

that which is not true, and the confession cannot be safely acted upon."

Under the title of a confession to be admissible must be voluntary, we will consider (a) the effect of a promise of benefit or profit, (b) the effect of threats or improper representations. (a) It is a well settled rule that a confession elicited by an express promise of benefit or favour or an implied promise to lessen the punishment or secure an acquittal, is inadmissible. Thus, where a prosecutor said to a prisoner, "If you will tell me where the goods are, I will be favourable to you," and the prisoner confessed, the confession was held to be involuntary. Again, where the officer who made the arrest testified that he told the prisoner "that the brothers of the prosecutrix were going to force him to leave the country, and it would be lighter on him, if he would own up" and the prisoner confessed, the confession was held to be involuntary. Again, where the State Fire Marshall told the accused "that if he would tell the truth, he would be allowed to go," the confession consequently was held involuntary. (b) It is a well settled rule that a confession induced by threats or improper representation, is inadmissible. The real difficulty, however, lies in determining what is a threat or improper representation.

The best test is laid down by Haroldson, J.:—"The controlling inquiry is whether there has been a threat of such a nature that from fear of it the prisoner was likely to have told an untruth. If so, the confession should not be admitted." Hence, in that case, where the prosecutor said to the prisoner, "Unless you give me a more satisfactory account, I will take you before a magistrate," the subsequent confession was held inadmissible.

In this connection, it might be said that the law does not consider a confession obtained through the infliction of physical pain or torture inadmissible. It has become a custom recently to exaggerate the methods of inquisition used by the police in respect to all matters pertaining to the enforcement of the law, but their methods of inducing a prisoner to confess by "sweat-