The appellants, on the 6th day of May last past, served the Municipal Clerk with notices of appeal from the decision of the Court of Revision, respecting the assessment of the above parties. The Clerk refused to receive the notices or consider them as filed in these cases, on the ground that they were served too late, as the Assessment Act of 1869, (Ontario,) required them to be served within three days after the decision of the Court of Revision; the Court of Revision held its first Session on the 25th day of April, 1872, adojurned until the following day; adjourned until and again met on the 29th of the same month, disposed of balance of cases on list, then adjourned until the 6th day of May last, upon which day the minutes of the previous session were approved and the roll confirmed.

Appellants considered the notices were served in proper time—that the three days commenced from the day the Court of Revision confirmed the roll.

On June 13th the appeal was heard before His Honour, D. J. Macarow, Deputy Judge.

W. H. R. Allison, appeared for appellants.

Low, Q. C., *contra*.

The Clerk being sworn, admitted the service of the notice in this and all other cases above referred to on the 9th day of last May. He did not give the usual notices to the parties appealing, because he believed that they were not in time as all the cases were decided upon by the Court of Revision more than three days before the 6th of May. The minutes of the Court of Revision—as produced to the Court—shewed that the Court sat on the 25th, 26th and 29th days of last April and the 6th of last May, and the decision given in this and the other cases named were not disturbed or reconsidered before the Court closed its labors

Low, Q. C., argued that the notices, in order to be properly served, should have been in the clerk's possession within three days after the day each case was decided, and not the day when the Court closed.

Allison, contra, the three days counted from the day the Court confirmed the Roll.

No authorities were cited.

His Honor said that as the points raised were of serious importance, he would adjourn the Court to consider the matter, and to ascertain if any decision had been given by other County Court Judges on the points raised in this case.

3rd July.—MACAROW, D. J.—I have ascertained from the Judge of the County Court of the County of Simcoe (Judge Gowan), that it is his opinion that the three days should be counted from the day the decision is actually given in each case, and not from the day the Court of Revision closed.

I am of opinion that the three days must be counted from the time the decision is given. I am glad to find this view confirmed by the opinion of Judge Gowan—for whom I have a very high respect—and in this view I have no alternative but to administer the law as I find it.

My decision is, that the time for the notice counts from the time of the particular decision, and not from the day of the close of the Court of Revision, as contended for by *Mr. Allison* and I dismiss this and the other cases without costs.

ENGLISH REPORTS.

EXCHEQUER CHAMBER.

THE QUEEN v. REEVE AND HANCOCK

Evidence—Admissibility of confession.

The prisoners, two children of about eight years of age, having been apprehended on a charge of misdemeanour, the mother of one of the prisoners, in presence of a policeman, and of the mother of the other prisoner, said, "You had better, as good boys, tell the truth." Thereupon both prisoners confessed.

Held, that the confession was admissible against the prisoners on their trial.

[20 W. R. 631.]

Case stated by Byles, J.

The prisoners were children. One was eight years of age and the other a little older. They were convicted at the Worcester Assizes of an attempt to commit a misdemeanour by obstructing a railway train.

The evidence was that Hancock's mother, Reeve's mother, and a policeman being present after they had been apprehended on suspicion, Mrs. Hancock said, "You had better, as good boys, tell the truth," whereupon both the prisoners confessed, and on this confession were both convicted.

The question for the Court of Criminal Appeal is whether the confession was admissible against both the prisoners or either.

No counsel appeared for the prisoners.

Streeten, for the prosecution contended that the words used by the mother of the prisoner Hancock were nothing more than an exhortation to the prisoners to be good boys and tell the truth, that they amounted only to moral suasion, and contained no promise of favour or menace which could operate as an inducement to the prisoners to confess, and so render inadmissible what was subsequently said by them. He cited *Reg.* v. *Jarvis*, L. R. 1 C. C. R. 96, 16 W. R. 111.

KELLY, C. B.—I am of opinion that this conviction must be affirmed. The cases have already gone quite far enough for the protection of guilt, and the doctrine of the inadmissibility of confessions ought not, I think, to be extended. The last authority upon the subject, *Reg.* v. *Jarvis*, (*ubi sup.*) may act as a guide to us on the present occasion, and there the inducement to the prisoners to confess was certainly stronger than it was here, where the words used were such as any mother might very properly say to her son in similar circumstances. The confession which was made by the prisoners was, I think, strictly admissible against them.

WILLES, J., CLEASBY, B., GROVE, and QUAIN, JJ., concurred.

APPOINTMENTS TO OFFICE.

ASSOCIATE CORONERS.

THOMAS SWAN, Esquire, M.B. for the County of Waterloo.

DAVID BURNET, Esquire, M.B., for the United Counties of Northumberland and Durham.

JOHN DOUGALD McLEAY, Esquire, M.D., for the County of Middlesex. (Gazetted June 1st, 1872.)

J. HENRY WIDDIFIELD, Esquire, M.D., for the County of York.

JOHN JAMES KINGSTON, Esquire, M.D., for the County of Elgin. (Gazetted June 8th, 1872.)