

## Reports and Notes of Cases.

### England.

#### JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

ATTORNEY-GENERAL OF ALBERTA v. THE ATTORNEY-GENERAL OF THE DOMINION, CANADIAN PACIFIC RY. CO. INTERVENANTS.

*Railways—Powers of Dominion and Provincial Legislatures, B. & A. Act, sec. 91, sub-sec. 29, sec. 92, sub-sec. 10.*

This was an appeal by the Attorney-General of the Province of Alberta from the Supreme Court of Canada.

It is *ultra vires* for the legislature of a province of the Dominion of Canada to pass an Act authorising a provincial railway to be carried across a Dominion railway.

By an Act of a provincial legislature a provincial railway company was empowered to "take possession of, use, or occupy any lands belonging to" a Dominion railway company, "in so far as the taking of such land does not unreasonably interfere with the construction and operation of" such railway.

*Held*, that this provision in the Act was *ultra vires* of the provincial legislature, and the omission of the word "unreasonably" would not take such legislation *intra vires*.

Decision of the Supreme Court of Canada affirmed.

*Sir Robert Finlay, K.C., S. B. Woods, K.C. (Attorney-General of Alberta), and Geoffrey Lawrence for the appellants. E. L. Newcombe, K.C., and Raymond Asquith for respondent. E. Lafleur, K.C., for Canadian Pacific Ry. Co.*

### Dominion of Canada.

#### SUPREME COURT.

Alta.]

[Feb. 2, 1915.

SASKATCHEWAN LAND AND HOMESTEAD CO. AND TRUSTS AND GUARANTY CO. v. CALGARY AND EDMONTON RY. CO.

*Railways—Expropriation—Materials for construction—Statute—Railway Act, R.S.C. 1906, c. 37, ss. 180, 191, 192, 193, 194, 196—Compensation—Date for ascertainment of value—Order for possession—Deposit of plans—Approval of Board of Railway Commissioners.*

With regard to obtaining materials for the construction of railways, the effect of sub-section 2 of section 180 of the Rail-