

point to be proved was that certain children were under sixteen. Evidence was given by two persons who had seen the children, and who stated what they believed were their respective ages, all of them being under sixteen; and also by a school mistress, who said the children attended a public elementary school, and she believed they were under sixteen. Counsel for the prisoner contended that proof of age could only be given by production of a certificate of birth and evidence of identity; but the Court (Lord Russell, C.J., and Hawkins, Mathew, Grantham and Darling, JJ.) held that there was no such rule of evidence, and that the evidence tendered was sufficient to be left to the jury, and the conviction of the prisoner was accordingly affirmed.

CONSPIRACY—COMBINATION TO INDUCE A PERSON NOT TO EMPLOY ANOTHER.

Huttley v. Simmons (1898) 1 Q.B. 181 is a case which follows *Allen v Flood* (1898) A. C. 1 (noted *post*), but in this case the element of conspiracy was also in question, which was not involved in *Allen v Flood*. The plaintiff was a cab driver, and the defendants were members of a trades union, and the plaintiff complained that the defendants had maliciously conspired together and with others, to induce and had induced one Young not to employ the plaintiff. Darling, J., was of opinion that the defendants could only be liable for damages for conspiracy if the acts done or conspired to be done, would apart from any preconcert, have involved civil injury to the plaintiff; and that according to *Allen v Flood* the inducing of one person not to employ another involves no civil injury, and therefore the defendants by conspiring to do such an act, incurred no liability.

EXECUTOR—INTERMEDDLING BEFORE PROBATE—EXECUTOR DE SON TORT.

The Attorney-General v. New York Breweries Co. (1898) 1 Q.B. 205, may be briefly noticed, as it incidentally determines that where an executor before probate procures himself to be registered as the holder of shares owned by the deceased, as his executor, that is such an intermeddling with the estate as will constitute him an executor *de son tort*, and as such liable to pay probate duties.