

### SABBATH OBSERVANCE.

*Should One Stop The Lawbreaker, Or Keep The Sabbath?*  
Where on earth would we be if the audacious claim of the defendant in *Rex (ex rel Beaumont) v. Posternak*<sup>1</sup> were given effect to?

The relator had reason to suspect bootlegging, and under the Liquor Control Act it was his duty to enter and search without warrant. This he did; found the expected goods; and brought the accused to trial. But the Magistrate (no doubt in order to obtain a High Court decision) upheld the objection that no such search could be made upon a Sunday, unless a warrant were first obtained.<sup>2</sup>

Fortunately the Appellate Division—four judges—would listen to no such plea, which rather reminds one of the parricide's petition for mercy on the ground that he was an orphan.

Hence the following drop into legal verse:

Posternak had the Bootleg<sup>3</sup> goods  
Upon the Sabbath day, sir;  
Bold Beaumont went to search the house  
Though warrant he had nay, sir.

See, Judge, Posternak told the court,  
How sacred is the Sunday!  
No writ or warrant or decree  
But must abide till Monday:

For Godly Charles the Second hath  
Forbidden zealous officers  
To harry men on holy day,—  
So saith the legal sophisters—

Unless a warrant first they claim  
From magistrate judicious,  
Who hears the cause on oath advanced  
To prove the thing's suspicious.

<sup>1</sup> (1929), 2 W.W.R. 487.

<sup>2</sup> 29 Car. II, c. 7.

<sup>3</sup> "Bootleg" (bootlegging) in the broad sense of unlawful.

Nay, nay, quoth worthy Justice Clarke,  
Such foolishness will never do,  
The law's decrees do not require  
Such special warrants issued to

The Constables who statute have  
For conduct ministerial;  
'Tis not an act judicial  
But plain routine or serial.

So magistrate may take in hand  
The merits of your Bootlegging  
And if convicting 'tis his right  
You down the dungeon's chute to fling.

Swift Current.

G. C. T.

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