

The construction and repair, management and control of the highways in Prince Edward Island are matters of a "merely local or private nature" in the province. They are of provincial not of Dominion "interest or importance." They come within the classes of subjects enumerated in sec. 92 as exclusively assigned to provincial legislatures, and are therefore part of that class of subjects upon which Lord Watson, speaking for the Judicial Committee of the Privy Council, says the Dominion Parliament should not trench. That being so it was competent for the Legislature of Prince Edward Island to deal with the provincial highways in the manner in which it has done. The enactment of the Act in question was clearly within its power. The judgment of the stipendiary magistrate will therefore be affirmed, and the writ of certiorari obtained by the applicant will be quashed with costs.

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### PRINCE EDWARD ISLAND.

SUPREME COURT.

JUNE 29TH, 1909.

### REX v. PETER CASSIDY.

*Rape—Indictment—Admissibility of Evidence—Conversation between the Complainant and her Mother—Reservation of Question of Admissibility—Appeal from Judge's Refusal to Reserve.*

McQuarrie, K.C., for the accused.

Haszard, K.C., Attorney-General and Johnston, K.C., for the Crown.

The judgment of the Court was delivered by

SULLIVAN, C.J.:—In this case the prisoner, Cassidy, was tried and convicted before Mr. Justice Hodgson and a jury, last July term of this Court at Georgetown, on an indictment for rape. In the course of the examination of the complainant, who was produced as a witness for the Crown, the Attorney-General asked her whom she saw when she returned home. She replied that she saw her mother, and added, "then she asked me what happened." To which the