

money (marked) than when he went in. At a meeting-place to where both men were followed and kept under observation, they were again searched to provide corroborative evidence for Court purposes and the exhibit marked by others for identification.

One feature the investigator noted was that Doctor Vye was well versed in the speech and habits of criminal addicts. At no time did the doctor examine him or even so much as ask if the narcotics were required for medicinal purposes.

At a pre-arranged signal other investigators converged on the doctor's office, arrested him, retrieved the missing \$10 from his pocket and the oven for the Handi Chef in the consultation room. A search led to the discovery in the office of a number of articles believed to have been stolen, while still others were found at the doctor's house. Among the articles seized were the three shirts, the wrist watch and the stove which had been traded by the investigator for the narcotics, all of them having been previously marked for identification by various investigators.

On November 3 Doctor Vye appeared at Victoria in Assize Court before Mr. Justice A. M. Manson and jury and pleaded not guilty to a charge of Unlawfully Furnishing a Drug, s. 6 (1) Opium and Narcotic Drug Act. The prosecution was conducted by Messrs. G. S. Wismer, K.C., Attorney General of British Columbia, and W. C. Morsebey, K. C., the defence by Messrs. H. Castillou, K.C., and J. Ruttan, K.C., all of Vancouver.

On the witness stand the accused maintained that the exhibits submitted in evidence—the stove, oven, watch, etc.—were presents given to him by the investigator, and that the \$10 found on his

person was payment received for four visits of \$2.50 each.

During a stiff cross-examination of the main Crown witness Mr. Justice Manson warned defence counsel to confine his remarks to the evidence, and informed the jury that the investigator was quite within his rights to act in the way he did, that the evidence so obtained was admissible. Crown counsel observed "there are times when fighting fire with fire becomes necessary".

The Court rejected a plea for leniency advanced on behalf of the accused on the grounds of his age (67), poor health, and that he had already been severely punished. The accused, the presiding judge declared, had "calculated to destroy the soul and the mind"; his position was quite different from that of the drug addict who had no control over the soul and the mind. The jury brought in a verdict of guilty with a recommendation for leniency because of the accused's age and sickness, and defendant was convicted and sentenced to five years' imprisonment in the penitentiary.

An appeal entered against the conviction and the sentence was heard at Victoria on February 3. The Appeal Court was comprised of Chief Justice G. McG. Sloan, Mr. Justice J. Robertson and Mr. Justice S. Smith, while Messrs. Wismer and Castillou represented the Crown and appellant respectively. After due consideration of lengthy arguments presented on behalf of Dr. Vye the Court dismissed the appeal.

The decision in these proceedings brought to an end an exceptionally well handled investigation into the narcotic traffic which, to quote words from Mr. Justice Manson's address to the jury, is "one of the most vicious traffics known to society".

*H*E THAT has learned to obey will know how to command.

—SOLON