

## The Legal News.

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Chief Justice Wade, of Montana, has recently had occasion to vary the monotony of writing judicial opinions by inditing a pleasant description of an attack on a stage coach by masked men, in which he played an involuntary part. The robbers, it appears, did not encounter a very spirited resistance, probably because the travellers had not much to lose. "How anxious we were," says the Chief Justice, "to give up our money and watches, and have the entertainment over. It is amazing how very liberal we all became. We were just aching to give up our valuables. We waited patiently to be killed if that was in the programme, and after waiting for what seemed about nine years, but in fact perhaps ten minutes, one of the masked fellows, who seemed to be in command, and who stood like a statue, said: 'Get into the coach. Be quick about it. Don't look back, and drive like hell.' Some of us hesitated about getting into the coach before we had been robbed. We thought we were entitled to have the regulation programme carried out in full. But a motion from one of the maskers with his gun persuaded us to obey the order, and we got on board, and the driver put the horses to such speed, that I began to think the terrors of road-agents were more endurable than those of a driver attempting to obey such an order. A moment after we started we heard the report of eight or ten guns, crack! crack! and we supposed a load of passengers by another conveyance had been fired into. The firing came about in this way. The sheriff of an adjoining county and another man in a buggy were coming to court, and the sheriff, who had a Winchester with him, discovered one of our masked men behind a rock, and sprang from his buggy and demanded of him what he was doing there, whereupon a bullet went tearing through the sheriff's coat from another direction, but he stood his ground like a rock and

returned the fire, and thinks he killed or wounded one or more of his assailants. We came on to town not more than six miles away, and the sheriff of this county and the other sheriff with a company of armed men immediately started in pursuit of the ruffians, but have not yet captured them. If they succeed I shall have the pleasure of sending them to the penitentiary."

With reference to the punishment of dynamiters the *Law Journal* (London) remarks:—"The suggestion that the outrage at the Tower of London is punishable under 12 Geo. III. c. 24 is worth consideration. That Act makes it, amongst other things, an offence punishable with death 'wilfully and maliciously to set on fire, burn, or otherwise destroy, any of Her Majesty's military, naval, or victualling stores or other ammunition of war, or any place where any such military, naval, or victualling stores or other ammunition of war is kept.' If the words 'or other ammunition of war' be omitted, it is clear that the Tower is a place where military stores are kept; but as these words are used, and deal with the kind of case in question, the general words preceding must, by a well-known rule of interpretation, be taken to be limited by the special words. Are, then, the rifles kept at the Tower 'ammunition of war'? In the sense given to the word in the Queen's service, which includes 'ammunition boots' and the whole equipment of the soldier, it undoubtedly includes rifles. Equally without doubt the word 'ammunition' in the popular sense means only powder and shot in all their forms. The act must, we think, be construed in the popular sense, especially as there is the phrase 'munitions of war,' which is in popular literature used very much in the sense in which ammunition is used in the service. The same Act applies to burning or destroying 'any of Her Majesty's arsenals,' but the White Tower, which consists of a chapel, a museum, and a banqueting-hall used for storing arms, can hardly be said to be an arsenal; still less can the Tower itself. Again, although the rifles, if 'ammunition,' may have been destroyed, was the White Tower either 'set on fire, burnt, or otherwise destroyed'? It was neither destroyed nor