

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

by Paul Chastko

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“I am Not Going Back to Canada:” The Law Comes for Buck

Every day or two rumors are wildly circulated about strikes of oil in the different wells. These rumors are sometimes followed by fluctuation in the prices of stock which would profit if the rumors were true. The result is that people are made victims of designing people. If the police could get a case against one of these sharpers and make an example of him, they would do a public service.

—Editorial

The Calgary Morning Albertan
June 20, 1914

The Black Diamond Oilfields, Limited takes exception to [the Carpenter Commission], arguing that if the investigation is legal, the commission appointed has no authority to summon witnesses or compel them to give evidence. Straws usually show how the wind blows. To the man on the street, it looks as if there is something wrong in the state of Denmark.

—*The Western Standard*
October 24, 1915

Challenging the authority of the Carpenter Commission did not stop the provincial attorney general's investigation into George Buck's oil company. The commission had already generated enough evidence to justify bringing a criminal case against him. By late 1915, Buck's litigious and confrontational

nature was well established. Lawsuits filed against him by sales agents and drillers provided ample evidence that Buck's lack of attention to detail as a corporate officer had created many problems for his company. When combined with the persistent rumours and creditable accusations of stock price manipulation, including salting Black Diamond #1, Buck's brazenness made him the poster child for the excesses of 1914. Likely tipped off about an imminent arrest warrant, Buck disappeared for a few weeks but then returned equally abruptly, claiming he wanted to defend himself. However, before the trial began in January 1916, Buck fled Calgary despite \$20,000 worth of bail bonds (approximately \$530,490 adjusted for inflation) provided by friends, family, and business acquaintances. The province faced a choice, in that it could simply let Buck go or attempt to locate and return him to face trial. Some in Calgary's oil and gas community assumed that provincial officials got what they wanted most—Buck's immediate departure from the city. They reasoned, given the philosophy and ideology of limited government prevailing in the province, that there would be no attempt to pursue Buck. But both the provincial government and the City of Calgary still smarted from the spectacle of an unrealized oil boom. Civic leaders bemoaned the bumps and bruises to the city's reputation because of the actions of unscrupulous promoters. Others criticized the inability or unwillingness of provincial officials to either prevent abuses in the first place or to stop them after it became clear what was taking place. Several companies—not just Black Diamond—made announcements of oil finds in June 1914 that were, at best, unsubstantiated. At worst, they were outright lies.

In earlier mining booms, federal and provincial officials proved reluctant to resort to extradition of promoters facing fraud charges from angry investors for several reasons. First and foremost, the chances that prosecution would succeed were doubtful. This dilemma became more acute when provincial governments considered the expense associated with extradition plus the possibility that a criminal lawsuit might be triggered by every stockholder who lost money in an investment.¹ However, in 1915, both elected officials and the civil service made repeated references to public expectations that the Province of Alberta would pursue George Buck and bring him back for trial. Indeed, it is significant that the same provincial government that, a year before, claimed it did not want to regulate the industry now spent tens of thousands of dollars and hundreds of thousands of work hours bringing a single offender to justice. Despite the rhetoric of limited government and *laissez-faire*, Deputy Attorney General A.G. Browning presided over a three-month manhunt that mobilized people and resources from Canada

to Mexico. Although provincial officials eventually secured Buck's extradition from Wichita, Kansas, after a lengthy legal battle, the process proved a bruising, humiliating, and humbling ordeal for the province and gave added urgency to reform efforts.

In the early autumn of 1915, McGillivray's legal challenge to the Carpenter Commission effectively stopped all work as the matter pended before the court. The investigation would not rest for long. On October 11, 1915, Frank Ford reached out to James Short, KC, a Crown prosecutor in Calgary, and his assistant on the Carpenter Commission, Gregory Trainor, to assemble a criminal case against George Buck and Black Diamond. Born in Pilkington, Ontario, in 1862, Short graduated from the University of Toronto with a Bachelor of Arts degree. Hired as a teacher in the town's only school, he moved to Calgary in November 1889. Arriving in town at four a.m. on a frosty morning, he vividly remembered the sight of the Rocky Mountains from his hotel room window and that just across the street on the top of a one-storey building stood a mountain goat "ready to do battle to all comers." Short discovered the town of 1,200 residents had no sidewalks, and the boys all wore cowboy hats and rode horses to school. He was recruited to serve as the principal of Central School in 1891, and historian Harry Sanders concludes that Short "essentially created Calgary's public high school program" and served as its sole teacher until 1892, when he left teaching as the result of a dispute with the school board over teacher compensation.²

Short moved from education to the law in 1892, articling with a law firm for a few years before entering practice in 1897. The next year, Short joined future provincial chief justice and premier Arthur M. Sifton and Charles Stewart to found the firm of Sifton, Short, and Stewart. As his original law partners retired from the firm to become members of the bench, Short formed a new partnership with George H. Ross and F.S. Selwood that produced another high-powered law firm with ambitious partners, Short, Ross and Selwood, in 1907. Four years later, Joseph T. Shaw, whom Short had taught years earlier, joined the firm. In 1901, Short became a Crown prosecutor and held the post until 1926. Despite future controversy over Short's actions and views, few at the time questioned Short's reputation as one of Calgary's foremost lawyers and prosecutors, especially with his having handled several high-profile cases.³ Indeed, in a trial that drew international attention, Short served as prosecutor for Arthur Pelkey's manslaughter charge after his opponent, Luther McCarty, died in the ring in 1913.⁴ If anyone could handle the pressure of a prosecuting a high-profile case, Short certainly could.

In the meantime, Ford asked Trainor to assist Short any way he could. Eager to start, Trainor tracked down Short on the steps of the courthouse. The two men were discussing Ford's instructions when Alexander McGillivray left the courthouse and passed by. Unprompted, McGillivray said he hoped they were not talking about the Black Diamond company and its proprietor, George Buck. The remark seemed odd to Trainor, who immediately became suspicious and wired Ford in the attorney general's office in Edmonton to seek an immediate warrant for Buck's arrest. "Accused's Solicitor appears suspicious," warned Trainor. "There is a possibility of the accused skipping out." Ford quickly agreed. "If any danger tell Mr. Short to go ahead without waiting." Again, Short demurred and insisted the case belonged to Shaw who, in turn, dismissed Trainor's concerns. Shaw believed there was no danger Buck would escape as he had already notified the Calgary police to keep track of Buck's movements. Trainor warned Shaw that Calgarians would blame him if Buck got away, so Shaw called Chief Cuddy again in Trainor's presence, asking him to tail Buck. Three days later, as Trainor went about his business, a reporter for *The Calgary News Telegram* appeared, seeking a comment regarding Buck's impending arrest. Shocked that word had leaked so quickly, Trainor appealed to the editor of the *News Telegram* to withhold publication of the story until Buck was in custody.⁵

On October 15, 1915, Assistant Crown Prosecutor Joseph Shaw laid three charges against Buck and H.C. Beattie under section 414 of the Criminal Code: defrauding the public; conspiracy to defraud the public; and "making, circulating or publishing a statement known to be false . . . with intent to induce persons to become shareholders" in Black Diamond Oil Fields in local newspapers as well as in Buck's own press organ, *The Black Diamond Press* while serving as a director and manager of Black Diamond Oil Fields. If convicted on the conspiracy charge, Buck faced up to seven years in prison. But when the Royal North-West Mounted Police went to serve the warrant on Buck out at the well, they were unable to locate him despite the surveillance requested by the attorney general's office. Trainor contacted a trusted detective on the Calgary Police Force, Tom Turner. The detective claimed October 11 as the date of the last reliable report of Buck's whereabouts, the day Shaw asked the police to track his movements. Trainor suspected, but could never prove, that someone tipped Buck off. The *Herald* reported that the arrest warrant and charges sought by the attorney general were politically motivated—payback, they speculated, for the embarrassment caused by McGillivray's successful challenge to the Carpenter Commission. The police prepared wanted circulars and notified the RNWMP. Meanwhile, Trainor received a tip that Buck

was in Graybold, Montana, had shaved his mustache, and travelled under the name “Hugh Johnston,” but some reports still placed Buck in southern Alberta. A week after his disappearance, Trainor confided to Acting Deputy Attorney General G.P. Owen Fenwick that “the public appear to be almost satisfied to be rid of him.” Trainor overlooked the comment on the *Herald’s* editorial page suggesting Buck’s “little game” ensured police “are not going to ‘pass the buck.’” Bob Edwards, however, took a different tack, arguing that Buck clearly had an informant working on the inside of the investigation. “This always happens when too many crooks are fussing around the pot where the broth is being prepared. Buck’s vanishing act only goes to show how very rarely one catches a weasel asleep.” Furthermore, Edwards wondered why Trainor and the attorney general’s office focused on Buck. “There are other oil crooks in this town just as bad as Buck ever was,” wrote Edwards. “One company in particular, so far as misrepresentation and fraud goes had Black Diamond skinned 47 different ways.”⁶

After evading law enforcement for three weeks, Buck suddenly reappeared and arranged with his lawyers to turn himself in to the police. Upon his return, *The Calgary Daily Herald* fawned over Buck, reporting that the oil man appeared at the police station “clad in a black broadcloth overcoat, wore a dark soft hat and was smoking a cigar that gave evidence of class.” The report took special delight in highlighting that Buck “had no difficulty whatever in keeping out of the toils of the authorities until he chose to give himself up.” This latter observation prompted some of Buck’s acquaintances to speculate that the “real hope of the prosecution was that Mr. Buck would hop over the line and stay there [in the United States].” Returning to Calgary by train from Spokane on October 31, Buck’s unmistakable form sauntered up Centre Street to 8th Avenue, casually visiting several hotels and calling on friends, among them the prosecution’s chief witness Norman Fletcher. Nevertheless, as Buck continued conspicuously making the rounds, he remained unmolested by law enforcement. “There was no recognition from the police,” noted the *Herald*. “Not a wink.” The next morning, Buck presented himself to Chief Cuddy in advance of an appearance before police magistrate Davidson. Buck posted \$10,000 for bail—\$5,000 personally, the other \$5,000 from his wife.⁷

With the date of the preliminary hearing set, Buck turned his attention toward his defence. Trainor and the attorney general’s office began receiving reports that Buck had approached prosecution witnesses, starting with Norman Fletcher, to buy them off or otherwise compel their silence. Buck also settled various pending civil actions against Black Diamond Oil Fields to lift the freeze on the company’s remaining assets, estimated to be between

\$6,000 and \$12,000. Whether this was to pay for his defence, or for use as bribes for witnesses, it is clear that Buck desperately tried get his hands on as much cash as he could. Trainor suspected Buck would attempt to escape once again, and enlisted Reuben James Bolt to file a civil action against Black Diamond to keep the company's assets frozen on behalf of shareholders. One of the statements of claim read, "I am informed and verily believe that the defendant company's manager, G.E. Buck, deals with the money as if it were his private property and should settlements of the actions now pending be effected there will be nothing to prevent him from drawing the balance of the money and paying it to who[m] he pleases."⁸

The preliminary hearing quickly established a damning case against Buck as it became public for the first time that Black Diamond had "salted" its well to sell more stock, confirming what was already long suspected about Buck and Black Diamond. Guided by Trainor, Crown witness Norman Fletcher calmly testified that in March 1914 the company was hard pressed financially and described the evolution of Buck's scheme to raise stock prices to pay the drillers. "The International Supply Company had threatened to stop the work and take possession when 1,500-foot depth was reached," testified Fletcher. "It was said that oil could be placed in the well and that the shares would sell." The *News Telegram* noted that Buck "sat almost unmoved, serious of attitude and listening intently" as Fletcher testified. Under rigorous cross-examination by Buck's lawyer, Fletcher told the court that several employees of Black Diamond had prepared sworn statements "in case Buck should take any proceedings" against them. Fearing that Buck was "too shrewd," Fletcher avoided going to court with only his word against Buck's. Four other employees joined Fletcher, signing declarations of facts to protect themselves from "a bad, dangerous man" who had promised to "get" Fletcher, casting Buck's visit with Fletcher upon returning to Calgary in a more sinister light.⁹

Fletcher's dramatic and compelling testimony took the bulk of the first three days of the hearing and generated national headlines when he revealed the details about the salting of the well.¹⁰ During a cross-examination on November 10, 1915, Fletcher testified that, in the spring of 1914, Buck instructed him to "untangle" some things. The tasks included going incognito to the King George Hotel to determine whether the driller was revealing secrets about the Black Diamond well and making certain inquiries to Devenish and Beveridge. When Fletcher made a sarcastic reference to "the lawyer," Buck's counsel, Tweedie, took exception and angrily accused him of being "a spy" who did "sneaking tricks." The clash might have spiralled

further if not for the judge's intervention to restore a sense of decorum between the two parties.¹¹

On the second day of the hearing, two other witnesses, Roy Minue and Major Gillespie, buttressed Fletcher's testimony. Tweedie challenged Gillespie, asking why he did not tell company director and city alderman E.H. Crandell about the salting when he came to measure the well. "It is one thing to say a thing and another to prove it," replied Gillespie. "I'm not afraid to tell the public now. I've been wanting to get this thing off my chest for a long time."¹² When court recessed for lunch on the second day, it became clear to Trainor that Buck's bail was too low given the strength of evidence presented against Buck and the growing list of charges the oil man might face, especially after Fletcher revealed that Buck ordered Ray Minue to fire several shots from a rifle over the heads of potential investors scheduled to visit the well. According to Fletcher's testimony, Buck wanted to scare the investors and "to give them a good impression of the progress of the well." Trainor believed few ties held Buck to the city and the incentive to flee again would be overwhelming. Thus, Trainor broached the subject of a bail increase with Shaw, who dismissed it out of hand by insisting the bond was sufficient. But later in the afternoon, Shaw relented and asked for a further bond of \$1,000 from a third party. After a slight delay, Buck found a third party to pay the bond.

Two days later, as the case against Buck grew still stronger, Trainor again recommended that Shaw seek an increase in the bond to discourage Buck from skipping town. This time, Shaw responded angrily, saying he "had a great deal more experience in matters of this kind than I had had and that it appeared to him that he should know at what the bonds should be placed." Trainor disagreed and countered that, not only was the bail too low, but Shaw had accepted as surety property from Mrs. Buck already pledged as collateral in another case. Owen Fenwick, the acting deputy attorney general, agreed with Trainor and wired instructions down for Shaw insisting, "You must insist on proper bail at once. Suggest Ten Thousand Dollars." Trainor, in turn, notified Police Magistrate Davidson that a request to increase the bail would be forthcoming. Judge Davidson agreed, telling Trainor "he had absolutely no faith in Buck [sticking around to face trial], and especially as the evidence was so damaging against him." At a two p.m. meeting in the judge's chambers, Davidson insisted that he would not set bail below \$10,000 (approximately \$300,000 adjusted for inflation). According to Trainor, Shaw then became "nasty," stating "that as far as he was concerned, he would not 'persecute' Buck for the Attorney General or for anyone else." Told to contact his office for the attorney general's instructions, Shaw listened as Short read

the telegram. Back in front of Buck and his attorney, Shaw stated that “he was speaking as the mouth-piece of the Department and that he had received a telegram from the Department stating that the bail be placed at \$20,000 and that he was very sorry to have to inform Buck and his Solicitor that he could not be admitted to bail in any other way.” With that, the bailiff placed Buck in jail until the next day, when he again seemed to have little difficulty posting a \$10,000 bond for himself while the other \$10,000 came from other sources. While Shaw informed the attorney general’s office that Buck had posted bonds, he did not convey that information to Trainor.¹³

While unfortunate, the bickering between Trainor and Shaw clearly did not affect the results of the preliminary hearing. On November 16, Justice Davidson committed Buck for trial on three charges—two of conspiracy to defraud and one of publishing false statements with intent to induce persons to become shareholders in Black Diamond Oil Fields. At the very least, though, the infighting over bail bonds revealed a deeper problem regarding strategy in the attorney general’s office that led to costly mistakes. Shaw’s petulant statement that he was a mere “mouthpiece” for the department surely sent signals to Buck that a division existed between the prosecuting attorneys. Furthermore, although Trainor’s memo never explicitly accused Shaw of tipping Buck off in October about his impending arrest, it is reasonable to infer that Trainor said as much to Fenwick in a letter that accompanied his report. “There are a great many things which I have read between the lines in this case, in connection with Mr. Shaw and in regard to the bonds and his connections with Crandell, etc. that I have not expressed an opinion on. These matters are of course, as well known to you as they are to me as we have talked them over together.” Other matters mentioned by Trainor included questions regarding Shaw’s decision about the testimony of witnesses, particularly Alderman E. H. Crandell, whom Trainor believed Shaw protected, with the decision resulting in a slightly weaker case.¹⁴

With Buck’s trial scheduled to begin on January 11, 1916, in front of Chief Justice Horace Harvey, both parties gathered evidence and interviewed witnesses. In early December, Gregory Trainor applied to Justice Stuart to travel to Ohio to collect evidence from former Black Diamond driller James M. Hayes and rig hand Lafe Terrill against Buck. Earlier, driller Hayes told the Crown he would not return to Calgary for the trial. Trainor insisted to the judge that there were exigent circumstances: the two witnesses were likely to be “induced to disappear” if the court waited much longer. Stuart gave Trainor until January 10, 1916, to return with the statements. In the meantime, at the annual meeting of Black Diamond shareholders on December

6, 1915, Buck received a confidence vote and unanimous re-election to the board of directors. In a brief statement, Buck announced that the company would not resume drilling “until such time as the crooks who are after us” quit. To a shareholder who requested more reports, Buck claimed he had provided several official reports to the newspapers but the press misconstrued his statements so he would make no more. Furthermore, printing and mailing reports every two weeks was too expensive, costing about \$150 per report.¹⁵

After dispensing with the shareholders meeting, Buck turned attention back to his pending court cases and crumbling empire as a series of costly decisions mounted against him. A few weeks earlier, as Buck’s preliminary hearing revealed that he salted Black Diamond #1, International Supply Company secured settlements of \$9,000 and \$23,000 against Black Diamond Oil Fields for breach of contract and moneys due under contract.¹⁶ Buck asked the court to withhold \$1,300 from International Supply on the grounds that it was not earned, and the court agreed pending a resolution. Other looming lawsuits, including one for \$256 in past due office rent filed by landlord David McDougall, proved more problematic when McDougall sought, and received, a court order freezing all of Buck’s company and personal bank accounts.

According to Buck’s later statements, around this time he secretly decided to flee Canada. Claiming business to attend to in Ohio, namely gathering of evidence from the two former Black Diamond employees, Buck left the city promising to return in time to defend himself in the criminal case. Apart from his accountant, Hugh Miller, who accompanied him, and his cousin, Jennie Earl, whom he left in charge of his business interests, few knew his plans. When Buck did not appear for the start of his trial on January 11, 1916, Chief Justice Harvey issued a bench warrant for his arrest. Within a matter of days, the court moved to file caveats on the property of Ada Buck and J. Herchmer Poy niz, a salesman for Black Diamond who was also listed as the head of Black Diamond’s Vancouver office, both of whom had guaranteed Buck’s bonds.¹⁷

Meanwhile, as the most public-facing member of the attorney general’s office in Calgary and connected with both the Carpenter Commission and the criminal case against Buck, Gregory Trainor felt the sting of public dissatisfaction. On January 20, he wrote to the deputy attorney general that the prevailing consensus was that Calgarians were “not very anxious whether Buck appeared or not” but wanted Buck held to account for something. Indeed, within weeks of his departure, the editor of *The Alberta Oil Review and Industrial Record*, E.M. Robertson, suggested that since “the absconding president of the two Black Diamond Oil companies . . . is still in parts

unknown,” the province should use the forfeited sum to do something useful like improve the road between Okotoks and the oil field. “Unless,” added Robertson, “the government intends to spend the money in bringing him to justice and prosecuting him.” Considering the public temperature, Trainor advised the newly appointed deputy attorney general, A.G. Browning, KC, that “the Department should use every endeavor to locate Buck” and asked to be assigned to lead the effort.¹⁸

Born in Yale, British Columbia, in 1851, Arthur George Browning received his education at the Orillia high school and the University of Toronto, graduating with academic distinction by winning prestigious Governor General’s Silver Medal for philosophy and the astronomy prize. After graduating from Osgoode Hall, in 1888, Browning became North Bay, Ontario’s, first Crown attorney and, after 1893, Crown prosecutor. In addition to his busy law practice, Browning devoted considerable time to community-building efforts, serving as chair of the newly formed high school board of trustees and editor of the local paper, *The North Bay Nugget*. A brief visit to Alberta in 1914 sufficiently impressed Browning that he moved to Edmonton to join the law firm of Browning and MacDonald. In short order, Browning earned an appointment as a police magistrate before securing the post of Alberta’s deputy attorney general in 1915. Browning remained for eight years until he resigned and returned to Ontario in 1923.¹⁹

Despite Trainor’s plea, Browning turned to Alberta’s chief of detectives, John D. Nicholson, to spearhead provincial efforts. Alberta’s chief of detectives since 1911, Nicholson was already a living legend in provincial law enforcement circles. The son of parents born in Nova Scotia, Nicholson left home as a teenager, serving as a cook on a ship. Only later did Nicholson learn it was a rum-runner operating out of the island of St. Pierre along the Atlantic seaboard. For the next few years, Nicholson sailed across the globe until the age of twenty-two, when he abruptly changed careers and joined the North-West Mounted Police. Stationed in Edmonton after training, Nicholson fought in the North-West Rebellion against the Metis and their Indigenous allies before injuries sustained in the line of duty made it painful for him to ride a horse. Then, stricken by a bout of appendicitis in February 1896, Nicholson required a lengthy convalescence. By the time he recovered in February 1900 and could resume his duties, he discovered the NWMP had struck him off the rolls two years earlier. At age thirty-five, he then volunteered to serve with the 1st Battalion, Canadian Mounted Rifles in the Boer War. Wounded during the fighting, and catching enteric fever during another lengthy convalescence, he re-enlisted, but the fighting ended two days before he returned to

South Africa. After the war, he rejoined the NWMP, working in the Hudson Bay area before returning to Alberta in 1907 and becoming the Province of Alberta's chief detective in 1911. In that capacity, Nicholson would log over 13,000 miles across North American in pursuit of Buck.²⁰

As rumours multiplied regarding Buck's whereabouts, the attorney general's office launched several different efforts to track him down. In Montreal, the province retained the Thiel Detective Service to follow up leads. Closer to home, the attorney general's office placed Buck's family and known associates under surveillance in case Buck tried to contact them. By early February, friends and associates who posted bonds for Buck's bail received notification that the province would move to seize the assets used as collateral. E.H. Crandell asked Crown prosecutor Joseph Shaw to intercede on his behalf with the attorney general's office as he suddenly found himself short on cash and pleaded for special consideration.²¹

Days before Crandell's letter arrived, Browning received a report from Gregory Trainor outlining the cozy relationship between Buck and the former city council member. Trainor reminded Browning that back in 1914, Crandell had served as a director on Black Diamond's board, and rumours held that Crandell profited handsomely from his association with Buck, making close to \$25,000 (\$750,000 adjusted for inflation) on the sale of Black Diamond stock alone. The report also intimated that a close friendship between Shaw and Crandell might explain the prosecutor's actions at Buck's preliminary hearing. Trainor placed Crandell on the witness list because Crandell visited the well on May 7, 1914, along with Alderman Freeze and reporter Tryon. But when the clerk called for Crandell to testify, Shaw "told the magistrate that he had talked with the witness Crandell and that as his evidence was not material" he had sent Crandell home.²²

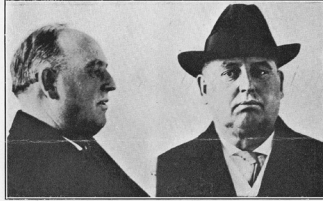
Whatever the reason, Browning answered Crandell's letter in an unforgiving mood. "When the bond was entered into, he must have understood its effect and the position in which it might place him," replied Browning. "You are, therefore, instructed to proceed at once for the enforcement of the bond and I will be glad to be advised of the result at your earliest convenience."²³ James Short duly went before the court to remove the stay of execution for the seizure of collateral placed up by Crandell, but the chief justice blocked the move as premature. Nevertheless, Crandell was sufficiently worried that he wrote Attorney General C.W. Cross directly to plead for special consideration, adding that if Browning were looking for political cover "there are precedents along this line."²⁴

In the meantime, Nicholson tracked Buck's favourite auto—the red, eighty-horsepower McFarlan Six. Like so much else about Buck, the luxury automobile was both big and conspicuous, attracting attention wherever it went. Buck drove the vehicle to Montana and arranged for delivery to the factory at Connorsville, Indiana, to overhaul the engine. To Nicholson, Buck later claimed he crossed the border at Detroit, where his brother lived and worked as a mortuary attendant, to pick up his car.²⁵ While chasing down another lead in Toledo, Ohio, Nicholson learned that Buck had loaded up with fuel and headed due south, for Mexico. Buck did, indeed, arrive in Mexico, but the ongoing civil war made conditions too dangerous, prompting him to leave for New Orleans, where Nicholson picked up Buck's trail again. Nicholson thought Buck would make his stand against extradition in Louisiana, where state laws differed by making the governor's duty to extradite a fugitive discretionary rather than mandatory. Article 160 of the Louisiana Code of Criminal Procedure stipulated the governor could deny extradition in cases where the wanted person completed a "complete self-rehabilitation" and established themselves as a worthwhile member of the community.²⁶ Indeed, while in Louisiana, Buck consulted a lawyer about his case who told the fugitive the charges against him were not extraditable. Armed with this information, Buck briefly considered staying in Louisiana and establishing another business. However, Buck picked up stakes once again, disappearing into Texas. With the trail getting cold, Nicholson returned to Edmonton.²⁷

Shortly thereafter, in early April 1916 the province offered a reward of \$1,000 for Buck's arrest—\$25,000 adjusted for inflation. As part of the dragnet, Nicholson prepared a circular offering a reward "for information leading to the arrest" of Buck. Browning suggested that Nicholson remove "information" from the reward description and Nicholson drew a line through it with a pencil. The printer overlooked the edit and initially the circular offered a reward for "information," although subsequent printings corrected the mistake. Regardless, the attorney general's office sent out circulars to the RNWMP as well as to police departments and the major detective agencies in every American city.²⁸

In the meantime, after leaving New Orleans, Buck travelled to New Mexico and doubled back to El Paso, Texas, and Oklahoma before finally settling in Wichita, Kansas, at the start of February under the assumed name Joe Barnes. According to Buck, he settled in Wichita "as this city has the name of being a refuge for criminals." Indeed, after spending a month in Wichita, Nicholson believed it the best place for Buck to stage his defence. Crime seemed abundant; hardly a day passed without the newspapers reporting

\$1000 REWARD \$1000



George Edward Buck

ONE THOUSAND DOLLARS will be paid for the arrest or for information leading to the arrest of George Edward Buck, wanted by the Government of Alberta, for Conspiracy to Defraud, and jumping \$20,000 bonds.

DESCRIPTION

Canadian, thick set and erect ; 48 years of age ; weight 243 lbs.; height 5 feet 8 1-2 inches ; sharp eyes ; bushy eyebrows ; round double chin ; loud gruff voice ; hair tinged with gray ; bald in front ; clean shaven, usually wears a moustache waxed at ends ; wears dark clothes ; wide black fedora hat or motor cap ; thin leather, broad toed shoes ; heavy cigar smoker and gum chewer ; has a habit of putting his thumbs in armpits or vest pocket ; Real Estate and Oil Stock Promoter ; was President of The Black Diamond Oil Co., Calgary, Alberta.

If located, arrest, hold and wire The Deputy Attorney General, Edmonton, Alberta, when a man will be at once sent to identify and bring him back. Warrant held here.

The above photo was taken in December, 1915.

A. G. BROWNING,

Deputy Attorney General,
Edmonton, Alberta.

Figure 10-1
"George E.
Buck Wanted
Circular"

Securing the \$1,000 reward for information leading to Buck's arrest would become a central preoccupation of the McWain and Miller Detective Agency in Wichita, Kansas. (Provincial Archives of Alberta, GR1972.0026)

killings, lynchings, or some other violent incident. To be sure, some crime stemmed from the state's decision to go "bone dry" with the prohibition of alcohol in 1880, which created opportunities for bootleggers and organized crime to flourish, particularly with "wet" Missouri so close by. More than one public official or member of local law enforcement developed malleable ethics and profited from kickbacks or bribes from illicit activities. With the rich and powerful observing laws and norms with a winking smirk, perceptions that lawbreakers could buy their way out of trouble proliferated. To Nicholson's disbelief, the people of Wichita treated Buck as just another businessperson and closed ranks around him as one of their own. Buck advanced that narrative by highlighting his family's roots in Pennsylvania and allowing some press reports to claim that he was really an American.²⁹

Wichita also suited Buck because the discovery of the Augusta and El Dorado oil pools in 1914 and 1915, respectively, had touched off an oil boom in Kansas. Between 1914 and 1918, Kansas's oil production grew from three million barrels per year to eight million barrels in 1916 before reaching forty-five million barrels in 1918.³⁰ Upon arrival in Wichita, Buck concocted a backstory in which he was "Joe Barnes," an oil developer from Texas starting a new company, the Miller Oil Syndicate. The syndicate was named after Hugh Miller, the accountant who had fled Calgary with Buck. Locals could not help but notice "Barnes" driving about town in a conspicuously big, red McFarlan Six with wire wheels. For weeks, he surveyed the land between Central Avenue and the Butler County line, chatting with folks and making connections. Finally, at a series of meetings with landowners and financial backers in Oklahoma and Wichita, Buck purchased leases on approximately 2,000 acres around Augusta, eighteen miles east of Wichita and announced the company would commence drilling soon.³¹

What happened next is not entirely clear, as the accounts of Buck's arrest vary. One telegram in the Alberta Provincial Archives indicates that the attorney general's office received reliable information that Buck settled in Wichita as early as February 29, 1916. On that date, Browning notified the US commissioner of immigration of Buck's location and Canadian citizenship. On a different occasion, Browning also claimed that the province notified authorities in Wichita of Buck's presence in their city.³² A separate account in Kansas papers relates that one of the provincial "wanted" posters tipped off State Marshal "Dad" Cheatum of Kingman, Kansas, located forty-three miles west of Wichita. Marshal Cheatum apparently immediately recognized Buck's picture as the person he knew as Joe Barnes. The Kansas marshal claimed that he telegraphed the attorney general's office in Edmonton on April 12 but received no acknowledgement of his message. No record of a telegram from Cheatum exists in the material released by the Alberta Provincial Archives.³³ However, on April 12, for reasons that are not entirely clear from the documentary record, Browning wired Jack Hays, Wichita's chief of police, that Buck "is reported to be in your city" and asked him to detain Buck and wire back immediately. According to historian John Schmidt, Hays began plotting to collect a portion of the \$1,000 reward, but his status as chief of police made him ineligible to claim the reward. The same rules, however, did not apply to private detectives. Instead of arresting and detaining Buck himself, Hays tipped off his former detectives, W.A. McWain and John W. "Long John" Miller of the McWain and Miller Detective Agency.³⁴

Founded a year earlier from the ashes of the Gilleland Detective Bureau, the McWain and Miller Detective Agency described itself as “a modernized Secret Service” protecting businesses and individuals from “theft, robbers, bad checks and burglaries.” As former police officers in Wichita, they enjoyed a cozy relationship with the police chief, Jack Hay, something their agency’s predecessor, W.S. Gilleland, had lost in 1915 after five years in the business, allegedly because of his “misconduct as an officer and public criticism of his superior officers.” Gilleland’s real offence, however, stemmed from his effort to reform and regulate the city’s private detectives and their agencies in the aftermath of a two-month partnership that went sour and jeopardized both his and the agency’s reputation. After publicly severing ties with his former partner, Gilleland spearheaded community efforts urging the police commission to adopt changes leading to the increased professionalization of detectives, such as having all private detectives post a \$1,000 bond and paying a licensing fee. If adopted, the proposal would have made detectives and their agencies liable for fraud committed by the agency or detectives in the course of their business operations. Gilleland’s proposal encountered stiff opposition from other private investigators and produced an increasingly bitter rift with the chief of police, O.K. Stewart. In this feud, however, Stewart held the upper hand because Gilleland required his permission to operate as a licensed private investigator in the city. The dispute between the two boiled over in December 1914 when Gilleland called Stewart incompetent and threatened to file a \$5,000 lawsuit after Stewart refused to sign Gilleland’s detective licence. Wichita’s mayor, William J. Babb, then revoked the agency’s commission and with it, Gilleland’s power to make arrests. Whatever else it may have accomplished, the move amply illustrated the power that the chief of police exerted over Wichita’s private detectives. Within five months, Gilleland sold what remained of the business to McWain and Miller, who were abruptly relieved of their responsibilities as police officers by the new mayor, Bentley, with no explanation. Stewart’s triumph over Gilleland proved temporary. A federal grand jury indicted Stewart for bootlegging liquor out of city hall in November 1915, forcing him to resign as chief of police.

To the press, McWain and Miller claimed they began investigating Buck on April 8, two weeks before his arrest, as part of a routine check in connection with a large stock deal. Claiming that something about Barnes prompted them to probe deeper, they suddenly remembered information contained in the provincial circular that said Buck had a habit of putting his thumbs in the armpits of his vest and that he constantly and vigorously smoked or chewed gum. They recalled that when they originally approached him, “Barnes” put

his thumbs in his armpits and when questioned, Barnes smoked vigorously. It was either a remarkable display of sleuthing or an incredible coincidence that McWain and Miller detained the right person on such remarkably thin evidence. But before closing in to detain Buck, the Wichita detectives telegraphed Browning in Edmonton requesting a certified copy of the arrest warrant on April 20. Two days later, McWain and Miller tapped Buck on the shoulder and arrested him.³⁵

Once McWain and Miller notified Canadian authorities, the detectives reached an agreement with Buck. For twelve dollars a day, McWain and Miller allowed Buck a fair degree of freedom to go about his business, including attending baseball games, provided at least one of the detectives accompanied him. They also allowed Buck to cover the expenses of a guard at night. Buck used his liberty to tend to his business interests and launch a public relations offensive against the government of Alberta in interviews with local papers. "I am not going back to Canada," said Buck hours after his detention became public. "My solicitors assured me that I cannot be extradited on the offense charged. Were it not an unjust charge, I would return." In another interview, Buck proclaimed his innocence, alleging that blackmailers and an unfriendly attorney general framed him for a crime he did not commit. Going back to Alberta to face charges "would be to again suffer such unfair treatment as I have already suffered." Pulling out a letter from one of his daughters, Buck wept as he said his family suffered more than he had. He also confessed that he had not told his wife, Ada, his plans before fleeing Calgary, lest she become an accomplice. Buck expected to make his home in Wichita and planned to send for his wife and children—after he developed his business, of course. Buck retained George McGill, Wichita's well-connected former county attorney, of McGill, Hudson, and Hudson, to defend him against extradition. In short order, McGill proclaimed his client's innocence in the press, alleging that Buck had incurred the wrath and enmity of certain unnamed high-ranking officials in the province because of his political activities. These shadowy men conspired with Buck's employees to salt an oil well and then framed Buck for the crime, making Buck's prosecution politically motivated. If this were the case, it would trigger the "political offences" exception recognized in international law against politically motivated extradition requests.³⁶

To *The Wichita Beacon*, Buck presented himself as an honest businessman struggling to overcome the weight of the government's oppressive hand. "I left Canada in December after the dirtiest treatment a person under persecution ever had to undergo. I simply couldn't stand the gaff any longer." The charges against him were untrue, he claimed, and suggested politics played a

part. "In the first place, I am a conservative of some strength and the attorney general's department includes Liberals." Buck then fudged the facts, claiming the attorney general's Royal Commission targeted his company first. "We were then in the midst of the big stock sale and an investigation with or without foundation would be damaging in the extreme." According to Buck, he bent over backward to accommodate the commission, "but nothing would do but a public investigation and a lot of noise." Forced into a corner, Buck claimed there was little alternative but to fight back in the courts, bringing about the end of the Royal Commission. "Then the attorney general's department opened a direct attack upon us using a man named Clark and another named Fletcher." Both were disgruntled ex-employees looking to hurt him by alleging fraud. According to Buck, "the field proved a dry one, but we are able to show that we gave all of our personal holdings, even \$37,000 in cash, to push the drilling in an effort to save our stockholders loss." Regarding the many lawsuits pending against him, the promoter claimed they were all opportunistic and unfounded. Remarkably, while discussing the Clark lawsuit, Buck admitted to some nefarious dealings. "I had holes bored in the wall between two of our offices," permitting him to overhear conversations that he attempted to use in court. However, even Buck allowed that admitting "such evidence might cost the gown of a leading counsel and there were other reasons why it was not admitted." He also revealed a stunning lack of self-awareness or empathy while complaining about his troubles obtaining a bond by presenting another family's tragedy as incidental to his own travails: "No sooner had we made bond than we were again required to make \$20,000 bond for my cousin, a young woman, who when driving my car accidentally ran over a child and when the child died, she was held for manslaughter."³⁷

Buck's callous statement referred to a tragic accident in Calgary on April 19, 1915, that claimed the life of eighteen-year-old Elinor Griffiths as she crossed the street. Eyewitness accounts claimed that Buck's McFarlan, driven by Jennie Earl, failed to sound a warning that she was turning (by blowing the horn), cut the corner at a high rate of speed, and wound up on the wrong side of the road when she knocked Griffiths down, passed over her head and torso, and dragged her for fifteen feet. Remarkably, Griffiths survived the initial crash but suffered a fractured skull and internal injuries and died the following morning.³⁸ According to Buck, the province only charged Earl with manslaughter to "get back" at him, not because the accident claimed the life of Elinor Griffiths. The interview closed with Buck's declaration that he was the real victim and accused the attorney general's office of passing on

pursuing cases against other “notedly lawless” oil companies in the pursuit of its vendetta against him.³⁹

Little did Provincial Detective J.D. Nicholson know the firestorm he was walking straight into. Buck’s interviews were published just as Nicholson started the 1,785-mile, three-day train trip from Edmonton, arriving in Wichita early in the morning of April 27. His first stop was an eight a.m. meeting with Chief Of Police Hays where Nicholson planned to present a handful of documents, take custody of the prisoner, and arrange to return to Calgary. Upon meeting Hays, however, Nicholson discovered that returning Buck to Calgary would be far from the straightforward process he imagined. Unaware of the arrangement between Hays and detectives McWain and Miller, Nicholson presented Hays with his copy of the bench warrant only to have the Kansas sheriff refuse to lift a finger. Hays replied that Kansas law dictated Buck would remain in the custody of detectives McWain and Miller until they received the reward. When Nicholson protested and suggested Buck’s safety meant a city or county jail would be more appropriate, Hays simply replied that McWain and Miller were reliable. Nicholson then visited the offices of the detectives to verify Buck’s identity and to make a direct plea that they transfer Buck to police custody. The detectives refused and insisted they required full payment of the \$1,000 reward before turning the prisoner over. Despite Nicholson’s personal assurances that they would receive the reward, the detectives would not budge. Buck’s sharp lawyer would file a writ of habeas corpus and spring Buck from custody if they tried transferring the prisoner. Seeing that he was getting nowhere, Nicholson asked to speak to Buck. Nicholson asked whether Buck would waive extradition and return to Calgary voluntarily or if he intended to fight the charge. Rather than wasting his time and money in Wichita, Nicholson told Buck he could stage his defence more effectively in Calgary. Confident, however, that none of the offences charged by Canadian authorities were extraditable, Buck said he would go with Nicholson if he could show him which charge was extraditable. Nicholson immediately pointed to the fraud charge on the bench warrant. Buck remained unconvinced and boasted that not only would he fight extradition but that he would win. But it seemed as if Buck was fishing for information and Nicholson ended the conversation. Nicholson returned to detectives McWain and Miller to see if there was a mutually agreeable solution that would result in, at a minimum, placing Buck in police custody, but the detectives again refused and claimed that they would take all necessary precautions.⁴⁰

Nicholson's final visit on May 27 took him to the office of the county attorney, Ross McCormick. To the county's chief lawyer, Nicholson reiterated his belief that Buck was not in proper custody. Earlier conversations with Chief Hays and the private detectives prompted Nicholson to adopt a softer tone, as Nicholson informed the county attorney that "I did not wish to curtail Buck's liberty in the daytime to clear up his business under proper supervision" but had to insist "on him being locked up at night." McCormick agreed to investigate the matter but warned Nicholson that if he attempted to remove Buck from McWain's custody it would prompt a writ of habeas corpus from Buck's lawyer resulting in Buck's freedom. Speaking to the press a brief time later, Nicholson said the papers in his possession "will convince his attorneys that the charge is extraditable. If he does decide to fight, I am confident that any judge would deny his claim on the strength of the complaints against him." The provincial detective also dismissed Buck's claim of political motivation behind the prosecution. Nicholson, however, misstated the reason for the Carpenter Commission's dissolution, claiming that it disbanded with its inquiries complete. The detective also expressed surprise at learning Jennie Earl and Buck were cousins. Soon after, Nicholson telegraphed Browning of Buck's intent to fight extradition and McWain's demand for immediate payment of the bounty. A second message asked permission to retain counsel because Nicholson did not know if he could testify in court.⁴¹

Nicholson's brief interview with the two Wichita dailies brought forth a furious public letter from Buck published in the April 28, 1916, edition of the *Beacon*. Buck seized on Nicholson's statement that the Carpenter Commission had retired automatically upon completion of its work. This simply was not true, and Buck delighted in pointing out that the court had dissolved the commission as the result of his lawsuit. The promoter also alleged Attorney General Charles Cross held a personal vendetta against him. As for the salting of the well, Buck wrote that "the King's star witness, Norman Fletcher, admitted on the stand that he poured the oil in the sump of the well, and I defy any man to make the statement that any one ever said on the witness stand or that I was ever charged with putting a drop of oil into the well, neither is there a particle of evidence in which it was said I had done the same." Regardless, Buck returned to his defence that sales of Black Diamond shares "were withdrawn from the market a week before the alleged salting of the well." To the claims that he defrauded thousands of shareholders, Buck pointed to the endorsement given to him at the shareholder's meeting. How could there be disgruntled shareholders when they unanimously passed a vote of confidence? What cut Buck to the quick, however, were the "bumps" delivered to his

family and relatives by the province. He could withstand whatever the province threw at him, but when the province attempted to “get” at him “through his relatives,” presumably referring to Jennie Earl’s manslaughter case, “then it touches him in tender places.” He further claimed he did everything possible to bring in the well, including loaning the company \$35,000 and putting up his own property as security to drill the wells. In fact, Buck claimed “the King’s star witness, Norman R. Fletcher” was the only dissatisfied shareholder. Before closing his letter, Buck delivered a bouquet to the people of Wichita:

I feel perfectly satisfied that the Province of Alberta is not as anxious to get me back to Canada as it is to knock my business in Wichita, which, by the way, is not the selling of oil stock in the Augusta field, but we are developers of property. It is my intention to remain a citizen of Wichita and all I ask is the fairness which I am assured always goes with American citizenship, which my forefathers boasted of, in years gone by.⁴²

Buck’s letter threw Nicholson on the defensive. To the *Beacon*, Nicholson said that the provincial attorney general’s office “did not stoop to the tactics” described by Buck and dismissed claims that the province’s pursuit of Buck tried to hurt his new business venture as “ridiculous.” The attorney general, said Nicholson, “is noted for his fairness. He has never permitted politics to be mixed with the affairs of the department in any way. I think he may not know Mr. Buck personally, and that his deputy has preferred the charges. I am sure Mr. Cross does not concern himself with personal attacks on Mr. Buck.” Back in Calgary, the *Herald* grumbled, “Buck revels in publicity of poor sort.” While Nicholson and the province waited for additional papers to secure Buck’s extradition, the oil man “has attended three ball games, written a thousand words [of] attack upon Charles Cross, attorney general, and Mr. Nicholson, and has been spending the evenings driving about the city in his 80 horse-power car.”⁴³

The contents of Nicholson’s first telegram and press reports of Buck’s relative comfort brought forth expressions of irritation from Browning at the turn of events in Wichita. The detectives’ intransigence “is something for which we will not stand, and I am sure that the American authorities will refuse to countenance conduct of that kind.” The request to retain a lawyer for the province, however, puzzled Browning, who thought it unnecessary but approved it nonetheless. “You understand we are going to bring Buck back and nothing must be spared to that end.” In a rash decision, Browning

retained the Wichita county attorney, McCormick, on behalf of the province and notified him by telegram that his fee for completing Buck's extradition should not exceed one hundred dollars.⁴⁴

Little did Browning appreciate how complicated securing Buck's release would become. The arrest set in motion a blizzard of communications between officials in the United States and Canada. The Alberta attorney general's office notified the secretary of state in Ottawa and asked them to arrange for Buck's detention pending arrival of formal documentation. The missive brought a prompt reply from Thomas Mulvey, the undersecretary of state, seeking additional information. Was the province seeking Buck's extradition or his deportation as an undesirable citizen? Furthermore, had the province, via Nicholson, already initiated one process or the other? Some at state believed pursuing one precluded the other.⁴⁵

While deportation and extradition are similar, some notable differences and nuances distinguished them from one another. Section 2 of the 1903 US Immigration Act in force when Buck entered the United States excluded "undesirable" foreign nationals from the United States or subjected them to deportation. The Immigration Act (1903) defined the classes of undesirables as including:

All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; person likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanour involving moral turpitude; polygamists, anarchists, or persons who believe in, or advocate the overthrow by force or violence of the Government of the United States, all government or of all forms of law, or the assassination of public officials.

However, exceptions existed for "persons convicted of an offense purely political."⁴⁶ Deportation proceedings were shorter, unappealable, and immediately enforced. Indeed, by May 1, 1916, the province had already secured the necessary paperwork from Ottawa and Washington, including evidence of Buck's Canadian citizenship, to initiate deportation proceedings. "Deportation [of] George Buck [now a] matter for United States Government," telegraphed W.D. Scott, the Canadian superintendent of immigration, on the afternoon

of May 1. "I have issued letter authorizing his return to Canada if they wish to deport him."⁴⁷

Extradition, on the other hand, could be a much lengthier process by which a person, regardless of citizenship, accused or suspected of engaging in criminal activity returns to face charges. In 1916, Canada did not have an extradition treaty with the United States; as a Dominion within the British Empire, Canada relied on Anglo-American treaties. The Webster-Ashburton Treaty (1842) established extradition arrangements between the United States and the British Empire after a prolonged period of uncertainty following the lapsing of Jay's Treaty in 1806. Known more for the settlement of boundaries, according to legal historian Gary Botting, Webster-Ashburn is "arguably one of the most influential documents in the development of extradition law" between Britain and the United States and remained in force until superseded by the Canada-United States Extradition Treaty in 1976.⁴⁸ Article X of the Webster-Ashburton Treaty included provisions for extradition for the crimes of murder, assault with intent to commit murder, piracy, forgery, arson, and robbery, provided these were also crimes where the fugitive was found. Significantly, the Webster-Ashburton Treaty initiated a custom wherein the two governments agreed to extradite persons for specific, but oftentimes undefined, offences. In this regard, the Blaine-Pauncefote Convention (1889) reached two notable decisions. First, it included the "specialty principle"—the assumption that a person can only face trial for the offence(s) charged in extradition proceedings. Thus, a suspect extradited for committing murder could not face additional charges, for example, of robbery, unless specified in the extradition order. The Blaine-Pauncefote Convention also expanded the list of extraditable offences by ten, including various white-collar crimes, and specified two broadly defined categories of fraud. The first category specified that extradition for fraud could occur in cases where the crime involved "receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen or fraudulently obtained." The second category addressed "fraud by a bailee, banker, agent, factor, trustee, or director, or member or officer of any company, made criminal by the laws of both countries."⁴⁹ Supplementary conventions expanded the range of crimes from time to time. In 1900, a supplementary convention expanded the crime of fraud to include "obtaining money, valuable securities or other property by false pretenses." Anglo-American extradition laws expanded again in 1905 but did not alter provisions covering fraud. Thus, in 1916, extradition treaties covered the three broad categories of fraud: knowingly receiving fraudulently

obtained property; fraud committed by a company officer; and obtaining money, securities, or property by false pretences.

In the Canadian system, individuals and provinces cannot file extradition requests—only the federal government can. In practical terms, this meant that in 1916, the provincial attorney general, Charles W. Cross, applied to the province's Lieutenant-Governor, Robert Brett, to have Buck extradited from the United States. Lieutenant-Governor Brett then notified the Dominion's secretary of state in Ottawa of the request. Although the establishment of the Department of External Relations in 1909 enabled Canada to quietly assume some control over its foreign policy, officially speaking, in 1916, London, not Ottawa, still made most of the real decisions regarding Canadian foreign affairs. Thus, the secretary of state transmitted the application under the signature of the Governor General of Canada to the British Foreign Office. This additional layer of complexity resulted from Canada's status as a British Dominion because Canada did not formally establish diplomatic relations with the United States until 1927. Instead, official requests to the US government regarding the Buck case needed to flow through the British Foreign Office and were delivered to the US government via the British Embassy in Washington, DC.⁵⁰

Distinct from the logistics of returning Buck, the situation on the ground in Wichita hardly improved. In fact, things appeared worse. McCormick slow-walked Nicholson's request that he investigate Buck's custody status with respect to detectives McWain and Miller. Expressing his disappointment, Nicholson told McCormick that he depended on him to act as the proper legal authority. Furthermore, if McCormick continued to sandbag him, Nicholson threatened to go to the state attorney general in Topeka. McCormick seemed unbothered. Nicholson remained free to check with the state attorney general if he wanted, but McCormick believed the state would not interfere. McCormick reassured Nicholson he would look after his interests but believed it better to leave Buck in the hands of the private detectives. Both were reliable men and McCormick believed they ensured Buck's appearance wherever required. McCormick then suggested Nicholson contact Deputy Attorney General Browning to get "his personal assurance as to the payment of the reward." The comment cut Nicholson to the quick. Having provided his personal assurances about the reward's payment, Nicholson announced, "I must take it as an insult to myself and my employer to doubt for a minute that the reward would not be paid in the regular way."⁵¹ Over Nicholson's objection, McCormick asked for Browning's personal assurances that McWain and Miller would receive the whole reward and suggested the

deputy attorney general “grant me authority over your signature that you will personally see that when prisoner is turned over to Mr. Nicholson the full reward will be paid to arresting detective.” After sending the wire, McCormick impertinently asked Nicholson when he could expect a reply.⁵²

McCormick’s message prompted Browning to contact Thomas Mulvey, the Canadian undersecretary of state, and J. Bruce Walker, the US commissioner of immigration in Winnipeg. To Mulvey, he requested the state department intercede with US federal authorities. “Am informed that certain private detectives in the United States are holding up matters in regard to extradition and refuse to give assistance in handing over [Buck] without reward being paid in advance,” wrote Browning. “Kindly advise American Authorities to render assistance to have accused handed over to the Sheriff or Chief of Police.” Mulvey replied with confusion, “I do not see how the detectives could stand in the way. It appears to me that the proceedings in this case have been somewhat irregular.” To Immigration Commissioner Walker, Browning emphasized that “the Department is very anxious to have him returned for trial” and inquired if “you will have him deported,” which read more like an instruction than a question. Walker’s reply, sent later that same day, informed Browning that Buck’s case lay “entirely in the hands of US Commissioner Immigration Montreal . . . provided Buck is a Canadian citizen this department will have no objection to his return to Canada.”⁵³

Back in Wichita, Nicholson wrote Browning a nine-page, single-spaced summary of his first days in Kansas that gave a sense as to the obstacles and irregularities he had already encountered. Nicholson kept track of Buck (and his car) during the daytime and hired a detective for three dollars per night to continue the watch while he rested. In addition to tracking Buck’s whereabouts, Nicholson arranged a response with the sheriff in case Buck tried anything, and devoted some energy to gathering information on the people in Kansas and peppered his letters and reports with brief sketches and opinions on each to the deputy attorney general. George McGill, a very well-connected Democrat and former county attorney, represented Buck. McGill had entered private practice after a failed attempt to become state attorney general in 1914. As for detectives McWain and Miller, Nicholson reported that they were the two best men on Chief Hays’s force before “political influence” cost them their jobs. Hays still took care of his former officers by “giving them all the important cases and is no doubt in with them in this one.” County Attorney Ross McCormick merited Nicholson’s most critical comments. McCormick served as McGill’s deputy for four years and earned McGill’s endorsement in the 1914 election. With another campaign looming in November, Nicholson

reported that McCormick “is afraid of [McGill],” fearing that McGill would challenge him for the nomination to reclaim his old job. The province’s newly retained representative was “afraid of them all and is standing in with them.” Nicholson clearly believed that a conspiracy existed between the principal players in Wichita over the province’s reward, telling Browning:

I am informed if there is money in it that Buck could be got out on Habeas Corpus writ and decided to let matters rest till I have the proper authority and then I expect to have a fight if they are not satisfied about the Reward as [I] feel sure that his lawyers would drop his case if the detectives wanted them to. They are all in [it] together and I can do nothing but wait.⁵⁴

In a separate telegram to G.P.O. Fenwick, Nicholson explicitly stated, “Believe the real obstacle is doubt as to payment of reward [and] am up against a political combination here [that I] can’t explain in [a] wire.”⁵⁵

In all, Nicholson’s correspondence revealed much for the attorney general’s office to be concerned about. Their fugitive remained in the custody of two detectives who, to all appearances, behaved more like bullies and mercenaries than law enforcement. The local constabulary not only lent its implicit support to the scheme but appeared to be in on it, too. Meanwhile, the local newspapers seemed well informed about Nicholson’s communications with Edmonton, in some cases quoting verbatim instructions and statements in their reports. On May 3, Nicholson travelled to Topeka and arranged to visit State Attorney General S.W. Brewster, who provided him with “some good information” regarding the situation in Wichita that Nicholson carefully parcelled out over time. Upon his return to Wichita, Nicholson finally explained in greater detail his request to retain a lawyer. Unfamiliar with Kansas state law, Nicholson wanted someone to advise him on its idiosyncrasies. “Mr. McCormick,” confided Nicholson after his trip to Topeka, “is not considered strong as an attorney and I found I was up against a strong political combination.” In any case, McCormick became immersed in a murder trial that he claimed required his full time and attention. The detective also advised circumspection to the attorney general’s office in its correspondence to him in Wichita; “nothing is kept confidential.” Alluding to the detectives’ fixation on the reward, Nicholson revealed they suggested they could convince Buck to accept returning to Canada—for a price. But revealing their underhandedness in such a cavalier manner cut both ways. If the detectives offered an under-the-table deal to Nicholson, what deal had they promised

Buck? In closing his letter, Nicholson admitted to going to the courthouse to observe McCormick at work and to teach himself about Wichita legal customs. His visit prompted him to reach two pessimistic conclusions. First, that McCormick was out of his depth as a courtroom lawyer. Secondly, that Wichita courts kept “things very lax in regarding prisoners.”⁵⁶

Some of the difficulties the province encountered in Wichita were the product of rash and incomplete decision making by the attorney general’s office. Failing to notify the federal government, specifically the Canadian state department, or consult with Ottawa prior to Nicholson’s arrival in Wichita, for example, looms large in this respect because it violated established diplomatic protocol and created unnecessary confusion that needed a few days to untangle. Furthermore, the difficulties of making informed decisions when confronted by incomplete information and hampered by poor communication between Edmonton and Wichita partially explains Browning’s rash decision to retain McCormick. Unquestionably, however, the gravest mistake made by the attorney general’s office was the \$1,000 bounty offered for Buck. The documentary record reveals little about its provenance, who proposed it, or even how or why the final figure of \$1,000 gained approval. Regardless, the size of the reward reflected the importance of Buck’s case as well as the scale of resources devoted to cleaning up the mess of 1914. However, in attempting to solve one problem, the attorney general’s office inadvertently created another. The generous and elastic terms—“information leading to the arrest”—meant pursuit of the reward became an end for some treasure seekers. Only after McWain and Miller advanced a claim did the province attempt to clean this up by insisting payment would follow Buck’s return to Canada, much to the irritation of McWain and Miller.

Officially, if belatedly, the department of the secretary of state mobilized the Governor General’s office and then applied to detain Buck through Sir Cecil Spring Rice, the British ambassador to the United States.⁵⁷ Efforts to remove Buck from the United States henceforth moved simultaneously on two tracks: the first sought his deportation as an undesirable citizen and the second required provincial officials to file an extradition claim, raising questions about what Buck could be formally charged with from the existing warrants that would comply with the terms of the Anglo-American extradition treaty. However, by May 4, the possibility of mounting an extradition case appeared dead in the water as the federal justice ministry notified Browning that the treaty did not recognize conspiracy as an extraditable offence. To be sure, some individual states did, but in 1916 Kansas did not. Acting Deputy Attorney General Fenwick questioned whether the charge of fraud “by a

director, member or officer of a Company” would suffice. With that, on May 5, 1916, the Governor General informed the British ambassador that the charge of “fraud by a director or officer of a company” justified Buck’s extradition.⁵⁸

Little appreciated at the time, the decision to file for Buck’s extradition on the single charge of fraud by a director carried tremendous implications, especially considering the “specialty principle” preventing additional charges to the accused after extradition. Back in Calgary, until the moment Buck absconded from Canada, the Crown had planned to base its case against Buck on the two separate counts of conspiracy because Crown Prosecutor James Short believed they were the easiest to prove and the attorney general’s office would not pay the expenses to bring in witnesses to prove a fraud charge. Even before Buck fled, Short worried that too few witnesses remained in Calgary to make the fraud charge stick. Compounding the error was the fact that no one from the attorney general’s office informed Short about this decision until September 1916. In retrospect, it is easy to see how this happened. Given the difficulties Nicholson encountered in Wichita and the growing perception that McWain and Miller were at best unreliable and at worst motivated solely by the money, provincial authorities grew increasingly concerned that they might “lose” Buck altogether. Better to have Buck back on Canadian soil and then let the chips fall where they may.⁵⁹

One other hope remained. Concurrent to extradition, the provincial attorney general’s office contacted the US Department of Labor Immigration Service in Kansas City requesting Buck’s deportation as an undesirable citizen because of his outstanding warrants. With fewer strings attached, namely the “specialty principle” that would limit the prosecutor’s options, the attorney general’s office prioritized deportation. “The matter is one of great public concern,” wrote Fenwick, “and the Alberta Government is very anxious to have Buck brought back.” Immigration Inspector M. Arthur Coykendall replied in short order, promising his full cooperation. Immediately upon receiving Coykendall’s telegram, Fenwick issued instructions to send all materials requested by Coykendall to Kansas City and notified Nicholson in Wichita.⁶⁰

With two levels of government simultaneously pursuing two different avenues to secure Buck’s release from the United States, the need to coordinate the flow of information became apparent. Belatedly, to impose order and to ensure the delivery and return of official court documents, the Dominion’s deputy minister of justice outlined how communication on the Buck case would proceed to the undersecretary of state. After the documents arrived from the province to the Department of Justice for authentication, the undersecretary of state who would then submit the authenticated documents to the

US consul general in Ottawa for certification before mailing the now certified and authenticated documents to the British ambassador in Washington for presentation to the US government. Finally, it fell to Nicholson to return all original court documents for trial.⁶¹

In the meantime, Buck continued to build public sympathy in Kansas when his wife, Ada, arrived in Wichita at 2:10 a.m. on May 3, 1916. Her husband, his guards, and some members of the press witnessed the reunion. Described by *The Wichita Eagle* as “a small motherly Canadian woman,” Mrs. Buck wept while the two embraced. Addressing the press, Mrs. Buck said she arrived to help her husband fight extradition and to make their home in Wichita. Plans were in the works for their five children and Buck’s mother-in-law to join them “as soon as this trouble is settled.” Buck used the opportunity to rehash his story of a conspiracy by the provincial government to prosecute him. The Carpenter Commission called no witnesses against him and collected not a single word of evidence against Black Diamond Oil Fields. He also claimed his lawyer filed for an injunction to restrain the commission because it would not wait to examine the company’s executives until after a civil lawsuit concluded. Black Diamond Oil Fields had nothing to hide; Buck agreed to produce “books, documents, and all the evidence the commission desired if a continuance was granted,” but the court dissolved the commission before it could investigate the company. Buck insisted the record reflected “the king’s star witness admitted under oath that he poured the oil in the well and I was never charged with the act.” Besides which, Buck withdrew the company’s stock from the market when the salting took place “and no stock was offered or sold at that time.”⁶²

Presenting Buck as a father and family man persecuted by the Alberta provincial government, the article labelled Nicholson as an unscrupulous outsider. Egged on by Buck and the two detectives, *The Wichita Beacon* reported that Nicholson had attempted to kidnap Buck, allegedly enlisting the support of a third party, J. Clarence Smith, to approach Buck’s night-time guard Ed Stiger, another former Wichita police officer, with a bribe. The newspaper claimed Nicholson attempted to pay Stiger fifty dollars to look the other way so Nicholson could abscond back to Canada with his quarry. But with only eighteen dollars in his wallet, Nicholson lowballed Smith, giving him one Canadian dollar and two two-dollar US bank notes. In this recounting, Smith promptly turned the notes over to McWain.⁶³ The paper remained silent about how Nicholson intended to turn his remaining thirteen dollars into fifty dollars to bribe Stiger. The inconsistencies of the kidnapping story are due to the fact that they originated with Buck acting in league with the

McWain and Miller Detective Agency both to embarrass Nicholson and to shame the Province of Alberta as they continued to bleat loudly and often about the unpaid \$1,000 bounty. “We only want to do the fair thing by every one concerned,” said McWain to the press on May 3.

We are entitled to the reward and to get that is our only interest in the affair since we took Mr. Buck into custody. When I talked to Mr. Nicholson on the morning of his arrival here, he said we would not get all of the reward as certain Canadian officials wanted part of it. I showed him that they had nothing to do with locating the oil man and were entitled to no reward . . . Mr. Nicholson’s plan is to get Mr. Buck out of our custody to beat us out of the reward. He has been trying to get Chief Hay and the county attorney to take him away from us.

Conveniently omitted from McWain’s press statement were details of an attempt by Buck to bribe his way out of captivity by offering McWain ownership of his prized red McFarlan and \$600. McWain turned down the offer. Hearing the story prompted Nicholson to learn Buck transferred ownership of it on April 29, 1916 to his business partner, Hugh Miller, who in turn used the title to the vehicle a partial retainer for Buck’s attorney, Charles B. Hudson.⁶⁴

Wichita newspapers filled with rumours by Buck’s friends claiming that Alberta’s deputy attorney general, A.G. Browning, had arrived in Wichita “incognito” to take Buck back to Canada. “A mysterious stranger has called on various public officials,” confided *The Wichita Eagle* to its readers. The stranger managed to keep his identity a secret while inquiring about the Buck case. McWain and Miller chimed in that the official intended to cheat them out of the \$1,000 bounty. In the meantime, Buck took to antagonizing Nicholson by calling him twice to demand that the detective file charges against him. “They have no right to keep me sitting around here unable to attend to business without preferring a charge,” said Buck. Shortly thereafter, the case of George Buck garnered the attention of the Dominion’s justice and state departments. In the meantime, Gregory Trainor, the chief investigator for the Carpenter Commission, told the *Herald* on May 3 that if American officials refused to hand over Buck, it would establish a precedent. Still, Trainor assured the reporter that in other instances, US officials immediately deported wanted fugitives after a preliminary hearing established a prima facie case. In all, Trainor expected Buck to be back in Canada within twenty days.⁶⁵

At seven a.m. on the morning of May 12, US Immigration Inspector M. Arthur Coykendall arrived in Wichita from Kansas City. Since his appointment to the Buck case, the province had sent material and documents directly to Coykendall. Nicholson's meeting was the first in-person contact and the two spoke for about an hour as the Alberta detective provided all the information he could about the case. Nicholson fully expected those documents would provide "all the evidence required to prove a prima facie case here." Coykendall informed Nicholson that the US consul in Ottawa needed to authenticate all the sworn statements, depositions, and documents sent by the province. The court would ignore all unauthenticated documents. Moments later, accompanied by Deputy US Marshal Sam Hill, the party arrived at the McWain and Miller Detective Agency and arrested Buck on a deportation warrant charging him with entering the United States while evading a felony indictment in Canada. *The Wichita Beacon* reported that the sudden deportation hearing caught Buck off guard.⁶⁶

Contradictory accounts of Buck's deportation hearing exist in the newspapers, likely because federal regulations barred reporters from the proceedings. At the request of Buck's lawyers, Coykendall also barred Nicholson from sitting in the hearing, only allowing him in to testify in the afternoon. *The Wichita Eagle* reported that Buck's criminal record listed a conviction of an undisclosed felony in Canada, a guilty plea on a misdemeanour charge involving moral turpitude, and an accusation of being a man likely to become a public charge. According to the Kansas newspaper, Canadian officials, and Detective Nicholson in particular, "fell down" and were unable to prove their case against Buck. Nicholson later stated that the "neglect and incompetence" of Coykendall stacked the outcome in Buck's favour. Nicholson complained that "there was ample evidence available if they took it." However, with copies of depositions, warrants, and transcripts from Buck's preliminary hearing excluded, Coykendall accepted Buck's written statement minimizing his criminal history to a single speeding ticket—insufficient grounds for deportation. That afternoon, as Nicholson waited outside the chamber to give his evidence, he heard McWain testify that Buck "was as fine a gentleman as he had ever met when he knows different."⁶⁷

At the conclusion of the hearing, Nicholson spoke briefly with Coykendall and reported back to Edmonton reasons to be optimistic about the outcome. The case seemed straightforward to Coykendall, who said that he would recommend Buck's immediate deportation. For good measure, Coykendall obliquely suggested Nicholson should initiate extradition proceedings as well. Buck drew a completely distinct set of conclusions regarding the hearing. To

Wichita's newspapers, Buck said Canadian officials should hurry up and show their hand. He was a busy oil man and drilling operations east of Wichita required his full attention. After all, he taunted, drilling a dry hole was the only reason he got in trouble back in Calgary.⁶⁸

Buck's confidence reflected faith in his well-connected lawyers, who behaved as though the hearing was less than half of the battle. As soon as they wrapped up their courtroom duties, Charles Hudson, one of Buck's lawyers, went to St. Louis, while McGill travelled to Washington, DC, to lobby federal officials on their client's behalf. Furthermore, just before the deportation hearing, on May 11, McWain and Miller raised the stakes in their showdown with the province and tried to force Nicholson to pay the reward immediately. Buck's legal team prepared a writ of habeas corpus for the courts to free the oil man from their custody following the deportation hearing. McWain and Miller, in turn, informed Nicholson about the plot and again promised to release Buck into Nicholson's custody if he simply paid them the reward, raising the question as to how far Nicholson and his prisoner would get before someone else interfered. During the deportation hearing, Coykendall granted Buck's release pending the posting of a \$1,000 bond. The next day, just after Buck posted his bail, Nicholson filed the extradition claim based on a single charge of fraud, for knowingly making false statements to induce investors to purchase stock in a company, before Immigration Commissioner Paul J. Wall. Wall, in turn, issued a warrant for Buck's arrest to the US Marshall's Service, causing Buck's re-arrest on May 13. At the arraignment before Wall, Nicholson spoke on behalf of the Province of Alberta. The provincial detective asked that Wall deny bail; after all, \$20,000 in bonds had failed to keep him in Calgary. Hudson insisted that it be set much lower. The discussion between the two men grew heated, and at one point Hudson turned to Nicholson and demanded to know if he had brought a gun into the courtroom. "I don't see where that is any of your business," replied Nicholson. "Well," answered Hudson, "I'm going to make it some of my business. I don't believe that you have a right to pack a gun around Wichita!" With that, Wichita detective John T. Young arrived to search Nicholson, who, in turn, demanded to see a warrant before submitting to a search. When temperatures cooled between the parties thereafter, Wall set Buck's bail at \$1,000, leaving him in the custody of McWain and Miller and making them personally responsible for ensuring Buck's presence at the hearing. Wall granted Nicholson a continuance until May 23. As Nicholson telegraphed the attorney general's office in Edmonton, "Can do nothing further without papers authenticated by American consul."⁶⁹

In the meantime, Coykendall's original deadline for a decision—May 22, ten days following the hearing—came and went without word from the Department of Labor in Washington. The only report from Washington about the Buck case arrived on May 26, when *The Wichita Eagle* reported that McGill had just returned from a productive trip lobbying lawmakers on behalf of his client. In Washington, McGill met with Kansas Representative William A. Ayers, visited with members of Congress and the Senate, and called on President Woodrow Wilson at the White House. Returning to Wichita, McGill confidently predicted, "Mr. Buck will never be deported under the law and evidence produced at the hearing. He is a good citizen, whose ancestors were respected citizens of Pennsylvania, and he shouldn't be deported."⁷⁰

Nicholson clipped the article out of the paper and sent it to the attorney general's office in Edmonton because it reflected his growing unease over the deportation process and his sense that Buck might slip away. Earlier in the week, Nicholson issued a warning about the deportation hearing and urged the department to take the extradition case more seriously. "I don't believe you quite understand how I am fixed here so I will try and explain." Nicholson described the deportation hearing in greater detail, reminding Arthur Pople that all the orders, indictments, and depositions brought from Edmonton should have been sufficient evidence to compel Buck's immediate deportation as a wanted fugitive. "As you know, they were not authenticated by the American consul so I could not use them in any proceedings here." Of growing concern to Nicholson was the fact that documents sent to Ottawa for authentication seemed to disappear into a black hole. Nonetheless, Nicholson made headway, managing, in his words, to "bull through" an attempt by Buck's attorneys to have the case dismissed. By the time of the hearing, Nicholson still did not have the certified documents in his possession and Buck's attorneys had put forward three separate grounds for dismissal: that the facts alleged in Nicholson's complaint did not constitute fraud; that the province's complaint and warrant were "too indefinite and uncertain" to permit Buck to know why Canada sought his extradition; and finally, that the warrant did not specify an extraditable offence covered by the Anglo-US extradition treaty. Over the objections of the defence team, Nicholson secured a continuance until June 2.⁷¹

While staying hopeful that the province would prevail in the deportation case, Nicholson nonetheless recommended that the department focus on building the strongest possible case for Buck's extradition by asking the attorney general's office to provide him with all the original documents related to

the Buck case, including warrants, depositions of witnesses, and all available evidence. In his explanation, Nicholson referred explicitly to Buck's well-connected defence team and his growing doubts about the impartiality of the deportation process. "[Buck] has three lawyers working for him and they are trying political influence as well as other means to block the deportation. I don't know where he is getting his money. I believe the firm of lawyers are in with him in the oil syndicate he had founded here." Buck's team of lawyers, he noted, are "used to winning all cases in the newspapers," while he refused to talk to reporters. Unsurprisingly, then, Nicholson thought the extradition process would be better for the province. He judged the extradition commissioner, Paul Wall, to be "fair-minded" and expected he would do justice to the province's case. In a much briefer telegram sent the next morning, Nicholson said he needed the authenticated documents to prove the fraud charges. "I must have something to show for my [request for] further adjournment."⁷²

In response, Browning let Nicholson know that Arthur E. Popple, the department's legal adviser to the RNWMP, now served as his principal point of contact. The new lines of communication streamlined the flow of information and provided faster responses to Nicholson's requests. In the meantime, Browning sympathized with Nicholson and shared his frustrations regarding the delays in Kansas, writing, "It is difficult to understand at this end why the matter is dragging on so long and though I feel sure you are doing all that can be done to bring this matter to a speedy conclusion, do not hesitate to let us know if there's anything we can do at this end in the way of communication with Washington that will assist you." Alluding to the public pressure building on the attorney general's office, Browning exclaimed, "Buck has to be brought back and it will never do for us to fall down now." To queries from the attorney general's office urging him to check in with Coykendall, Nicholson reported that several attempts to reach Coykendall by wire and by telephone had elicited no response. Now the deputy attorney general of Alberta sent a tersely worded telegram to Coykendall practically demanding an explanation for the "delay in connection with deportation proceedings, which does not permit Buck being immediately deported" and threatening to go over Coykendall's head. Coykendall responded that he could not help Browning as the matter was in the hands of the Department of Labor in Washington.⁷³

Messages, letters, and telegrams fanned out to Calgary, Edmonton, Ottawa, and Wichita trying to collect and coordinate the delivery of authenticated documents to Nicholson before the extradition hearing on June 2. Browning contacted Gregory Trainor in Calgary to rework affidavits from crucial witnesses that would conform to extradition regulations as well as

obtaining three original copies of the arrest warrant from the office of Police Magistrate Walter S. Davidson. In response to Coykendall's ruling that conspiracy to commit fraud was not a deportable offence, but that actual fraud was, Trainor "drew the affidavits so as to show as much fraud as possible on the part of Buck" without leaving the evidence given at the preliminary hearing too far behind. After reworking the affidavits, Trainor described the importance of the Buck case for the people of Calgary. "This matter is very, very important," wrote Trainor, "and nothing should be left undone with regard to bringing the accused here to Calgary, even if it were necessary to lay a further charge against him to bring him here. The feeling against him in Calgary is very strong and that is the reason I refer to the matter in this way." After a couple of long days and late nights, a courier hand delivered the affidavits to Browning in Edmonton on the morning of May 29. Browning thanked Trainor for his efforts and personally assured him that "the Department is taking every step possible towards having [Buck] brought here for trial."⁷⁴

However, unless Browning could clear the bureaucratic logjam in Ottawa inhibiting the prompt delivery of authenticated documents to Nicholson, all this effort would go for naught. To Undersecretary of State Thomas Mulvey in Ottawa, Browning wrote that delay in document authentication "is causing expense and inconvenience" and asked if British authorities could nudge the US State Department along. The acting undersecretary of state responded later that day, assuring Browning the Buck case received "immediate attention."⁷⁵

In the meantime, both Browning and Nicholson also contended with the growing impatience of detectives McWain and Miller about the still unpaid bounty. On May 22, McWain sent a blunt telegram to Attorney General Cross stating that thirty-two days had passed since they detained Buck and demanded to know when the province would pay. Browning replied that the \$1,000 reward would be "paid to the parties entitled at the proper time" and that the detectives "need have no apprehension that you will not be treated fairly." McWain claimed the detectives had helped Nicholson's efforts, causing an eruption from the normally even-tempered Nicholson. "This man has not assisted me in any way whatever in this case and had it not been for him I am satisfied I would have had no difficulty." Particularly galling was that the Wichita detective did not treat Buck as a wanted criminal as much as he did a paycheque. "Nothing can be got in the way of information without paying for it," Nicholson grumbled. Speculation in Wichita held June 15 as the day for a decision in the deportation case. "I believe," he wrote Browning, "we should be prepared to go on with the fraud [extradition] case in any event." Even though Wall was friends with Buck's lawyers, Nicholson optimistically

believed Wall would be fair and just. Warming to the idea of appearing before Wall, Nicholson saw the hearing as an opportunity to convince the people of Wichita that “Buck is not such a good citizen as they think he is. He is certainly a smart criminal and I have no doubt but what he is doing crooked work here but have had no chance to find out so far.” With each passing day, Nicholson’s skepticism about Buck’s deportation increased.⁷⁶

Three days before the fraud case before Wall resumed, Nicholson inquired once more about the whereabouts of the authenticated documents. The matter served as a source of consternation and anxiety in Edmonton as well as Wichita. Browning had originally sent the documents for authentication on April 27. Over a month later, they still had not arrived in Kansas. The delay took a toll on Nicholson, who, in the face of immense provocations from Buck and McWain, bit his tongue and bided his time. “I have had to take more insults from [Buck] and McWain than I thought I could ever stand from anyone,” admitted Nicholson. Nicholson hoped that the authenticated documents would enable him to make his case, sweep aside the obstructions put in place by lawyers and bureaucrats, and result in Buck’s return to Calgary. Belatedly, on May 30, Nicholson learned from the newspapers that the documents had arrived the day before and were in the possession of Ross McCormick, but the latter had not bothered to tell Nicholson of their arrival. “I am going to wake them up from now till the 2nd June,” wrote Nicholson to Popple, “and let them know that we intend [to] take this man back.”⁷⁷ Then, on June 1, Coykendall notified the lawyers that the immigration department had cancelled Buck’s warrant for insufficient evidence and dismissed the province’s attempt to deport him. With deportation no longer on the table, the entire case against Buck now hinged on proceedings before immigration commissioner Paul J. Wall.⁷⁸

The first question taken up by Wall on June 2 was whether the province had charged Buck with an extraditable offence covered by the Anglo-American extradition treaty. It took an hour for lawyers on both sides to make their case, but Wall ruled the fraud charge laid by the province valid. Then Wall placed the onus on the province to prove Black Diamond Oil Fields had broken the law. Essentially, before granting extradition, Wall decided that the lawyers must prove that Buck had done what he stood accused of in Calgary, while Nicholson and McCormick objected, and argued extradition should follow because Wall found the Canadian charges extraditable offences. But Wall still expressed concerns about the documentation provided by the province, ruling that the depositions from Calgary and the crucial one from driller J.W. Hayes in Ohio were inadmissible for two reasons. First, the

documents remained unauthenticated by US authorities in Ottawa. Second, Buck's lawyers did not attend the Hayes deposition, denying Buck the right to face his accuser. Wall insisted on seeing the "original evidence taken at the Preliminary and signed and certified by the Police magistrate [Davidson]." He also requested the stenographer's certificate and any documents filed by "the complainant in the way of evidence to show a crime was committed." Wall gave the parties until June 16 and said clearly there would be no further continuances. Writing back to Popple after the hearing, Nicholson warned that Wall "will not admit anything that is not authenticated by the US authorities at Ottawa."⁷⁹

The challenge before Nicholson and the province lay in gathering original documents scattered between Calgary, Edmonton, and Ottawa, and arranging to have them authenticated by US officials and then delivered to Wichita. In an era before the internet and nearly instantaneous electronic communication, the only way to do so was by hand. Nicholson proposed that he personally travel the nearly 1,500 miles to Ottawa and meet with the deputy minister of justice. This would ensure the US consul authenticated all the necessary papers. All he needed from Browning now was to approve payment of a sixty-dollar return train fare from Wichita to Ottawa. After proposing the plan, Nicholson confided to Popple that he never expected to have such a difficult case again in his career. The particulars of Buck's crimes were uncomplicated; what generated the greatest friction and unease was the feeling that Kansas officials were actively working against Nicholson. Repeatedly, Alberta's chief detective commented about the unscrupulous motives and outright greed of people in Buck's orbit. At the top of this list was the private detective McWain, who surely knew Buck was crooked but with visions of the \$1,000 bounty in his head, nevertheless testified to his "good character" before Inspector Coykendall at the deportation hearing. "There is a strong political and personal interests working in Buck's favor," wrote Nicholson. "I have impressed on Mr. McCormick and Mr. Wall that this man must go back for trial and that I will get anything in reason that he wants if he will give me the time to get it here." Still, having spent a month in Wichita so far, Nicholson pessimistically observed that "a man with money can evade justice in this city."⁸⁰

Nicholson arrived in Ottawa and immediately set to work on having the documents certified and authenticated. "I had the certificate of the Secretary of state with seal attached to one side of the papers and the certificates with the seal of the US Consul General attached to the other side and the ribbons of both through each document." Nicholson also bought an official Criminal

Code from the government printing office to replace his copy of *Snow's Criminal Code*. Official copies of the documents arrived back in Wichita with Nicholson on June 11, with additional material arriving from Edmonton after Nicholson's departure from Ottawa via registered mail.⁸¹ Back in Calgary, Attorney General Charles Cross, who largely embraced a hands-off approach to the case, nonetheless told the *Herald* that "you can tell the people that Mr. Buck is coming back."⁸² Another delay pushed the start of hearing to the morning of June 16. This time, the walls closed in on Buck as Nicholson presented all his evidence. "I was in the witness box all day and was the only witness called," wrote Nicholson. Despite near-continuous objections from Buck's attorney, McGill, Nicholson managed to establish himself as the attorney general's representative in Wichita and finally present the certified documents. Depositions from Charles E. Tryon of the *News Telegram*, and Black Diamond employees Ray Minue and Norman Fletcher, painted a clear picture of fraud, particularly the deposition of the reporter. After a recess until 1:30 in the afternoon, the defence attorney Dierks immediately objected to the introduction of the materials, "each and every one of them," on the fourteen separate grounds. Perhaps the most serious objection was the defence's contention that the prosecution must prove that any crime committed by Buck in Canada "is made criminal" by laws in the State of Kansas. In response, Ross McCormick cited sections 2584 and 2585 of the General Statutes of Kansas (1909), Chapter 2 of the Session Laws of 1915.⁸³

In making his decision, commissioner Wall said that he would not consider the statements of the men who salted the well, noting that they were co-conspirators in the crime if they were telling the truth. Since J.D. Nicholson asked for Buck's extradition for fraud based on the Tryon article, Wall paid particular attention to Tryon's affidavit that described the circumstances around the May 7, 1914, visit to the Black Diamond well and Buck's attempt to encourage the reporter to put out a special edition of the paper. On this basis, Extradition Commissioner Paul J. Wall committed Buck to extradition on a charge of fraud and confined the prisoner to the county jail. According to Nicholson, Buck took the ruling "very hard." All Nicholson sent to Edmonton, though, was a brief message. "Buck committed today. He is taking case to a higher court on habeas corpus proceedings will write particulars tomorrow. Please have my check forwarded to me here."⁸⁴

Wall's ruling sent Buck's defence team grumbling. "There was absolutely nothing in the evidence to hold Mr. Buck," said George McGill. "The deposition of the reporter [Tryon] on which he was held, did not state what Buck asked the reporter to publish. There was no newspaper article shown

and all that was shown was that Buck had asked him what he was going to publish, what it would cost to get out an extra, and that he agreed to pay for an extra. The extra was not issued and what was contained in a report published by the paper was not shown.” Although Buck would have fifteen days to appeal, Buck’s old habits, namely an inability to pay bills on time, came back to haunt him. As McGill prepared to leave for Kansas City to apply for a writ of habeas corpus in front of Federal Judge John C. Pollock, the law firm asked Buck for \$1,000 in fees. Nicholson estimated that Buck’s legal defence cost approximately \$3,000. Unable to clear his debt with his lawyers, McGill notified *The Wichita Beacon* that his firm no longer represented Buck, leaving him without legal representation for most of the window to file an appeal.⁸⁵ In the meantime, Calgary newspapers celebrated the news. “George E. Buck is coming back despite all the efforts that have been made to keep him away,” crowed the editorial page of *The Morning Albertan* before getting in a shot at the *Herald* for doubting the provincial government’s effort.⁸⁶

With Buck’s financial reserves exhausted, Hugh Miller and Ada Buck tried to raise the money by liquidating assets and asking friends and family to cover Buck’s legal bills. “It is practically hopeless,” Miller told the Wichita press before giving up the last room of the suite of offices occupied by the Miller Oil Syndicate. Wichitan lawyers contacted by newspapers said they were doubtful they would take the case. On that front, Nicholson notified his superiors that the province had narrowly avoided a complete disaster. As Buck scrambled to put two dimes together for his defence, the Augusta field where the Miller Oil Syndicate planned to drill brought in a 1,700-barrel gusher and, as Nicholson described to A.E. Popple, drillers continued to strike flowing wells all around the field. “If Buck had been loose a few more days he would have cleaned up \$30,000.” Lingering in the air was the question of what kind of defence Buck could mount against the province with virtually unlimited funds. In a postscript, Nicholson informed the attorney general’s office that Buck threatened to kill himself rather than face charges in Calgary. The detective wanted Popple to know this “in case anything happens later.” Buck’s large size and state of mind concerned Nicholson, but he also acknowledged that he could “size things up better when I am ready to leave.”⁸⁷

With Buck now having no lawyer, his time limit to file an appeal of Wall’s ruling slipped away. Nicholson dryly observed to Popple that lawyers “won’t work for nothing, so nothing has been done up to date in the habeas corpus proceedings.” The *Herald* counselled patience but pessimistically predicted American lawyers would delay Buck’s return “until they have bled him dry.” Eventually, Judge Jesse Newton Haymaker agreed to serve as his

representative in a hearing before Federal Judge John C. Pollock on June 28. After a promising start for Buck where Judge Pollock doubted that a fraud charge would sustain extradition, the situation abruptly changed. Judge Pollock proclaimed that Buck “should have been charged here on all three charges as laid out in the Bench Warrant issued by Chief Justice Harvey.” Pollock directed Nicholson to go back before Extradition Commissioner Paul J. Wall at Wichita and add two more charges of conspiracy to defraud.⁸⁸

Suddenly, Pollock’s instruction and ruling changed the entire narrative about the conspiracy charges. District Attorney Robertson told *The Kansas City Globe* there was no significant difference between the conspiracy statutes of the United States and Canada. “Under the terms of the conspiracy statute of the United States it has to be shown that the commission of an act of conspiracy, such as mailing a forbidden letter, has actually been carried out. In Canada, the conspiracy statute is more strict, and the wording of the Canadian complaint against Buck simply states he is charged with conspiracy in connection with the alleged oil field deal.” Robertson said a new complaint making more specific charges against Buck would conform with the conspiracy provisions of the treaty. The new charges prompted Buck’s attorney, Judge Haymaker, to file a second writ of habeas corpus back in Kansas City on the grounds that the Canadian government had only applied for extradition on the fraud charge as well as submitting that conspiracy was not extraditable under the laws of Kansas. On June 30, Wall committed Buck to surrender on the three original charges of conspiracy to defraud the public, conspiracy to affect the market price of shares in a body corporate, and fraud by a director and officer of a company. The very next day, Judge Pollock dismissed Haymaker’s argument and committed Buck to the custody of the US marshalls without bail to await the order of surrender from Washington. “Appeal Judge decided in our favor,” Nicholson informed the Alberta attorney general’s office. “No order for surrender from Washington here yet that is only delay. Can you hurry them?”⁸⁹

Pollock did, however, grant Haymaker sixty days to appeal the ruling that the conspiracy charges were extraditable offences to the Court of Appeals in either St. Louis or St. Paul, imposing a deadline of September 1, 1916.⁹⁰ Additional reasons for concern emerged. Buck signed an oil lease over to his lawyers and now had “lots of funds” for his defence. While Nicholson remained convinced the province would prevail, in a second letter two days later he acknowledged that “the cost would be immense.” After debating whether he should stay in Kansas or leave and return in September, Nicholson decided that if the surrender order arrived from Washington, he would leave

with Buck at once. The prolonged standoff invited more attention, particularly Browning's increasingly stubborn refusal to pay the \$1,000 reward to McWain and Miller. By early July, Nicholson practically pleaded with the attorney general's office to simply pay the reward. To Nicholson, there was little doubt that "the reward will have to be paid in full to McWain & Miller . . . if only for the prestige of the province." Nicholson intimated this gesture might soothe the ruffled feathers, as Wichita newspapers mentioned the reward in every article about the Buck case. Moreover, the two detectives now "have given me all the assistance they can."⁹¹

But Browning refused to listen—vanity and pride precluded compromise. US Senator William H. Thompson wrote Alberta Attorney General Charles Cross about the outstanding bounty. Senator Thompson observed that McWain and Miller "wired you, asking if Buck was still wanted and that you answered to arrest him at once which they did." Senator Thompson further alleged that McWain and Miller contacted Browning several times without reply. The letter from Thompson brought a curt summons from Browning to speak with Cross at once. While no record exists in the Provincial Archives of that meeting, Cross evidently reached a decision about the payment of the bounty. That same day, Browning wrote James Short in Calgary about the high costs and significant effort the province had incurred to return Buck for trial. Browning directed Short to "at once proceed as vigorously as possible" to protect the department by collecting outstanding balances owed on Buck's bonds. As for Nicholson's suggestion to simply pay McWain and Miller, Browning tackled the detective's concerns directly in a subsequent letter. "I do not think the prestige of the province will suffer by the non-payment of this until Buck is on this side," wrote Browning, indicating that he considered the matter closed pending Nicholson's return to Edmonton. But Browning could not resist complaining about the rather "discourteous way" Wichita Police Chief Hays acted in turning the matter over to a private detective "when he well knew that Buck was doing business openly in that city. The whole matter seems to be a desire on the part of some one to make easy money."⁹²

Indeed, Buck always seemed to attract attention seekers. On June 30, *The Wichita Eagle* alerted readers to a last-minute attempt by Reverend Guy L. Brown, pastor of Wichita's First Baptist Church, to save a temporary resident of Wichita in trouble with the law. Formerly a chaplain in Trenton, New Jersey, as well as chaplain for the New Jersey Senate when Governor Woodrow Wilson occupied the state house, Reverend Brown had moved a year earlier to Wichita, where his personal friendship with the now president of the United States enhanced his stature and leavened his sermons. According to

Brown, attorneys for the condemned man had convinced him of the man's innocence. Now the lawyers hoped to use Brown's influence to secure their client's release by prevailing on the president to issue a pardon. Despite ongoing international crises in Mexico and Europe that prevented him from seeing members of his own cabinet for weeks at a time, the president gladly made time for Reverend Brown. Before leaving for Washington, Brown held a press conference and declared to the press that "the mission is purely a business matter. It has no connection with Kansas or national politics."⁹³

The pastor pointedly refused to name the person on whose behalf he would speak to the president, only saying that a prominent, but temporary, resident of Wichita "is in trouble." Given that the president's pardon power only applied to federal offences, the *Eagle* narrowed the list of potential subjects for Brown's mission of mercy to George Buck and two others—Professor Henry Samuels, a sixty-five-year-old patent medicine vendor, and George S. Badders, a former Topeka clothier who now sold cars in Wichita.⁹⁴ Both the paper and Brown, however, presented timelines and thinly veiled references to developments in Buck's case. Another tip-off came when the reporter asked Brown if the president was interested in oil. "He may be," answered Brown.⁹⁵ Brown travelled to Washington, DC, where, on July 5, accompanied by Congressman W.A. Ayers, Brown met with President Wilson for a couple of hours, talking about the details of the mystery man's case. According to the *Eagle*, President Wilson tread carefully, promising to do what he could but also explaining that he seldom interfered in such matters. The newspaper reported that Brown's intervention secured a temporary respite for the still unnamed prisoner until September 1, which just happened to be the date scheduled for Buck's appeal, when Brown believed the man would be set free.⁹⁶

In the meantime, spurred along by the attorney general's office in Edmonton, Canadian officials grew increasingly concerned about the delay in processing and serving the warrant of surrender for Buck. On July 4, 1916, H.M. Cate, the deputy minister of justice, wrote to Thomas Mulvey suggesting that the state department should nudge the British ambassador. "Proceedings are being delayed awaiting the United States warrant," observed Cate. Perhaps the ambassador "should take such steps as may be proper to expedite the matter." Meanwhile, the prolonged and expensive stay in Kansas began to wear on Chief Detective Nicholson. Wiring A.E. Popple that Buck planned to appeal, Nicholson advised he would leave Kansas as soon as the order of surrender arrived. In the meantime, he asked Wall to write to Secretary of State Lansing to inquire about the status of the warrant of surrender and learned that Lansing had sent it to the British ambassador on July 5, but nothing had

arrived in Wichita. In a separate letter to Popple, Nicholson confided that he intended to take Buck “the quickest way I can” the minute the order for surrender arrived. To “prevent any interference and overcome any resistance made by [the] prisoner,” Nicholson planned to take Deputy US Marshal Sam Hill with him at least to the state border.⁹⁷

Growing concerned about the financial costs and believing that Buck’s appeal could delay delivery of the warrant of surrender, Nicholson contacted Browning on July 12 and offered to make a return trip in September. Fortunately for Nicholson, though, the Canadian Department of State issued instructions that day to forward the warrant of surrender directly to him. Finally, on July 17, the surrender order signed by Secretary of State Robert Lansing two weeks earlier arrived around two p.m. Based on a single charge of “fraud by a director and officer of a company,” the US government returned George Edward Buck to Canadian authorities.⁹⁸ Rather than wait another forty-four days for Buck’s appeal, which could have expanded the charges to include conspiracy, Nicholson decided to get his prisoner north of the border. The implications were significant. If Nicholson returned Buck based on the current surrender order, it only covered the fraud charge; waiting until September 1 for Buck’s appeal hearing would enable the province to continue with all three charges, provided the appeal failed. Although Nicholson believed the province would prevail in Buck’s final appeal, the lure of returning Buck at once proved overwhelming. *The Calgary Daily Herald’s* editorial page gloated at Buck’s imminent return. With tongue in cheek, the paper proclaimed, “Our esteemed fellow-townsmen, George E. Buck, is returning after a pleasant holiday spent with his friend, the sheriff of Wichita, Kansas. Mr. Buck is leaving his touring car in Wichita and returns by train.”⁹⁹

The *Herald’s* stringer in Kansas filed one more colourful story, making Buck’s departure seem like an epic kidnapping. According to the reporter, Nicholson and Deputy US Marshal Sam Hill appeared at the jail minutes before their train’s scheduled departure. However, Buck had befriended several prisoners, enlisting the support of six of the burliest men to help him resist transfer to Nicholson’s custody by alleging a fantastic plot to kidnap him—the very story that Hugh Miller, Buck’s business associate and bookkeeper, kept telling any reporter who would listen. Regardless, six prisoners vowed they would stand by him at all costs. When Nicholson and Hill entered the holding area, Buck stood in the centre of the cell, dressed only in his underwear, and surrounded by the other prisoners. Summoned by the undersheriff to come forward, Buck ignored the request and continued talking to his companions in hushed tones. Sensing trouble brewing, the undersheriff requested help

from Sam Hill. At six feet tall and a powerfully built 200 pounds, Hill entered the cell and walked toward the protective ring of prisoners that formed around Buck. “Boys,” he announced, “we are going to take Buck because the secretary of state has ordered it. If you don’t want trouble, get out of the way.”

Reports of the ensuing confrontation read like the script of a Hollywood blockbuster and almost seem too fantastical to believe. A big, strong harvest hand by the name of James P. Reavis stood between Buck and Hill. According to accounts in Wichita papers, Reavis’s original arrest of drunk and disorderly three weeks earlier became a matter of life and death when Reavis slashed the arresting officer with a straight-edge razor four times across the back and arms before the wounded policeman subdued him. Apparently, the sight of the officer’s slashed and bloodied coat was all the judge needed to deny Reavis bail pending trial. Having left one officer permanently disfigured, Reavis now intended to protect Buck from Hill come what may. Without warning, Hill’s “right fist shot out with the suddenness and force of a cannon ball, knocking Reavis over on a bench some feet away and stunning him. He lay there where he fell and the courage of the other prisoners suddenly vanished. ‘Put on those clothes, Buck,’ said Hill, ‘and quit stalling.’” When Buck muttered something under his breath, Hill moved toward him, bringing a yelp from Buck, who quickly dressed. With Buck finally in Nicholson’s custody, Nicholson and Hill shoved him into a cab, where he continued to dress and “abused” the provincial policeman with “rough language.” Back in Alberta, Nicholson heard the story as reported and categorically denied to the *Albertan* that any of the prisoners stood up for Buck before his departure, although Nicholson did confirm that Buck was in his underwear. The *Albertan* published an extensive account of Nicholson’s pursuit of Buck across North America, and its editorial page lauded both the provincial government and Chief Detective Nicholson for their dogged determination to bring Buck to face justice.¹⁰⁰

Buck’s extradition left at least two people in Kansas disappointed. The McWain and Miller Detective Agency complained that Buck stiffed them \$500 in back pay for the guards they employed to watch Buck as he tended to his affairs. To recoup some of their losses, the detectives tried to charge the Province of Alberta eight dollars a day for Buck’s room and board, conveniently ignoring the obstacles and objections they had mounted along the way. Most of all, an increasingly bitter exchange between Wichita and Edmonton took place as McWain and Miller advanced their claim to the \$1,000 reward from the attorney general’s office.¹⁰¹ The detectives eventually wrote a letter to the editor of the *Herald* claiming sole credit for the arrest of George Buck and complained that Deputy Attorney General Browning remained delinquent

on promises to pay the \$1,000 reward. "If they wanted to be just in the matter," wrote McWain and Miller, "they would pay this reward without writing us a lot of letters telling us that someone in Canada was claiming this reward and that we would have to take whatever the other parties did not want. I would like very much for you to see some of the letters he has written us in the matter." When reached by the *Herald* for comment by long distance telephone, Browning retorted, "And I wish you could see some of the letters they have written me. These letters are simply the last word in abusiveness." Less than a week later, McWain and Miller finally received their cheque for \$1,000 from the Government of Alberta.¹⁰²

Although little appreciated at the time, the fate of Buck's prized red McFarlan provided an apt coda for both the province and George Buck. Mere weeks following Buck's return to Calgary, the McFarlan's new owner got into a wreck on August 6, 1916, when it totalled a government vehicle, a US Post Office Ford Model T. "No one was hurt," reported *The Wichita Eagle*, "but the Ford sustained considerable damage. One wheel was smashed, and all the wheels lost their tires."¹⁰³ Buck's Kansas interlude resulted in long-lasting repercussions. At the very least, fleeing Canada left an overwhelming impression of guilt. At the same time, however, wrangling over the precise charges for Buck's extradition unwittingly forced the province to make choices the implications of which the prosecution did not immediately grasp. Extradition removed the possibility of charging Buck with conspiracy, by far the easiest crime to prove given the evidence prosecutors already collected. Far more ambiguous were the fraud charges that remained. Could the province repurpose its evidence to make a fraud case stick, or would Buck's stout defences cause the wheels to come off the province's case?