

up arms, it was the duty of every citizen to help their country in time of war. He warned the accused that a jail term

might await him if his conscience prevented him from being reasonable in future.

### R. v. Elliott et al

#### *Opium and Narcotic Drug Act—Appeal—R.C.M.P. Gazette*

The story of Herman Elmer Elliott's recent conviction on a charge of illegal possession of opium might easily pass as a chapter from a dime novel.

In the Nov. 20, 1940, issue of the *R.C.M.P. Gazette* Elliott's photograph was published, along with information that he was suspected of being mixed up in Vancouver's illicit drug traffic. Little else was known about him.

He ran foul of the law in San Francisco and, being a Canadian citizen, was deported from the United States on Dec. 6, 1940. A few weeks later, members of the R.C.M.P. Narcotic Squad recognized Elliott on a Vancouver street from the *Gazette* picture, and followed him to his home. From then on he was kept under constant surveillance. By the early part of January, 1941, his shadowers were pretty certain that he was engaged in the illegal handling of narcotics. It seemed also that his wife acted as an accomplice.

On the night of Feb. 24, 1942, three members of the drug squad spotted Elliott on the corner of Hastings and Cambie Streets in downtown Vancouver. They followed him for some distance until he paused and entered Central School grounds. Keeping out of sight, the officers watched Elliott digging in a flower bed, apparently burying something there. A few minutes later, Elliott left the grounds and proceeded along Pender Street, unaware that he was being shadowed.

The two members who remained discovered an empty Noxema cream jar buried about four inches deep in the flower bed. They left the jar exactly as it had been found and took up positions to await developments.

Within an hour, back came Elliott to the school grounds, being joined in a few minutes by a woman later identified as his wife, Lillian. Although she stood with her back to the investigators, it could be inferred from her actions that she passed something to her husband. Both of them appeared to handle the jar. Leaving the grounds, they proceeded along Pender Street, being shadowed by two of the investigators while the third remained in the vicinity of the buried jar.

When the two members who followed the pair had satisfied themselves as to the couple's destination, they returned and unearthed the jar. This time it was not empty; it held nine small tinfoil packages, each containing ten decks of opium. The police initialled one deck from each package, replaced them and returned the jar to its place of concealment in such a way that the printing on the cover was parallel to a near-by wall. The jar was placed in this position so it would be a simple matter to tell if it had been moved.

Police resumed their vigil while the sergeant in charge of the squad proceeded to the city police station where charges were preferred against Elliott and his wife and warrants for their arrest obtained.

A short time afterwards the two suspects returned to the school grounds. The woman seemed to be acting as a 'look-out' while her husband busied himself at the flower bed. When they came out on the street again they were seized by the waiting investigators and, after a brief but violent struggle, the man was searched. No drugs were found in his possession but a systematic search