

retail outlets at the close of the fiscal year. It is one of the largest employers of Canadian labor with a weekly payroll in excess of \$40,000. Mr. Smith said, and is one of the largest buyers of Canadian food products in the world. Last year, he revealed, considerably more than \$10,000,000 worth of Canadian farm products were purchased by the company.

"We believe that a company such as yours with a strong liquid position and with no bank loans or capital indebtedness other than is represented by its common shares, can face the immediate future with confidence," the president declared.

VERMILYEA CASE DEFENCE RESTS

(Continued From Page 1)

more of a mental search of accused and had consisted of a probe into Vermilyea's earlier business life. The history had been traced thru his trip from Western Canada to California, a questioning of employers and general business. The different position, 8 or 9 of them, were pointed out as having been held by the accused.

Liking for Job

Mr. Payne dwelt upon the occupation as a seller of fruit. "He appeared to like this job the best, that it let him get out and get around. He had held this until 1931 or 1932, I think," witness continued. "Then business, he told me, 'had become bad; he lost his job and tried to get work. He spoke of no income and no visible income and of the trouble of keeping his children in college.'"

"Just continue, please," invited Mr. Payne.

Reference to Assistance

"He spoke of his mother being well off and the rest of the family and that they didn't need financial assistance, but he (accused) needed help to carry on. He spoke of the division of the estate and that he thought it should be divided up among the four of them. So he wrote his mother, he told me, putting this proposition up to her.

Then he told me of his sister writing him, protesting against this and said that there was a 'conspiracy' against him.

Justice Jeffrey pointed out that this letter spoken of was not the one in reference to the division of the estate. "I made a mistake there," agreed witness.

Spoke of 'Conspiracy'

Mr. Payne continued his examination in regard to the letters. "Did he tell you of the results of his request to his mother regarding the division?" A.—Yes, he said she did not agree with him. Then, he said, he began to realize that there was a "conspiracy"—that they were conspiring against him. He said at this point that he thought he would go crazy, it preyed on his mind so much.

Then, he again said after this refusal, he worried—didn't know how he and the children could live. He said he began then to formulate a plan to rectify this conspiracy.

"Proceed," said Mr. Payne.

"Then I Came East"

"He said he had to raise money. He added then I came east and you know what I did."

Q.—As the result of your examination and relying upon your long knowledge of accused, did you ar-

wrong? A.—I said several times that accused didn't know then; and doesn't now, that he was wrong. I believed he thought, in his own way, this was one way of covering up his tracks.

Dr. Robertson supplied that accused had told him he (accused) had been thinking over "this plan" for weeks.

Classification of Types.

Mr. Payne referred to antecedents of the family on the maternal side and attempted to have the doctor classify the types of mental deficiency as regards certain members. Dr. Robertson pointed out that heredity was an important role in insanity. "It might hit one place and miss another." Harold Vermilyea, taking into consideration his depressive condition recently that if an individual of his type put under a strain would be much more liable to crack than if he had come out of ordinary good family stock, said the doctor.

Mr. Urquhart, in taking the witness, brought the statement that he (witness) "did not pretend to be a mental specialist".

Q. You told us that as far as this spinal arthritis was concerned, accused had been told by a doctor who was treating accused for it. A. Yes.

Disease Ruled Out.

Q. You can, as the result of the hospital examination, rule syphilis out of this case? A. I was satisfied that he had no syphilitic lesions.—I mean disease.

Mr. Urquhart referred to letters allegedly written by the accused.

Q. You spoke of these and he remembered what was in them? A. Yes.

Q. He remembered the letter sent by his sister? A. Yes.

Q. You know there are two rules prescribed by the Criminal Code with regard to criminals being responsible for crime?—A. I understand there are . . .

Mr. Urquhart read from the rules and then asked if Vermilyea did the deed and when he struck his mother with the axe, he would know he might kill her. The doctor's answer was, "Yes, I believe so."

Q. Would he think this an act for which he was liable to arrest? A. I believe I would say he might know this was punishable, but that he was justified in so doing.

"When he committed this act if he did, his mind was in such a state he did not appreciate law, order or anything else," added witness.

Take 5 Vermilyea. Y 1

Q.—Then why did he leave the scene on the run?

Defence objected and was sustained. Mr. Urquhart reframed it "he left hurriedly then."

Says Plan Conceived

A.—I believe he was merely following a paranoid plan.

Q.—Then every move he made was planned even as to how he would escape? A.—I believe that is quite possible. Paranoics have very cute plans sometimes.

Witness could not directly state if the plan had been made in advance, but "it had been conceived before he left California."

Mr. Urquhart referred to delusions. "He said he had these—that his aunt and sister were "conspiring" against him. You spoke of this? A.—Just repeat that.

Q.—You say he said he was under this delusion? A.—He used the word "conspiracy". Q.—Was this a fact? A.—No, there was no conspiracy. Q.—The sister, we know positively had written this letter protesting against giving him this money? A.—But that is not conspiracy; just advice.

Delusion And Act

Q.—Does this delusion justify the

two periods of the day. He had heard all evidence of the case, except for Tuesday morning when he was ill.

Q.—In your examination did this include a statement of his history. A.—Yes.

Defence Sees No Mental Disease

Q.—Have you formed—you are familiar with the definition of—having regard to all this are you of the opinion that at the time of the alleged offence, was he suffering from a condition of the mind?

A.—It is my opinion that at the time he was not suffering of a disease of the mind.

Says Nature of Act Unknown

Q.—Would the accused at the time of the act know of the nature of the offence, and would he know he was wrong? A.—Yes.

Q.—In your opinion at the time of the reported commission of the act, was he laboring under a delusion which might, in his opinion, excuse him. A.—He was not, in my opinion, suffering from any delusion which might excuse him from the act.

Defence objected to this question and was sustained by the court. "We are not setting up a specific delusion," pointed out defence.

Repeats Accused Not Insane

Dr. Mitchell pointed out again that in his opinion if he committed the act the accused was not insane at the time the crime had been committed. The examination (personal), his case history, his antecedents and other sources revealed this, he said. "The patient's appearance, speech, actions, moods or variations of moods, his ability to calculate, reason, his insight, all

There are three major things one looks for in insanity; there are three reactions. The first is organic trouble—the central symptom here is a loss—intellectual deterioration—I found none here. The second in insanity is a toxic reaction type. The central element here is confusion—there is a clouding of the patient's consciousness. Here I found that his orientation—as to time, place and person—was very good. There was nothing to suggest confusion.

Pathologic Reaction

The third reaction is the psychopathologic type. This third reaction type is of the depressive group, the dementia praecox type. This type possesses hallucinations. I found no evidence of intellectual deterioration, that he was suffering from delusions. His conversation was collected, coherent and there were no evidences of disturbance in his train of thought. There was, however, just a slight impediment of speech.

Q.—You heard the evidence of Dr. Howland and Dr. Robertson—that he was of the paranoid type—what do you say?

A.—I would say there, was nothing from my examination to suggest this.

Questioned on Reflexes

Col. Greer took the witness.

Q.—What was the importance of making reflex examinations? A.—Where there is definite pathological knowledge this would be valuable as a test. Witness took no reflex test.

Q.—This field was left unexplored? A.—Yes.

Not so much attention had been paid by him, witness said, to the examination of the Vermilyea family tree. When he had arrived at his first tentative conclusion of Vermilyea he had known of some suicides and insanity of relations.

Heredity and Mind

Q.—As a psychiatrist what is your opinion of heredity in regard

some sixty years ago when he was confined to a room, was called insane at that time.

"Charles Vermilyea at the age of sixty became childish," continued defence.

Q. This would be an early age for his uncle to become childish? A. I don't know what the physical facts were. The simple statement that he became childish tells nothing.

Q. Is this an early age to become childish? A. No.

Childishness.

Q. If you did have childishness at this age in any family would it be an indication of weakness in the stock? A. No.

Q. When did you ever see anyone childish at 60 in your experience? A. Right along—all the time. There is no set age; they might become so at 50.

This state is a progressive state of mental deterioration or degeneration, it was pointed out.

Agrees Insanity in Stock

Defence hammered at the question regarding sanity in the stock. Witness agreed that "there was insanity in the stock."

This was described by defence as "a cloud hanging over the family from which lightning may strike at any time."

Heredity Only One Factor.

Witness explained: "The hereditary factor is only one factor. This has in the past been somewhat overstressed. Knowing the history and having a patient under our care, we can do much to help him."

Q. Inheritance does cover a substantial field in the field of intelligence? A. Yes.

Witness agreed also that the patient would have little control over this. Frequent passages from a book on psychiatry were used by defence counsel Greer. Not all points were agreed on by the quiet spoken expert. Not all psychiatrists think alike, he explained and opinions are apt to be changed on study.

Dementia Praecox.

Dementia praecox was described as a "mild withdrawal from the outside world", the patient living in a fanciful state. They are quite distinct as a class. Paranoics are of the dementia praecox type, he amplified up to a certain point.

Q. Does . . . ? I turn to Sullivan—you know him? A. Yes.

The defence took up a second book of psychiatry. The author, Sullivan, was known by the expert on the stand.

Relative's History.

Reference was made to Gerald Vermilyea who went insane. He was described as a dementia praecox type, but was also believed to be a manic—depressive type.

Dr. Mitchell gave a lengthy and detailed medical outline of this type. He concluded with the statement that often it was difficult to classify a patient until a later diagnosis can be obtained.

The dementia praecox paranoiac type harbored delusions of persecution. This is a constant factor in this type. This would be accompanied by other marked traits—apathy—absurd notions and so on. The statement that hallucinations were held by this patient was not a correct one, the witness pointed out. In paranoia the intellectual facilities often were unimpaired, suggested defence counsel. This was agreed with by witness.

Paranoics and Plan.

A. The crimes of the paranoid are not always impulsive? A. Yes.

Q. You quite expect them to have a plan even? A. Yes.

Witness Finally by saying amination mentally

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