the Vancouver sittings of the British Columbia Court of Appeal by Chief Justice G. McG. Sloan and Mr. Justices H. B. Robertson and S. A. Smith. Mr. Hogg acted for the Crown while Mr. C. Carmichael represented Dick and Mr. A. E. Branca the other appellant. Both appeals were dismissed. His Lordship the Chief Justice in an oral judgment held there was insufficient grounds in Dick's appeal to disturb the conviction and sentences. A written decision handed down by Mr. Justice Robertson in regard to Serniuk's appeal reads:

The appellant was convicted under s. 4 of the Opium and Narcotic Drug Act, 1929, of causing to be taken from one place in Canada, namely, the City of Toronto in the Province of Ontario, to another place in Canada, namely, the City of Vancouver, in the Province of British Columbia, a drug without the authority of the necessary licence from the Minister first had and obtained, or other lawful authority.

Appellant's counsel submits two grounds upon which he asks that the conviction be quashed: (1) There was no evidence to show that the City of Toronto was in the Province of Ontario or in the Dominion of Canada, and (2) The full offence, if any, took place in the Province of Ontario and therefore there was no jurisdiction to try the appellant in British Columbia.

As to the first point, it is to be noted there is no necessity to prove that Toronto is in the Province of Ontario. It is only necessary to show it is in Canada. Crown counsel submits that this Court should take judicial notice of the fact that the City of Toronto is in Canada. I have no doubt this is correct. See *R. v. Zarelli* (1931) 43 B.C. 502. It would be absurd to say that the City of Toronto, with a population of about three quarters of a million, and the capital of the Province of Ontario, is not within Canada. That is a fact "sufficiently notorious for its situation to be taken judicial notice of"—see *R. v. Zarelli supra*, at p. 504.

In *The Children's Aid Society of the Archdiocese of Vancouver v. The Municipality of the City of Salmon Arm* (1940) 55 B.C. 495 the facts were that there were two geographical areas, namely, the Municipality of Salmon Arm and the Corporation of Salmon Arm. The majority of the Court held that as there was no evidence to enable the Court to decide judicially which area was chargeable, no order could be made against the Municipality. That case is distinguishable from this in that it is not suggested there are two cities of Toronto. Macdonald, C.J.B.C., dissenting, held that the word as used in the evidence could only refer to the City of Salmon Arm.

Paraphrasing his words, I would say of this case that the words or word "City of Toronto" and "Toronto" were used repeatedly by witnesses for the Crown, and were also used by the appellant. No one could be misled or was in fact misled by this designation. It meant the City of Toronto, a well-known urban municipality in Canada and, with respect, could not reasonably be taken to refer to any other geographical area.

I would refer also to the cases mentioned by the learned Chief Justice; and, in addition, to The Queen v. Aspinall and other (1876) L.R.2 Q.B.D. at 48, where Brett, J.A., said:

> "But Judges are entitled and bound to take Judicial notice of that which is the common knowledge of the great majority of mankind and of the great majority of the men of business",

and to what Sir Lyman Duff said in *Reference re Alberta Statutes* (1938) S.C.R. 100 at 128:

> "It is our duty as Judges to take judicial knowledge of facts which are known to intelligent persons generally".

Turning now to the second objection, in my view the offence in this case was committed partly in the City of Toronto and partly in the City of Vancouver. The Crown relies upon subsection (b) of s. 584 of the Code, which provides that where an offence is begun within one magisterial jurisdiction and completed within another, such offence may be considered as having been committed in any one of such jurisdictions. It is objected there is nothing to show that Toronto is in a magisterial jurisdiction.

We are entitled to take judicial notice of the Ontario statute—Chap. 133, Revised Statutes of Ontario, 1937. Under that statute the Lieutenant-Governor in Council may designate and define any number