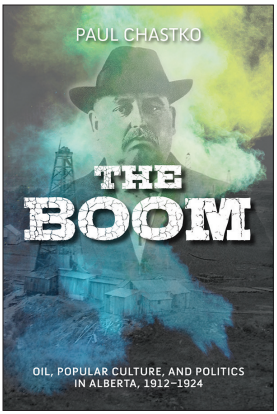
UNIVERSITY OF CALGARY
Press



THE BOOM: OIL, POPULAR CULTURE, AND POLITICS IN ALBERTA, 1912–1

by Paul Chastko

ISBN 978-1-77385-668-1

THIS BOOK IS AN OPEN ACCESS E-BOOK. It is an electronic version of a book that can be purchased in physical form through any bookseller or on-line retailer, or from our distributors. Please support this open access publication by requesting that your university purchase a print copy of this book, or by purchasing a copy yourself. If you have any questions, please contact us at ucpress@ucalgary.ca

Cover Art: The artwork on the cover of this book is not open access and falls under traditional copyright provisions; it cannot be reproduced in any way without written permission of the artists and their agents. The cover can be displayed as a complete cover image for the purposes of publicizing this work, but the artwork cannot be extracted from the context of the cover of this specific work without breaching the artist's copyright.

UNIVERSITY OF CALGARY
Press
press.ucalgary.ca

Acknowledgement: *We acknowledge the wording around open access used by Australian publisher,* **re.press**, *and thank them for giving us permission to adapt their wording to our policy* http://www.re-press.org

12

"The Most Important that has Ever Been Tried in the Province:" The Trial of George Buck

> *Whenever Calgary oil is mentioned, it seems that the decorative name of George E. Buck must come up and mingle with the matter under observation.*
>
> —*The Calgary News Telegram*
> July 24, 1915[1]

As Chief Detective Nicholson returned to Calgary with George Buck, Deputy Attorney General A.G. Browning wrote to Crown Prosecutor James Short that Buck would be back in Calgary by the end of the week. Undoubtedly, however, the province's dogged pursuit of George Buck, the most visible—and notorious—promoter of the 1914 boom also signalled its intentions. At every step along the way, Buck stretched the law beyond the breaking point. Now the province had to act against Buck lest he ruin Alberta's reputation as a safe place for people to do business. Browning told James Short that the pressure was on. Attorney General Charles Cross "is very anxious that we secure a conviction in this case, as he thinks that it is the most important that has ever been tried in the province." Browning did not need to elaborate further. To further underscore the importance of the case, Browning offered to visit Calgary and spend a day with Short going over the evidence. "I trust you will not resent my suggesting this." Short readily accepted the offer.[2] In the meantime, the attorney general's office also kept a close eye on the affairs of Black Diamond Oil Fields, notifying the provincial secretary's office that they had received information that the company's assets would be liquidated "for the purpose of supplying funds to Mr. Buck."[3]

The attorney general's office began preparations for the trial, which now included going through all the paperwork from Kansas. Because Buck's case remained on appeal in Kansas, it took until August 9 for all the province's original documents to return to Calgary. Once the judicial process of extradition was complete, the executive process of extradition would presumably be straightforward. As with Sir Isaac Newton's Third Law—for every action there is an equal and opposite reaction—the process is routine, predictable, and yields very few surprises. US Secretary of State Robert Lansing issued a warrant of surrender listing fraud by a director of a company as the sole charge for Buck's extradition. In return, the Canadian government issued a warrant of recipias (loosely translated as "recapture," or "take back"), acknowledging the charge(s) and naming John Nicholson as the person taking custody of Buck to return him to Calgary. On July 5, 1916, Nicholson served the warrant of recipias to US Marshal Sam Hill. Simple, straightforward, and routine. But among the papers returned to Alberta, officials discovered two copies of the US state department's warrant of surrender for Buck. The first listed a single charge of fraud, but the second contained three charges: the original charge of fraud by a director of a company plus two combined charges of fraud and conspiracy. American officials had included the second warrant in the file even though, officially speaking, it was not executed.

The inclusion of the second warrant created a dilemma for Deputy Attorney General Browning, who now saw an opportunity to resurrect the Crown's strongest case against Buck. Strategizing with James Short by mail, Browning outlined a plan to write the Canadian undersecretary of state, Thomas Mulvey, asking the Canadian government for a second warrant of recipias citing three charges contained in the second order of commitment. "So far as the jurisdiction of this province is concerned," wrote Browning, obtaining the second warrant would be "conclusive evidence that George E. Buck was committed on the three charges." Short liked the idea and urged Browning to "use every endeavor to get Warrants of Surrender on the two 'Conspiracy' charges duly issued if they have not already been issued."[4]

But the provincial attorney general's need to prosecute Buck did not necessarily align with federal imperatives, and asking the Canadian state department to issue a second warrant of surrender after the fact would involve the Dominion government in an attempt to falsify the official record. In his letter to Mulvey, Browning acknowledged that Nicholson served the original warrant of recipias on July 5 and that "Nicholson did not wait for the second warrant of surrender on the two charges of conspiracy which also included a charge of fraud." Browning did not offer Mulvey any explanation

for Nicholson's departure before receiving the second warrant. Nevertheless, Browning acknowledged that Buck's lawyers would certainly object to any additional charges beyond fraud, meaning "it will be necessary to produce evidence that George E. Buck was surrendered on three charges;" hence the request to the state department for a second warrant of recipias. On August 31, the acting undersecretary of state advised that it was impossible for the state department to comply with Browning's request. Officially, the second warrant of surrender did not exist. Nicholson served the first warrant on July 5 and brought Buck over the border on that basis. But the acting secretary of state then chided Browning for even suggesting that the department issue a second warrant of recipias it knew contained charges that were "not included in our extradition treaties with the United States." To drive the point home, he reminded Browning that "you were advised in this sense in telegrams on the 4th and 5th May last."[5]

Although it might not have seemed like it at the time, the state department's stance likely saved Browning and Short from considerable grief. For unknown reasons, McGillivray was aware that the attorney general's office might attempt to include more charges against Buck. Short reported that Buck, via his lawyers, had already requested that the attorney general produce an original copy of the writ of surrender issued by the US state department. Nicholson, however, gave the original document to US Marshal Sam Hill upon Buck's surrender, meaning that the writ of surrender remained in the United States. In the meantime, Buck's lawyers contacted the US state department on August 23, requesting a copy of the warrant of surrender "showing the charge or charges" justifying Buck's extradition. The lawyers' initial telegram brought a speedy reply from Robert Lansing, and by August 28 Buck's lawyers had their own copy of the July 5 warrant of surrender. Once he learned that Buck's lawyers had written to Robert Lansing for a copy of his ruling on the matter, Browning advised Short not to challenge the defence's copy.[6]

Judge W. Roland Winter presided over Buck's arraignment on September 8, 1916. After serving six years on the district court of Lethbridge, Winter joined the district court of Calgary in December 1913. Born in 1850 in Messina, Italy, to English parents and educated in England and France, Winter practised law in England until emigrating to Calgary in 1893. He served as a police magistrate and then as registrar of land titles until appointed to the district court in Lethbridge. Years later, one colleague stated Winter "possessed in no uncertain degree, the first two qualities of a gentleman—kindliness and courtesy." An avid cello player with an extensive art collection, Judge Winter and his wife, Lydia, were patrons of Calgary's growing arts community. As a

member of the bench, Justice Horace Harvey said Winter was "thoroughly conscientious, a hard worker, and an able jurist."[7]

At Buck's arraignment, Crown Prosecutor Short charged Buck with three offences: that Buck did "concur in making, circulating, or publishing a statement as a director of a company" known to be false on or about May 7, 1914 "at Calgary;" a second count of "making, circulating, or publishing a statement as a director of a company" known to be false on or about May 7, 1914 "at or near the City of Calgary;" and a third charge that Buck did "concur in making, circulating, or publishing a statement as a director of a company" known to be false on or about May 17, 1914 "at or near Calgary." When Short mentioned that other charges might be forthcoming, Judge Winter reminded him that, due to Buck's extradition, the rule of specialty permitted no added charges.[8]

Reluctantly, James Short realized the conspiracy charges were likely to drop from the indictment, throwing a wrench into his plans. Most of the evidence gathered by the province supported the conspiracy charges, and Short had originally planned to build his case on proving the conspiracy elements rather than fraud. The Crown prosecutor also entertained doubts that the attorney general's office would pay for a fraud conviction, as it would require a larger budget to bring in witnesses to testify. Although the Crown relied on affidavits and depositions in the preliminary hearing and Nicholson had used some to secure Buck's extradition from the United States, Short knew that the defence would object strenuously to their use in a trial. Indeed, at a preliminary hearing on August 28, 1916, Buck's lawyers had already filed motions to throw out the depositions and dismiss the charges against Buck. With the trial scheduled to start September 26, 1916, and perhaps seeing how easily William Georgeson and O.S. Chapin had cast doubt on the accuracy of Cheely's reports before the Lees Commission, Short now deemed it "absolutely necessary" that William Cheely testify.[9]

The attorney general's office and James Short spent the rest of September preparing for the trial. Chief Detective Nicholson arrived in Calgary on September 19—one week before the scheduled start date of the trial and the same day the Lees Commission wrapped up—and began tracking down witnesses, serving subpoenas on those who were in Calgary, and planning for the Royal North-West Mounted Police to serve others. Short's most important witness, former *Albertan* reporter W.W. Cheely, had moved to Great Falls, Montana, following the oil boom. Reached by Nicholson on the morning of September 21, Cheely indicated he would not return to Calgary until at least October 15, by which time Nicholson expected the trial would be over. Nicholson travelled to Great Falls to convince the reporter to return for the

trial. Failing that, Short instructed Nicholson to find out if "Buck inspired the report in [the] daily *Albertan* of May 8, 1914, describing oil strike and to whom Buck gave information whether to Cheely or someone else." Reached by Nicholson, the reporter relayed that Buck asked William Davidson to send a reporter with him to the Black Diamond well, where he saw that the contents of the bailer showed evidence of oil and reported this in the *Albertan* on the morning May 8, 1914. At Short's direction, Nicholson arranged for a commissioner to collect an affidavit from Cheely, but neither side could agree on a commissioner. The dispute dragged on until September 26, when Judge Winter pushed the trial back to October 19 to give the commissioner time.[10]

More than two years had passed since those events, and Cheely reacted cagily to efforts to secure his statement before refreshing his memory by reading a copy of his story. The Crown prosecutor's office sent a copy of the *Albertan* by mail on September 21, but it did not arrive in Montana until October 2. But Cheely did not recognize the article, for good reason; J.D.M Ritchie was the author of the May 8, 1914, article. Cheely insisted that his article had occupied the same position on the front page of the *Albertan* but appeared before Ritchie's story. In fact, Cheely's story appeared a day later. Nevertheless, the prosecutor's office moved to secure a copy of the article before the commission taking Cheely's statement met at ten a.m. on October 4. But with Short busy on another case, his office could not find Cheely's article and attributed their misfortune to the fact that the *Albertan's* files were incomplete, and they would now go through the *Herald's* files. They remained empty-handed when the commission gathered in Great Falls to take Cheely's evidence. As the search through the files continued back in Calgary, Short instructed Nicholson to take into evidence any statements Buck made to Cheely about boosting sales of stock. Nicholson, however, expressed concern because Cheely now "can't swear to any date or statement made by Buck without seeing paper." Although Short had not asked for Nicholson's opinion, the provincial detective offered one regardless. "Not safe to call [Cheely]," reported Nicholson. In the meantime, Nicholson reported that Buck's lawyer in Montana, no one less than McGillivray's partner and future Justice of the Supreme Court of Alberta Thomas M. Tweedie, "objects strongly to further adjournment" to continue the search for the missing article. Finally, another law partner found the piece, and at eight p.m., Short frantically wired, "Forwarding *Morning Albertan* May 9, 1914. Ask adjournment of Cheely Commission till paper arrives." By the time Short's telegram arrived, it was already too late. The judge presiding over the commission, J.B. Leslie, had sustained Tweedie's objection six hours earlier at two p.m. to any further

adjournment. A second commission would have to collect Cheely's testimony later in the month.[11]

As the trial drew closer, pressure mounted on Short. An internal memo dated October 10, 1916, revealed the attorney general's office had already spent a substantial sum—$4,287.26 ($113,312 adjusted for inflation)—on incidental payments since November 12, 1915, on the Buck case. After a series of delays requested by the defence, Buck's trial began on October 25, 1916. From the beginning, the trial attracted a great deal of press coverage and the extra attention of the provincial attorney general's office. Reporters noted Buck arrived in court wearing a new suit, looking "very jaunty and smiling as he took his seat in the dock when court opened." With his famous moustache returned and "waxed in the old style," Buck confidently greeted old friends and acquaintances, seemingly without a care in the world. After the clerk read, and corrected, the three charges, Buck's attorney, Alexander McGillivray, quickly moved to quash the indictments on four separate grounds. The first charge, fraud by a corporate officer, "disclose[s] no offence known to the law in Canada." McGillivray allowed that the second and third charges of conspiracy were crimes in Canada, but the warrant of surrender signed by Secretary of State Robert Lansing did not specify them, violating the speciality provision of the Anglo-US extradition treaty. Third, McGillivray argued that the court could not prosecute Buck in Canada for these latter two crimes until providing Buck with the "opportunity of returning to the United States." Finally, Buck's indictment contained three charges while the extradition order specified only one.[12]

To prove his point that the charges pursued by the prosecution were fundamentally different from those pursued at the extradition, McGillivray introduced two affidavits to show that James Short had continued to build the prosecution's case against his client after extradition. Taken together, the sworn statements proved that, back in Kansas, the province made its case to Commissioner Paul J. Wall on the conversation between George Buck and Charles Tryon on May 7, 1914. The other affidavit, from James Short, no less, secured William Cheely's testimony a few weeks earlier. This, accused McGillivray, violated the speciality provision contained in the third section of the Anglo-US extradition treaty. "The Crown, in its zeal in the prosecution of this man, has laid two other charges in the face of the express provision in the treaty arrangement between the United States of America and Great Britain that a man was not to be charged except in respect of the offense in connection with which he was extradited." If convicted, McGillivray pointed out, Buck would be liable to serve fifteen years in the penitentiary instead of

a maximum five years if convicted on the one charge. Judge Winter, however, disagreed. "This is one offense, and I should like if you can to differentiate. The indictment lays two others, on the 7th and on the 17th of May, and Calgary is charged in one place and near Calgary in the other. Can you say he was not extradited on the charge which laid an offense of the sort without going into the others? It is all one offense." McGillivray disagreed. "You cannot charge a man twice with doing the same thing with a view to giving him twice the punishment."[13]

McGillivray then turned to the question as to whether "fraud by a director" constituted a crime in Canada. McGillivray conceded the crime existed in the United States, but not that it did in Canada. "There is no difference between fraud of a director, fraud of a lawyer, fraud of a Judge, fraud of a policeman and fraud of anyone else," Judge Winter responded, by referring to sections 412 to 414 of the Criminal Code dealing with fraud and property. Section 414, argued Winter, "says that every one [sic] is guilty of an indictable offense and liable for five years imprisonment [who] being a director issued a statement which he knows to be false, and intended to induce persons to become shareholders. I think that is conclusive, showing what is intended by the offense which is entitled there that is coming within the term fraud." Judge Winter believed this "is an offence known to the law of Canada upon which the accused can be tried."[14]

When called upon to defend the charges, James Short granted that there might be some question with regards to the "offense of fraud as the director of a company," but in his mind there was no issue about the other two charges specifying "at Calgary and the other near Calgary." These were equivalent counts in one charge. "It was a continuous matter," explained Short. "It was about 7 May, that charge alone would be sufficient to permit the introduction of evidence covering on the seventh, and other days in the immediate neighbourhood of the seventh, even so far as up to the end of the month of May 1914, and what I assert is that it was a continuous action." Judge Winter cut to the heart of the matter. "If these charges were allowed to go as they stand, the accused [could serve up] to three terms of imprisonment for the same offence." Short countered that the United States "delivered up" George Buck for the crime of fraud by a director and officer of a company. "I can lay any charge that comes within the purview of those terms, provided it comes also within the purview of the evidence which is given on the extradition proceedings." Short acknowledged that Buck's extradition on a charge of fraud meant he could not also face charges of murder or theft. "But I am not prevented from multiplying, giving fifty charges on the crime of fraud by a

director or officer of the company, so long as they have any relation to the evidence which was adduced in the extradition proceedings." Furthermore, Short contended that extradition proceedings only had a limited purpose—to satisfy the commissioner that a prima facie case exists. "They are not intended to be an absolute proof of the charge which is laid against the accused in the foreign country." With the morning session ending, Judge Winter adjourned to consider McGillivray's objections more fully. The *Herald*, which published in the afternoon, considered the session a smashing success for Buck, saying "the former oil promoter may be walking the streets of Calgary before nightfall a free man."[15]

When court resumed for the afternoon session, Judge Winter asked Short whether the extradition commissioner had heard any evidence for offences committed on May 17, 1914. When Short replied in the negative, Winter dismissed the second charge. "My own view is that there are two distinct offences as distinguished from crimes brought before this Court and only one has been brought before the Extradition Commissioner," reasoned Winter. "I can only assume that the Extradition Commissioner extradited the accused in respect of a charge laid at or near Calgary on the 7th of May, 1914, and I think the accused should be tried on that."[16] With that, the judge dismissed the second of three charges against Buck, leaving only the charge of being a director of the Black Diamond Oil Fields where he caused publication of a false statement with the object of getting people to invest in the stock of the company.

With the procedural questions out of the way, the afternoon session turned to collecting evidence from three witnesses. Short first called Roy Cleveland Lee, Buck's mechanic, who secured the distillate used to salt the well. Lee testified that Buck left his cars at his garage during the oil boom and that all the supplies of gasoline for running Buck's vehicles came from his garage. Furthermore, Lee testified that on one occasion in 1914 Buck bought two gallons of distillate from him. Following Lee on the stand was W.R. Martin, the president of International Supply Company, the drillers contracted by Buck to drill Black Diamond #1. Martin's testimony proved that Buck's company quickly fell into arrears with its payments under the terms of the contract. Martin testified that he and his partner, "Tiny" Phillips, brought pressure to get payment before May 6, 1914, culminating with the threat of removing the rig unless Buck cleared his debt. But, as the *Albertan* noted, Martin's memory of events and Buck's debt with the company appeared "uncertain, and he was finally told to stand down and refresh his memory by looking over his books."[17]

The Crown's final witness, Major William G. Gillespie, closed out the day's testimony. Originally hired as an illustrator for Black Diamond's advertisements, Gillespie became a trusted hand around the office, serving as Buck's occasional chauffeur and regular troubleshooter. Gillespie's testimony established that around May 6, 1914, Buck invited himself, advertising manager H.C. Beattie, Norman L. Fletcher, and others into his private office, where he alleged Buck said, "I have a little scheme." However, Gillespie could not say what that was because he left the office without hearing the details of the scheme; later that afternoon, Buck sent Gillespie on some errands that included picking up a picnic lunch that Mrs. Buck prepared, as well as stopping by his garage on 12th Avenue, where, on Buck's instructions, Gillespie collected two five-gallon tins of gasoline and brought them back to the office. Back at the office, Buck asked Gillespie to go with him to the well. Before leaving, Gillespie testified that Norman Fletcher came out and told him something that, as the *Albertan* salaciously wrote, "excited dark suspicions in the major's bosom that all was not well." McGillivray objected before he could repeat the remark, but Gillespie made it clear that Fletcher's statement and Buck's subsequent behaviour aroused his suspicions. When asked to provide examples, Gillespie noted that, instead of taking the usual route to Okotoks, he took a more circuitous route to the well east of the cemetery. Before leaving the city limits, Buck and Gillespie met stock promoter Allan Clark, who then was in discussions with Buck to exclusively sell the company's remaining treasury stock (see Chapter 6). Clark gave them something in a sack Gillespie could not identify apart from saying that it might have been a pail or a can.[18]

After stopping to have a picnic lunch, Gillespie and Buck continued their trip to Okotoks and reached the Black Diamond well somewhere between nine and ten o'clock that night. Instead of parking at the camp, the car stopped near the boiler house, where William E. Budge, the night watchman, patrolled. Buck asked Gillespie and Budge to take the cans of gasoline and the sack to the derrick house. Buck let himself into the derrick and brought out a lantern and a note from driller James W. Hayes. Buck said he was going to the camp to see Hayes, and while he was gone, Budge and Gillespie took the cans in the sack into the derrick. Gillespie knew what was going to happen next because he and Buck had talked about it on the way out from Calgary. "I was pretty well aware what was going to happen," said Gillespie. "From what I was told by Fletcher. I knew something was going to happen." McGillivray objected and had the remark stricken from the record. Gillespie then testified he begged Buck not to get anyone in trouble and carry out his intentions. "Did you deliver a little moral lecture on his iniquity," asked Judge Winter, "or did

Buck begin it?" Gillespie could not remember but did recall that Buck "told me that he was going to carry out what he intended to. He told me he was going to go through with it." Buck then told Budge go to the Black diamond post office next day and telephone him at the Calgary office and to use a certain word, "Paul," that he assumed was a code. Gillespie visited the well site on two more occasions. First, taking Mr. Crandell to measure the depth of the hole, where they saw oil covering the bits and the drill. Gillespie made another trip with William Cheely on May 8. With that, Short turned the witness over to McGillivray. Somewhat to the surprise of many in the court, McGillivray had no questions for Gillespie, and the court adjourned until the next day. As the *Albertan* concluded, "It took a whole lot of questioning to elucidate his story. The witness was constantly 'presuming' that things were thus and so, and Mr. McGillivray was on his feet objecting half the time."[19]

When the trial resumed on the afternoon of October 27, much to the surprise of McGillivray, William Cheely arrived back in Calgary from Great Falls, Montana, to give his testimony in person despite previous claims to the contrary. As Cheely revealed later, his attendance became mandatory when Attorney General Charles W. Cross personally requested his presence. When asked what changed his mind, the former *Albertan* reporter shrugged, Cross made "a personal matter of it and I came." Cheely being a crucial prosecution witness to establish that Buck had made fraudulent statements, Short zeroed in on Cheely's May 9, 1914, story published in *The Morning Albertan* about the reported oil strike at Black Diamond #1 as well as the conversations he had with Buck on May 8, 1914, to prepare the article. McGillivray objected that the substance of the witness's testimony "was not in any way before the Extradition Commissioner in the United States" and the judge should strike it from the record. Short countered that Judge Winter had already ruled on this matter the day before, and Winter concurred, stating, "I think anything in the way of additional evidence, pertaining to the same charge, is admissible." Cheely then described the invitation from Buck and the series of hand signals at the gate blocking the entrance to the well site, bringing forth another objection from McGillivray, who demanded to know how Cheely could possibly know if these were a password or not. Undaunted, Cheely described going into the derrick house and hearing Buck say, "We will show you what we have here," before ordering the driller to bail out the well. The driller sent the bailer down the hole and brought it back up, dumping the contents into a sluice box where it ran off down into Sheep Creek. "There was a thick sheen of oil on top of the drillings. There was a very perceptible coal oil odor, and over the stream, Sheep Creek, below where the drillings were dumped it was

colored for a considerable distance." Cheely then described Buck dropping a match or a piece of burning waste into the well, causing the gas to explode and send a flame ten feet high out of the well. The reporter said he stayed at the well for about an hour or so, talking with Buck and the driller, watched the bailer rise from the well a second time and emptied into the sluice box. Again, producing traces of crude oil. After Cheely described the process by which he researched, wrote, and prepared the story for publication in the May 9, 1914, edition of the *Albertan*, Short introduced the article into evidence over McGillivray's objection. The Crown prosecutor noted that the article used a lot of geological terms, like "Dakota sands" and "Claggett shales" and asked if Cheely were an expert in geology. The *Albertan* noted that Cheely smiled as he admitted he was not. McGillivray then injected some levity in proceedings by noting that "lots of people used those words in Calgary who were not geologists," causing many in the courtroom to burst out laughing. Short's point, however, remained. Cheely was no geologist; Buck had provided the geological information used in the article.[20]

Upon cross-examination, McGillivray endeavoured to raise doubts about the extent of Buck's culpability and alluded to the testimony before the Lees Commission revealing that Cheely sometimes took liberties with the facts. "You are a live newspaper man and you were looking for a good story," began McGillivray before drawing from the witness an admission that he could not remember any specific statements made by Buck, and that he spoke to three or four men, including the driller at the well. "You did not go down [to the well] to have talks; you were going down to see," said McGillivray, "so that any doubting Thomases, through the medium of the press, would get some information." Cheely agreed. McGillivray stated that reporters "write stories up attractively . . . . And is it not an uncommon newspaper custom, is it, when you are giving what you consider a gist of anything, to put it in quotations? You do not pretend by that that the words you are employing in an article are the exact words used by anybody?" The reporter agreed that he tried "to conform as generally as you can" to the practice of attributing exact quotations where possible. Sensing doubt, McGillivray boxed Cheely in and secured an admission that "it would not be a verbatim report." On the redirect, Short asked if Cheely would, or did, "put into [Buck's] mouth words of the driller, Mr. Hayes, or anyone else?" Cheely stated he did not. Judge Winter followed up, asking whose quotations they were. The reporter answered quickly and unequivocally, "Mr. Buck's, as nearly as I could write them from my notes." Short then called James Kelso of Kelso Laboratories, who provided the technical report quoted liberally by Cheely in the May 9 edition of the *Albertan*.

Kelso described receiving a sample of oil mixed with fine sand from Buck delivered in a beer bottle on May 8, 1914, and the analysis he performed. Kelso could not recall if he mailed or delivered his analysis to Buck's office after writing up the report, leaving a loose end in the prosecution's case about how the details of the technical report wound up in the *Albertan*. Short contended Buck gave the material to Cheely, but McGillivray's cross-examination prevented the prosecution from definitively placing the report in Buck's possession. After this exchange, court adjourned for the day.[21]

As the trial began its third day, McGillivray attempted to extract a statement from prosecutor Short that "the facts deposed to by Mr. Cheely in his evidence given at this trial were not deposed to before the Extradition Commissioner in the United States." Initially, Short believed McGillivray simply intended for him to acknowledge that Cheely neither testified directly nor presented an affidavit before the extradition commissioner. But Short balked when McGillivray asked for a more sweeping statement negating the entirety of Cheely's testimony. The defence attorney wanted Short to definitively state that no other witness could confirm Cheely's evidence, and Short emphatically refused to do so, prompting a rare outburst from McGillivray that cast a pall over proceedings for the rest of the day.[22] The *Herald* noted "several sharp clashes between the solicitors for the prosecution and defence" before describing one of several testy exchanges between McGillivray and Short. "One little eruption after another kept breaking out all morning," summarized the newspaper. Short called two witnesses, Jennie L. Earl, Buck's cousin, stenographer, secretary, and a director of Black Diamond Oil Fields, and Van Gordon Gosnell, chief clerk of the provincial secretary's office. Both established George Buck's status as managing director of Black Diamond Oil Fields. Earl testified that Black Diamond sold little stock prior to the strike of oil at the Dingman well. She also established that Buck continued to make payments to International Supply Company by selling his own oil leases and stocks. All told, McGillivray generated the biggest headlines of the day by promising to file an immediate appeal in the event of a guilty verdict. To Judge Winter, McGillivray said that he desired a short trial so the appeal book would be as small as possible.[23]

When court resumed on Monday, a more workmanlike approach prevailed. Short called several witnesses to testify about the salting of the well, including Ray Minue, who claimed he poured about five gallons of a mixture of oil and distillate down the well at the behest of driller Hayes. Minue also testified that Buck brought the cans to the site. Meanwhile, Buck's longtime chauffeur, Harold Hodgson, stated that Buck asked him to procure

some crude oil in early May 1914. Then, on the night of May 6, 1914, Buck instructed Hodgson and Norman Fletcher to bring the can down to the Black Diamond well.[24]

Short devoted part of the afternoon to establishing the effect that salting the well had on individual investors, like John Young, who worked as a janitor in the McDougall Block where Buck established his first offices in Calgary. Young testified that he read the *Albertan* daily, invested in Black Diamond Oil Fields, and recalled that "it was in the Black Diamond where I made the first investment of any company in connection with the oil properties." When shown a copy of the May 9, 1914, edition of the *Albertan,* Young vividly remembered the paper as the one that first reported seepages at Black Diamond. McGillivray objected on the grounds that it was not relevant evidence. Judge Winter overruled. "He says he remembers seeing that," responded Winter, before pointing out that the testimony related to the charge that Buck knowingly made false statements. When Short resumed questioning, he asked Young if he ever purchased Black Diamond shares. "Yes," came the answer, "I purchased it after reading that. It might've been a week or so afterwards. Me and a son-in-law of mine went down to the Black Diamond office and made the purchase, I don't know what date it was, but I know it was some little time after reading the report in the paper." When asked to describe what effect the report had on his mind, Young unequivocally stated that it was decisive. "It was by the good reports in the papers which induced me to buy stock." Frank Sydenham provided similar testimony but, unlike with Young, McGillivray cross-examined the witness. Buck's solicitor attempted to poke holes in the prosecution's case that Cheely's article influenced investors to buy Black Diamond stock. When McGillivray asked the witness if another event, say, perhaps the Dingman strike, prompted him to invest, Sydenham emphatically said it did not and estimated he acquired at least 30 percent of his investments before the Dingman strike. McGillivray then tried a different tack, trying to insert some distance between his client and the stock sales. Even through the dry transcript, it is clear that McGillivray's brief cross did not go as planned:

McGillivray: . . . . You didn't buy from Mr. Buck?

A: Yes sir.

Q: Where?

A: At his office.

Q: Was he there himself?

A: Yes sir.

Q: And when did you register your shares?

A: Oh, not for a considerable time after I bought them.

Q: Not for a considerable time. Well, the records would show. You say, for a considerable time later?

A: Those records would show when I bought them.

Q: All right, that is all.[25]

Most of the afternoon's session focused on McGillivray's attempts to have Norman Fletcher's testimony taken at the preliminary hearing excluded from consideration as well as throwing out the evidence of J.W. Hayes taken by commission in Lima, Ohio. Along with the testimony of William Cheely, the prosecution and defence both regarded Fletcher's evidence as crucial to establish the fraud charge against Buck. Initially, both witnesses had informed Short they would be unable to testify in person; Cheely moved to Montana and no longer resided in the city, but Attorney General Cross's personal intervention ensured the newspaper man testified in open court. The same would not be true for Fletcher, whose health had begun to fail due to tuberculosis. On doctor's orders, Fletcher sought treatment for the condition in Kamloops in the summer of 1916. Unbeknownst to Short, Nicholson, or the police, Fletcher moved out of the city just weeks before Buck's trial started. In a letter to Browning, Short recalled his shock when he discovered two days before the trial that Fletcher had moved to Ontario. Short immediately "set the wires going" to locate Fletcher and found him in Port Huron, Michigan. The prosecutor obtained statements from Fletcher and summoned his physician in Calgary, Dr. William E. Graham, to testify about the danger to Fletcher's health if called as a witness. "Any great excitement," said Graham, "such as would be involved in a severe cross-examination might produce a return of his trouble in its acute form." Graham further explained that anything that would increase Fletcher's heart rate could produce a pulmonary hemorrhage or a fever with potentially fatal consequences.[26]

Short tried to solve his dilemma by petitioning the court to include Fletcher's testimony from the preliminary hearing in the record. To McGillivray's objection that he would be unable to cross-examine Fletcher,

Short pointed out that McGillivray's law partner, Thomas Tweedie, handled those responsibilities at the preliminary hearing and that it constituted 134 out of the 151 pages of evidence given by Fletcher. Judge Winter concurred, estimating that reading the cross-examination into the record would take nine hours. Nonetheless, McGillivray doggedly fought to exclude the testimony, for reasons including that it was irrelevant in that the preliminary hearing primarily focused on the two conspiracy charges since thrown out. For good measure, McGillivray added objections touching on Fletcher's exact whereabouts and the severity of his illness, pointing out that Fletcher had only recently started travelling after J.D. Nicholson served a subpoena. Ultimately, Winter declared he must accept the commission. "I mean the same thing arose when Mr. Cheely was being examined quite recently on commission, they came to the conclusion that it was better to take everything there was, even if it was not strictly allowable as evidence, and if it is not evidence. It would be left out," said Winter. McGillivray remained wary. "It seems to me I am to entitled to know exactly what words, what sentences are evidence in this case," he argued, "and the only way that can be arrived at is by going through that evidence line by line determining it." At a bare minimum, McGillivray wanted all mentions of conspiracy excluded if Judge Winter thought it feasible. "You may think it is a hard thing to do to mentally throw out, but it isn't." The two sides arrived at a compromise: prior to Judge Winter reading the commissioned testimony, the two solicitors would go through the document noting their objections to any parts of it before Winter issued a final ruling. The same solution applied to the deposition of driller James Hayes.[27]

The marathon of witnesses concluded with Charles E. Tryon, the manager of *The Calgary News Telegram*. As with Cheely, Tryon's trip to the Black Diamond well in May 1914 served as the basis for a newspaper article, although Buck did not find Tryon's submission sufficient for his purposes. Tryon testified that in May 1914, George Buck possessed an advertising account with the newspaper that Tryon attended to personally; since December 1913, Buck had bought plenty of ad space in the paper on behalf of Black Diamond Oil Fields. Tryon recalled speaking with Buck on several occasions about progress on the well and the oil business but admitted he did not always understand what Buck said. Then, on May 7, 1914, Buck called the paper and invited Tryon to visit the well. Five people, including Tryon and City Councillors Crandell and Freeze, arrived at the well shortly after eleven o'clock. The party entered the derrick, where Buck introduced Mr. Hayes, the driller, and then put on a demonstration. "We were shown a barrel of oil, at least a barrel of

something that was sitting on the floor," testified Tryon. Someone—Tryon could not identify who precisely—asked when it came out of the well. The reply was the night before. Tryon then vividly recalled Buck skimming oil off the top of the barrel, throwing it on top of the grass and setting it on fire. As Buck took the councillors out on the bank of the creek to see the oil seepages, Tryon remained behind to speak to Mr. Hayes but did not receive very much information. In his earlier sworn statements, Tryon had detailed Hayes's reluctance to speak with him and the impression this left on him. Short did not attempt to draw out this point now, allowing Tryon to wrap up his testimony. On the drive back to Calgary, Tryon found himself in the front seat with Buck when the promoter urged him to send the news into the office. "He wanted me to phone from Black Diamond, I think, or Okotoks," said Tryon. The reporter refused to do so, stating that it was too late to make the regular edition. Buck urged Tryon to get out an extra, but Tryon said it would cost too much to do so. Buck became insistent, asking what it would cost. "I told him from $50–$500, depending on what we put into it. He said 'get out the extra,' and he will give me stock for it." When Tryon refused, the two spent the rest of the trip in silence. Short then asked Tryon whether Buck said anything to him subsequently about the article Tryon produced from his trip. The manager replied that Buck made his displeasure with it widely known, as Buck threatened to pull all his advertising from Tryon's paper to give it to the *Albertan*. With that, the day's testimony concluded. The lawyers gathered with Judge Winter briefly to discuss the next day's schedule before adjourning at four p.m. The day proved an important one for the prosecutor, James Short. "A number of witnesses were put on by the crown," summarized the *Albertan*, "each one adding a link to the chain of evidence which the crown prosecutor is endeavoring to forge around the former oil promoter."[28]

October 31, 1916, proved to be the final day of testimony in the Buck case. Less than twenty-four hours after deferring rulings on Hayes's sworn statement and Fletcher's testimony at the preliminary hearing, Judge Winter inquired if the defence still objected to Hayes's evidence taken on commission. "After reading it," replied McGillivray, "I am the more confirmed in my view that it should not be admitted in evidence." The commission, pointed out McGillivray, placed greater emphasis on the conspiracy charges. "Consequently," argued McGillivray, "there is no part of it which, to my mind, is properly admissible here." Crown Prosecutor Short countered that the testimony related "to precisely the same particulars that are alleged in the charge now before the court—that the evidence that was taken was on the same set of facts." Judge Winter reviewed the commissioner's order,

noting that it required the commissioner to gather evidence on all three charges, including fraud. "On looking at it," said Winter, "there will be evidence common to all three counts, applicable to all three counts, therefore, it seems to me it should be admitted." Regarding Fletcher's testimony, Judge Winter announced he found that "with a certain degree of hesitancy, that it should be admitted." The affidavits provided by Fletcher's doctor proved decisive for Winter, making it reasonable to infer that Fletcher's illness made it dangerous to his health and life to give evidence in person.[29]

The logistics of entering the statements now took centre stage as no one seemed quite certain how to proceed. James Short knew that for a trial by jury, the court would read Hayes's testimony out loud for the jurors. Judge Winter proposed he could read it on his own to save everyone's time, but the real question was what the court should do with Fletcher's testimony. With Hayes's evidence, Short correctly pointed toward Buck's right to hear the testimony read aloud as "he has not heard the Commission evidence." The same did not hold for Fletcher's testimony at the preliminary hearing, however. The prosecutor now proposed reading the entire 200 pages, noting Buck's right to hear them read aloud as "he has not heard the Commission evidence." McGillivray offered a compromise to help end the trial expeditiously. Since Fletcher's testimony corroborated that of Minue, Budge, and Hayes, McGillivray proposed that if Short did not "weary the rest of us with the reading of those 200 pages, or whatever it may be, that I would not call any witness in contradiction of the Minue, Budge outfit." At first, Short refused to take McGillivray's offer and started reading Fletcher's testimony from the preliminary hearing. McGillivray appealed to Short's common sense. At 134 pages, the cross-examination alone would take hours to read into the record. Sensing a compromise that might end the case sooner, Judge Winter asked McGillivray if the defence would allow Short to read just his direct examination of Fletcher, omitting the cross-examination. "Yes," said McGillivray plainly. "Surely that is fair." Winter readily agreed. Uncertain, Short asked for time to read over the cross-examination again to "see if there are any parts that I wish to put in." McGillivray countered that he would not permit Short to cherry-pick lines from the cross-examination. If the prosecutor wanted any part of it in the record, he must enter it all. Again, Winter commented on the reasonableness of McGillivray's proposal before reminding Short that "on the direct examination, as a rule, you are supposed to have extracted all the good you can out of your witness. You don't expect the cross-examining counsel to bring out facts which you could not get yourself?" Short protested: "But they often do, and in this case where there is 117 pages . . . ." Judge Winter

interrupted, "Well, Mr. Short would like to read it." Moments later, court adjourned until two p.m.[30]

When court reconvened, Short read driller James Hayes's testimony of the events surrounding the salting of the well into the record. Hayes admitted that he, not Buck, ordered Terrill and Minue to salt the well. "[I] just told [Terrill] Mr. Buck wanted it put in and they could go ahead and put it in." Following Hayes's testimony, Short inserted Fletcher's direct testimony in the record. Originally hired as an auditor, Fletcher established Black Diamond's financial difficulties, particularly an inability to finance the well. "It was a matter of general discussion around the office every day," said Fletcher, who managed to raise $4,000 for the company. But that was not enough. Fletcher described how International Supply Company could take all of Buck's property if the well reached 1,500 feet. "Mr. McLaws had charge of the affairs of the International Supply Company, and if the money was not forthcoming. He would take the whole of the Black Diamond outfit, that was his property and his home property, which I understand he had in escrow for this debt." According to Fletcher, Buck suggested several different ways to finance the debt, including enticing an outside investor to buy stock, and when that fell through "the proposition was to create a boom" by creating an oil discovery. "It got very urgent at the last around about the third, fourth and fifth of May, and on May 6, Mr. Buck got down to the concrete proposition that something had to be done right quick." During that week before May 6, 1914, Fletcher asked Mr. Hayes to delay the drilling for ten days at Buck's request to avoid the payment $9,800. But delaying drilling did not tackle the main problem of the lack of money, and on May 6, Buck "outlined a proposition. He thought the money could be raised easily. If oil was to be put in the well." Fletcher described how "things were looking suspicious" the week before. "Crude oil had been coming into the office and gasoline, and things were working to appoint a person, I did not know where I was at." As for his role in the proposition, Fletcher testified that, at Buck's instruction, he spoke to Hayes to see if there would be any problem or danger in salting the well. Fletcher claimed he told Buck, "I would have nothing to do with it. It was too serious an offense. It came to the point, I would quit." Buck replied that he was going to go through with it even if he had to do the job himself. Fletcher then said he did not hear anything more about the salting of the well until May 12, 1914, when he met Buck in Medicine Hat. "He told me they got along all right, but Hayes backed out from the former arrangements, but they accomplished it." Buck then claimed that Tryon's visit to the well was unproductive so "they had to

get the *Albertan*" to provide a good write-up. According to Fletcher, though, it still did not produce the expected results.[31]

After reading Fletcher's direct testimony, Short asked the court to consider inserting three pages of Fletcher's cross-examination. McGillivray reiterated his earlier objection. "My friend is not at liberty to put in any cross-examination. What he is entitled to put in is preliminary evidence." Asked directly by Short if he would consent to adding the page, McGillivray refused, ending the prosecution's case. McGillivray announced the defence would not call any witnesses, bringing the case to a rapid denouement. All that remained was the summation of the prosecution's case. The *Herald* concluded that the prosecution "characterized Buck as one not fit to be at large, and asked for a conviction." Short summarized that the Crown charged Buck under section 414 of the Criminal Code. The prosecution showed that Buck "was a director and manager of a body corporate," and that Buck "concurred in making, circulating or publishing a statement . . . that oil was found in the well of the company of which he was president." The oil, argued Short, "was not there naturally, but was put their artificially and for a set purpose." McGillivray objected when Short used Tryon's testimony to show that Buck "did concur in making, or circulating a statement." To the court, McGillivray pointed out that "Mr. Tryon said he could not remember who did phone him." Short countered that the prosecution presented much more damning evidence, most prominent of which was Buck's attempt to induce Tryon to publish a special edition of the *News Telegram*. "If that was not concurring in the publication of a statement, I do not know what would be concurring." After some bickering between Short and McGillivray over whether Tryon said Buck "had," "could," or "would" go to the *Albertan* to publish a favourable statement, Short returned to his main point—that Buck took several people, including Tryon, and City Councillors Freeze and Crandall, out to the well.

> What possible object had he in taking those men out there, knowing as he did how the oil had come into that well, if we believe the evidence of the witnesses in this case, what possible object had he except getting them to publish the statement that oil had been found in the Black Diamond well? By his very conduct, which was calculated beforehand with a great deal of skill and knowledge of human nature, and I think in this case with a great amount of knowledge of human nature, he was calculating the means, which I submit was the best calculated of all, to mislead the public as to the state of oil in that well.[32]

Short then turned to the events surrounding Cheely. The very next day, summarized Short, a reporter for the paper that Buck said he "would" or "could" get a favourable story from arrives at the well. Cheely's story on May 9, 1914, quoted Buck as saying, "This is only a seepage." That, declared Short, "was an absolute fabrication—it was not a seepage." Buck brought Cheely to the well, made false statements about finding oil, and showed him evidence of the strike in order to generate publicity that would result in greater stock sales. Cumulatively, these facts "clearly show that he has brought himself within the section, which says, that he concurred in making, circulating, or publishing" statements intending to defraud. Anticipating defence claims that Buck did not read Cheely's article, the prosecutor argued Buck could not claim innocence. What other conclusion could Cheely draw from this performance? Buck clearly knew the statements were false, especially since the testimony of Fletcher, Gillespie, Minue, and Hayes established that Buck was fully aware of his actions. Short concluded, "I say, in this case, the facts are some of the most astounding circumstances that, I think, have ever come to the attention of any court in the Dominion of Canada."[33]

As Judge Winter retired to review the evidence, the prosecution team took stock of its case. Over the course of the three-day trial, the Crown had called twenty-one witnesses, inserted Hayes's evidence on commission, and succeeded at including Fletcher's direct testimony from the preliminary hearing. Although he believed Winter would find Buck guilty, Short had few illusions about the case. Altogether, the testimony painted a convincing, but nonetheless circumstantial, picture of Buck's involvement and direction of the scheme to salt Black Diamond #1 on the night of May 6, 1914, and made it easy to see how a conviction for conspiracy would be far easier for the prosecution to secure. Proving fraud, however, was a different proposition. Testimony and evidence presented by the prosecution established Black Diamond Oil Fields' financial difficulties and that Buck spoke openly about salting the well to several people. However, none of the witnesses could definitively state that Buck poured oil into the well, as Buck always placed another individual between himself and the activity. A guilty verdict for fraud therefore likely hinged on how Judge Winter evaluated the testimony of William Cheely and the story published under his byline on May 9. Still, had McGillivray created enough doubt by eliciting from Cheely the admission that he spoke to several individuals, not just Buck, and could not say definitively that Buck specifically said anything directly to Cheely? Nor could Short definitively place Kelso's report attesting to the characteristics of the oil found at Black Diamond #1 in Buck's hands before it arrived at the offices of the *Albertan*.

Finally, as Short also contended with the procedural question raised by the defence arising from the speciality principle, "McGillivray objected to the evidence of Cheely on the ground that there was no mention made of it in the Extradition Proceedings, nor of the facts deposed to by Mr. Cheely." If Buck were convicted, Short believed McGillivray's objection to Cheely's testimony would feature prominently in any appeal. Popple, who assisted Short with the case, predicted Buck would appeal regardless. In the meantime, Browning wrote Short that the department was "very well satisfied" with the case he presented and pre-emptively absolved Short from blame "if the result is not as we expect." According to Browning, "The public must feel that everything possible has been done by this Department and the Crown Agent to bring the case to a successful conclusion."[34]

Less than a week later, Judge Winter arrived at a verdict. Newspaper accounts said Buck entered the courtroom on November 7 confidently wearing a "radiant smile." Judge Winter got quickly down to business. The Crown charged Buck with two offences. The first of "making, circulating, or publishing a statement as a director of the company, such statement to his knowledge being false. And that he made this statement on or about May 7, 1914, at the city of Calgary." The prosecutor levelled a second count of the same offence but alleged it "was committed at or near the city of Calgary." Winter decided to lay out "certain facts" that the Supreme Court could easily take up on appeal; namely, that George E. Buck served as managing director of Black Diamond Oil Fields in May 1914, and that Black diamond "had been in great want of funds." In debt to International Supply Company, Black Diamond Oil Fields had no source of income except by the sale of treasury stock that Buck now desperately needed to sell for as much as possible. The evidence showed that George Buck had a meeting where he stated "that he had a proposition, and he hinted at the proposition, and then finally revealed the latter when he stated that he would take oil to the well and pour it down." Winter paused to clearly state Buck did not face charges of salting the well, despite how reprehensible Winter found it, because "it is not possible to try him under our laws and under our arrangement with the United States of America from which country he was extradited." Rather, Buck "is being tried for concurring in a publication" of false statements to defraud investors. After detailing the plot that unfolded between Fletcher, Hayes, Gillespie, and Budge, Winter arrived at the crucial events of May 8 when *Albertan* reporter Bill Cheely appeared at the well. "Under the instructions of the driller the bailer was sent down into the well. On being drawn up, it showed oil on it, and a mixture of sand, and there was a very perceptible odour of natural oil." Everything done at the

well had one purpose—"to impress Mr. Cheely with the genuineness of the discovery."[35]

After Cheely's report appeared on May 9, Buck made no attempt to correct the record. Directors, argued Judge Winter, had a responsibility to correct false reports made by optimistic reporters. "As far as the evidence goes," stated Winter, "the only oil that that well produced was the oil that was put into it, and the natural supposition in publishing a statement that they had oil meant that they had oil produced from its natural source." A false pretence, argued Winter, "can be made just as well by action as by words. In this case, the publication was not done by action, the statement was not done entirely, but the statement was made that oil was there, and was a seepage. Buck never contradicted this report at all." There was no doubt in Judge Winter's mind that Buck "doctored" the well and arranged to have stories published about it. Recalling the spring of 1914, Winter said "certain statements were made in the papers, by perhaps some too optimistic reporters." Newspapers printed retractions that included statements by "some official on behalf of the company in the same paper." But no such statement existed in this case. Considering the careful stage Buck and his co-conspirators prepared for Cheely that included a bucket filled with oil and water, and the oily fluid running down into the creek, covering the sluice box with oil, Winter said, "I cannot help feeling that he had, by his acts, shown what he wanted." All these things, argued Winter, "show that the intention of the man was that the so-called discovery should be published, because it was not intended that these reporters should keep this information to themselves." Winter therefore declared Buck guilty as charged. As a practical matter, Winter said the two charges pressed against Buck were the same "as far as I am concerned."[36]

In pronouncing his sentence, Winter suggested that, perhaps, "it does not sound quite so badly" to take away a person's money "by means of publications which were made" as it did to steal directly from someone's pocket. But "the result is practically the same—just as if you had taken it out of their pockets." Calgarians, Winter concluded, "have been really preyed upon by all sorts of similar schemes." Buck was hardly the only one, but he was the one standing in front of the court. With that, Winter sentenced him to serve four years, at hard labour, in the Edmonton penitentiary.[37]

Buck left the scene in the custody of two policemen with his head hanging "and a general air of dejection." Two days after the verdict, Buck boarded a train to Edmonton for incarceration at the penitentiary. Buck chatted with those around him about his future. "I am rather glib with my tongue," Buck supposedly said. "The fact that I have served time in the 'pen' will add greater

publicity, so I figure that I can make a fine showing as an evangelist." The *Herald* noted this could be a homecoming of sorts for Buck, who had arrived in Calgary nearly a decade earlier as a revival preacher for the Church of Christ. Buck claimed that he would make a success of his new venture, pointing to the recent example of Percy Hagel. Regarded as a young up-and-coming lawyer in Winnipeg, Hagel assisted his client, "Bloody" Jack Krafchenko, to escape from prison. The case generated national headlines as Hagel delivered a smuggled pistol and rope to Krafchenko, who was serving time for a murder he committed in connection with a bank robbery gone wrong. His role in the jailbreak got Hagel disbarred (temporarily) and earned him a prison sentence of his own. After release, Hagel briefly became an itinerant evangelist in great demand. Evidently, the public, by the hundreds, wanted to hear the former "silver-tongued" barrister speak about sin and redemption on the temperance circuit.[38]

Even though Cross billed the case as "the most important" in the young province's history, press reaction remained muted. *The Wichita Beacon* carried news of Buck's conviction in a small article on page thirteen. James Short reported Buck's conviction to the attorney general's office in sombre tones.[39] Although gratified by the verdict, Short quickly transitioned to preparations for the appeal promised by McGillivray even before the trial ended. To Browning, Short claimed he was not worried by the prospect but nevertheless wanted to preserve "the fruits of our victory." Browning's response remained equally subdued, consisting of a brief letter of congratulations to Short and perfunctory telegram to the attorney general, Charles E. Cross, in Victoria informing him of the sentence.[40] Now, in the face of a determined appeal, the attorney general's office had to ensure the conviction remained.