situated entirely within the Province, and to that extent the legislation is intra vires. But sub-s. 3, which was added by the Act of 1912 and the validity of which is under consideration, expressly extends s. 82 so as to make it apply to a Dominion railway. With this addition the provisions of s. 82 of the Railway Act, 1907, of the Legislature of Alberta unquestionably constituted legislation as to the physical construction and use of the track and buildings of a Dominion railway, and that of a serious and far-reaching character. Their Lordships have no hesitation therefore in pronouncing that sub-s. 3 is ultra vires of the Alberta Legislature.

They are further of opinion that it would not become intra vires if the word "unreasonably" were struck out of the section. It would still be legislation as to the physical track and works of the Dominion railway, and as such would be beyond the competence of the provincial Legislature. These are matters as to which the exclusive right to legislate has been accorded to the Parliament of the Dominion, so that the provincial Legislatures have no power of legislation as to them, and this holds good whether or not the legislation is such as might be considered by juries or judges to be reasonable.

It was no doubt due to the almost self-evident character of these propositions that at the hearing of the appeal before their Lordships but little attempt was made to support the validity of sub-s. 3 in its entirety. To judge by the reasons given by the learned judges of the Supreme Court in their judgments it would seem that much the same course was adopted in the argument before the Supreme Court. The true aim of the discussion seemed rather to obtain the opinion of the Court and of their Lordships upon hypothetical variations of the section which would have the effect of limiting its application. Indeed, in the hearing before their Lordships, counsel for the appellants practically confined their arguments to the single case of a provincial railway crossing the track of a Dominion railway. Their Lordships are of opinion that great care should be exercised in permitting questions thus referred to the Supreme Court to be varied, more especially when those questions come up on appeal for decision by their Lordships. It may no doubt happen that the questions relate to matters which are in their nature severable, so that the answers given may cast light upon the effect of the deletion or alteration of parts of the provisions the validity of which is being considered. But their Lordships do not desire to give any countenance to the view that counsel may vary the questions by hypothetical limitations not to be found in the provisions themselves or in the questions that relate to them.

[1915] *A. C.* p. 369.