

1921, c. 119, s. 8, which reads as follows: "No person shall operate a motor vehicle upon any way in this state unless licensed." It held that violation of this statute barred the wrongdoer from all recovery civilly and made him liable because of any action in which he might be involved under such circumstances.

By Laws 1937, c. 69, s. 1, the Legislature added a clause to the above-mentioned statute reading thus, "and if any person shall operate a motor vehicle in violation of this section such violation in any civil action shall be *prima facie* evidence of his unfitness to operate a motor vehicle." R. L., c. 117, s. 9.

Although the *Straut* case was distinguished in *Mandell v. Company*, 94 N. H. 1, the definite and forceful language of the *Vassillion* opinion must now control. "By force of the 1937 statute, the *Johnson* case is overruled in its entirety." (P. 100). Just as a nice distinction cannot be made between one who has not received a license (*Mandell v. Company, supra*) and one who cannot because he is below the license age (*Vassillion v. Sullivan, supra*), so such a distinction cannot be made between the former and one without a license because it has been revoked.

Case discharged.

All concurred.

Hillsborough, }
 July 2, 1951. } No. 4031.

STATE v. AGNES TWAROG, Ap't.

Gordon M. Tiffany, Attorney General and *Glenn G. Davis*, Law Assistant (*Mr. Davis* orally), for the State.

Albert J. Lemieux for the respondent, furnished no brief.

BLANDIN, J. The statute under which the complaints were brought provides that "If any person shall assault or beat another" he shall be fined or imprisoned and may be ordered to recognize with sureties to keep the peace. The complaints are in the usual form for simple assault and contain with additional description the identical word of the statute. R. L., c. 455, s. 22. The means used are not an essential element of the offense and need not be specifically alleged. We believe the complaints were adequate to inform the respondent of the nature and cause of the accusation against her with sufficient definiteness so that she could prepare for trial, and this satisfies our law. *State v. Ellard*, 95 N. H. 217, 220, and cases cited. It follows the order is

Exceptions overruled.

All concurred.

Rockingham Probate Court, } No. 4034.
July 2, 1951. } No. 4035.

IN RE ESTATE CLARENCE O. GAY.

IN RE ESTATE IDA M. GAY.