How long is this anomalous and ridiculous condition to be permitted? In a country in which the common law prevails, at least in criminal matters, what safeguards are there for accused persons if police officers are permitted to conduct prosecutions from the time of making preliminary investigations to addressing the court in the capacity of counsel for the Crown?"

There is no need to enter into contention, but in view of the special reference to Saskatchewan, it is pertinent to notice a case heard in that province on appeal by way of stated case, of which, obviously, the report was not before the writer of the foregoing paragraphs at the time they were written. That stated case[5] disclosed that the informant had executed a search warrant at the house of the accused, had arrested the accused, had acted as prosecutor at the hearing of the information laid by him, and had also testified as a witness.

The Court of Appeal was unanimous in upholding the conviction and one of the Judges dealt, in detail as follows, with the various functions performed by the informant:

"The fact that s.715—gives the informant liberty to conduct the information and to have the witnesses examined and cross-examined by counsel or attorney on his behalf, does not, in my opinion, make it obligatory upon him to have such legal assistance, but only permits him to do so. *Duncan v. Toms,* 56 L.J.M.C. 81. It thus merely extends his right.

Though the above provisions have been in force since 1869 (Can.), c.31, and it seems to have been a common practice ever since for informants to conduct their own cases in matters of summary conviction, I cannot find a case wherein his right to do so has been questioned, let alone made ground for quashing the conviction. I would decline, therefore, to hold the conviction bad on such a ground in this case.

Nor does the fact that in conducting the case the informant was also the policeman in charge thereof, satisfy me as sufficient reason for reversing the conviction. While the subject of police advocacy has sometimes evoked strong criticism from eminent Judges in England, because the policeman, by reason of his interest in the result of the case, might be influenced to present only evidence detrimental to the accused, they have not considered it sufficiently objectionable to upset convictions on that ground alone. *Webb v. Catchlove,* 50 J.P. 795; *May v. Beeley,* (1910) 2 K.B. 722; Paley on Summary Convictions, 9th ed., p. 253; Stone's Justices' Manual, 1917, pp. 46 and 1302."

After quoting the extract from the judgment in the case last cited, already quoted here,[3] the learned Judge proceeds:

"With this view I respectfully and entirely agree.

In this connection it is worthy of note that there is no suggestion on the part of the defendant that in his conduct of the case the informant

[5]Rex v. Cruit, 50 C.C.C., at p. 148. It should be observed in this connection that in 1936 the Saskatchewan Legal Profession Act was amended to provide that only enrolled barristers and solicitors in good standing "shall practice at the bar of any court of civil or criminal jurisdiction in Saskatchewan, or advise, do, or perform any work or service for fee or reward, either directly or indirectly in matters pertaining to the law, or sue out any writ or process, or commence, carry on or defend any action or proceeding in any such court." In 1937, however, this section was amended so as to make it inapplicable to members of any police force prosecuting in summary conviction cases or appearing for the Crown at preliminary hearings or summary trials before provincial or city police magistrates or justices of the peace.