the confession was not to be alluded to, and I must ask you, sir, not to mention it.

Mr. Cary—The answer will not be taken down.

Mr. Ring—But surely Mr. Walker, who is pressing this prosecution, understands that the confession is ruled out; *he* is not insane.

Mr. Cary—No, but you are.

His Honor said that the confession itself had been ruled out, but what was done in consequence of that confession might be received.

Witness—The books were examined and a careful investigation was made before I went to San Francisco. Having arrived at a conclusion when I returned to Victoria I caused Mr Cruickshank to be arrested. I examined the books on my return and inspected Mr Cruickshank's private account (ledger produced). I see a debit in his account to the sum of $292 50 on the 14th July. (A question relative to Mr. Franklin's account was here overruled). The deposit slip produced has the initials G. C. in the corner, which means that it is correct and the money has been received by the cashier. The cashier makes the entries in the cash book.

[Another long discussion here ensued between the learned gentlemen as to the propriety of certain questions proposed to be put.]

Witness continued—I found out on investigation that on the date of the slip the sum of $292 50 was paid to Mr. Franklin. The slip was an acknowledgment of the receipt of the money by the cashier.

Selim Franklin, sworn—The deposit slip produced is in my handwriting; the money was paid in to our account; $592 50 of it was paid me by Mr. Cruickshank as an instalment on purchase of three lots; cannot say how it was paid;

Cross-examined by Mr. Ring—Mr. Cruickshank at that time was lending money and doing a large business; there was nothing remarkable in a man paying me $592 50.

Mr. Walker, re-examined—Produces Teller's cash book, kept by Mr Henderson.

Cross-examined by Mr Ring—Mr Cruickshank had a balance to his credit on 14th of July of $1150—on 30th June of $1280; 31st July, $1295; at the 1st August he was debtor to the bank; the loss of the $5000 will fall on myself; I have a connection with the Guarantee Society; I am secured by them; I did not apply to them to pay me the amount; I can't say whether the Directors of the Bank have applied to the Society for the $5000; I am debited with the amount; I will not receive the amount at all from the Society; I cannot tell in what event the bank will receive the $5000, nor when it will be struck off my account; I have no reason to suppose that this investigation will facilitate the payment of the five thousand dollars by the Society; I cannot tell whether the conviction would affect the payment of the amount; I believe I would be as liable after a conviction as now. *Witness* explained that when Mr. Cruickshank left the bank, his bonds were cancelled, and he doubted whether the society would hold themselves responsible; I had an opinion from the Guarantee Society on the matter, which partly influenced me in instituting these proceedings; I believe the Society protects the employer or master against any robbery by his employes whom it guarantees. The bank makes up monthly statements; it publishes quarterly statements in the papers according to Act of Parliament. I have heard of a mistake in October in one of the statements; I am not aware that Mr. Cruickshank called my attention to this mistake; I pointed out the mistake to the Bank at home on the very first opportunity after its discovery; it is within the range of possibility that other parties might have got the keys than Mr. Henderson and Mr. Rushton, but they could not have got the money alone; I did not state that the money was taken between the 10th and 25th July; it might. Mr. Cruickshank ceased to be cashier on July 25th, he began to be cashier on the 10th. Messrs. Henderson and Rushton had not the exclusive possession of the keys at the time; Mr. Cruickshank was the first accountant; during the day time I had the outer key; at night it was given to Mr. Henderson; I may have said that no one person could open the safe alone, but I should have qualified it by saying if they had both keys, and knew both combinations; I have had both keys in my possession so far as opening the doors is concerned; there are duplicate keys for the safe; the bank was opened July 28th. I made a public loan before the bank opened; the money is checked by counting; I do not know what kind of money the $5000 was in; I reported to London that it was in $20 pieces, because I thought so at the time; the money in the treasury is counted every quarter; it may be counted during the quarter by handling the bags; I can generally tell by the size of the bags how much money is in them to a hundred or two; there may have been about 20 bags in the treasury at the time; I have been in some twelve different banks, and the general way of counting the money is by weighing it; our money here is not in sovereigns; we have no scale large enough to weigh $20 pieces, it is easier to count them than weigh them; it is the rule of the bank to count the money quarterly; a mistake was made at one time of $1000 which was paid in and accredited to a wrong party; the mistake was not found out till the end of the year, when it was found out by the letter acknowledging its receipt; Mr Cruickshank assisted me, as I ordered him, in trying to find out the mistake; I never borrowed the second key and visited the vault alone; it is not the fact that the cash was never counted from the time the bank opened till 1863; I did not speak in terms of the highest commendation of Mr Cruickshank when I went home; he was not dismissed before this discovery; the notice of dismissal was certainly not given before the discovery; I said to the directors I had no cause to suspect Mr Cruickshank; I said so as late as April last; Mr C. remained a very short time after his notice of dismissal and after the investigation; in terms of Mr Cruickshank's agreement a six months' notice was required on either side; Mr C. did not decline to remain; I do not remember his saying he would consult with his wife; very likely something passed about his remaining, but I do not remember it.

Re-examined by Mr Cary—The matter of $1000 was thus found out; on 10th September Dietz & Nelson paid in $1000 to the credit of Dickson, Campbell & Co., on account of a bill left for collection, and at the end of the day the cashier reported to the manager that he was $1000 over in his cash; on reverting to the letter book it was found that the amount had been acknowledged by letter in Mr Cruickshank's handwriting; until the discovery of the blunder it was credited to suspense account and was paid to Dickson Campbell & Co. with interest; as a rule the $5000 and $10,000 bags were the same size; by constant handling $500 ought to be missed in the weight of a bag; the loan to the Government was made before the bank was open; the box containing the money was handed to and opened by the Government; it was never placed in the safe, and I therefore required no keys; I never opened the doors alone under any circumstances; when I discovered this affair in the Spring I caused the prosecution to be brought soon after; I got the authority for the dismissal of Mr Cruickshank by a letter dated September 25, 1863; I had previously suspended Mr Cruickshank for drunkenness; the only money received by the bank outside of customers was from Faulkner, Bell & Co., of San Francisco, which was counted in my presence and in the presence of the accountant, and was regularly accounted for, slips being given (slips produced); the initials on the slips prove the counting of the money; Mr. Walker stated that he was prepared to show that the money was counted before November, 1863, but the proof was held to be unnecessary.

Henry Rushton, sworn—Examined by Mr. Cary. In July I was appointed acting cashier; it ceased some time in the next year, long after the discovery of this loss. I held one key of the safe, Mr. Cruickshank held one part of the time, and Henderson part of the time I believe while Cruickshank was cashier. Mr. Cruickshank still continued accountant, although he was cashier from the 10th to 25th July. I went down every morning into the vault, Mr. Henderson went down to open the door; it was not part of our duty to touch the money; I never parted with the key except in the day time, when I gave it to its original holder; I also went down in the evening and saw the money put away; it was only the cashier's money that was taken up and down; the money was taken out and put back by the cashier. While I was cashier I handled the cashier's money for which I was answerable, but never touched the reserve. I had no power to interfere with the senior officer, and did not watch him, as that would imply suspicion; had the reserve and cashier's money been mixed, I should probably have noticed it; I never knew both combinations. The cashier's balance on quarter ending September 30th, 1863, was $20,902 14.

Cross-examined by Mr. McCreight—I never lent my key to Mr. Cruickshank while I was entrusted with it, and he could not therefore open the safe without another key.

This concluded the evidence for the prosecution.

Mr. Ring, addressing the jury said—the entire case was a heap of probabilities upon probabilities. He would ask how Mr. Walker or any other gentleman in the bank would feel if a jury were asked to convict them, because it was possible that they had committed an offence charged to them. His learned friend, in the absence of facts, had endeavored to supply their place by evidence of a suppositious nature. Mr. Franklin had been dragged away from his dinner, from the quiet conviviality of his home, through a broiling sun to prove what? to prove that between the 10th and 25th July a sum of $500 had been paid to him by Mr. Cruickshank. The learned counsel dwelt upon the numerous links wanting in the evidence upon which the jury were called upon to find that Mr. Cruickshank had abstracted $5000 from the vaults of the bank, and asked would they upon simple probabilities brand as a felon a man who had until this alleged charge was brought enjoyed an unblemished character for honor and integrity in his business transactions? Would they cause a hereditary blot to rest upon his child to descend to future generations? He put the supposition of the man who really took the money one day weighed down by the remorse of conscience divulging his crime, and asked how would a verdict compensate for such irreparable injury caused to an innocent man, and what could assuage the agony which the twelve gentlemen of the jury themselves would feel at being instrumental to the conviction of an innocent man. Mr. Ring commented upon the various points that had arisen during the trial, especially cautioning the jury not to be in any way influenced by the confession which had been ruled out of Court. He asked whether the prosecution had done their utmost to place the best evidence before them? Where was Mr. Henderson who was shown to have possessed one of the keys. Was it not a fair supposition that the two clerks had been remiss with their keys, and somebody had obtained access to the money. He drew attention also to the want of proof of the actual amount of coin in the bank and the counting of it. Mr. Ring spoke in figurative language of the thunder cloud of evidence that had been raised over his client to overwhelm him, but had burst without causing him any injury. Putting a suppositious case he asked if the statement made by his client while in an irrational state of mind was to be believed, how much more so the calm deliberate statement now made when he was in a rational frame of mind and distinctly and emphatically said he was not guilty? The learned gentleman dwelt at great length on the different points, impressing upon the jury the duties which in his view rested upon them to fulfil, and to honorably acquit the accused from the offence laid to his charge.

His Honor summed up explaining to the jury the nature of the two counts of embezzlement and larceny charged in the indictment, and directing them to find whether the sum of $5000 had been taken by the accused, and appropriated to his own use, or whether that sum had been stolen by him as charged. His Honor briefly adverted to certain points in the evidence, and left the result in the hands of the jury at 25 minutes past 10, p. m.

The jury after retiring for five minutes, returned a verdict of NOT GUILTY.

The announcement was followed by applause, which was checked by the Sheriff.

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EUROPEAN.

FARTHER POINT, July 9—The Belgian, from Liverpool 29th, and Londonderry 30th, arrived.

The London *Owl* says: We are happy to state that the British Government is greatly assured as to the friendly feeling and amicable intentions of the American administration. The outpourings of a virulent press and the private correspondence of men whose extreme views overbalance their judgment, gave an exaggerated appearance to some of the commendations of President Johnston's Cabinet; but we hope and believe there is the deepest determination not to permit a temporary difference of opinion to cause any real estrangement between the two countries.

LONDON, June 30—A ministerial crisis continues at Vienna.

The Great Eastern was safely moored at the Noore on the 24th, where she was to remain until about July 8th. The shipment of coal, stores, and other preparations were busily progressing.

A Philadelphia correspondent of the London *Times* says President Johnston will pardon all Confederate leaders if left alone, but the radicals do all they can to thwart his purpose.

At a meeting of the Cotton Supply Association at Manchester, the speakers generally looked upon two million bales as the maximum to be expected from the South.

Parliament was to be dissolved on the 11th July

The House of Lords, on motion of the Earl of Derby, rejected by a majority of two the bill passed by the House of Commons to modify the oath required of Catholic members.

The election contest for Parliament was growing warmer.

A serious riot was reported at Birmingham. The military are said to have been called out.

It is stated that Jacobson is to be the Bishop of Chester.

The Berlin correspondent of the *Times* says: The American ministers in Germany are instructed to enter into treaty, or at any rate a binding promise, that German emigrants who enlisted in the united States before quitting themselves of military in Germany shall not be held responsible for the omission, and conscripted after return.

Marshal Canrobert has been appointed commander of the army of Paris.

The Italian Government had neglected the terms proposed by the people for the settlement of the question of bishops. Negotiations were offered.

There was a ministerial crisis at Vienna. The Cabinet resigned. Count Dorfi was provisional President of Council.

A report was current, but not confirmed, that the Bank of Bombay had suspended.

NEW YORK, July 12—The Persia, from Liverpool July 1st, and Queenstown 2d, has arrived.

Another lake has been discovered in Central Africa from whence the Nile issues.

The total amount of coin in the Bank of France is larger than for several years.

The Bourse is unsettled.

The failure of negotiations between Italy and the Pope is the leading topic in Italy. The negotations were absolutely broken off. The Austrian Minister at Rome is charged with activity in producing the misunderstanding.

There is a report that negotiations between Rome and Mexico are still progressing.

Final arrangements on the Great Eastern were pushed forward at the Nore. She will be ready for sea in a few days, but is not expected to leave the Nore till the 9th or 10th July. The shore end of the cable will be laid at Valencia on July 10th. Absolutely none but those connected with the laying of the cable will be allowed to sail on the Great Eastern. Signals were daily sent through the entire cable. The insulator is pronounced almost absolutely perfect. A message of four words occupied a minute and a quarter, but double this speed is expected from the use of new instruments.

The cholera in Alexandria is reported as rather less alarming.

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COMMERCIAL

Wednesday, July 19.

GOLD SHIPMENTS.—The following treasure was shipped yesterday per steamer Brother Jonathan:—Bank of British Columbia, $188,099 17; Wells, Fargo & Co., $8,716 52. Total,—$196,815 69.

FREIGHTS—Shipmasters now obtain $4¾ per ton for carrying coal from Nanaimo to San Francisco. For lumber to China the freight is $16. By our last advices we learn that freight on copper from Valparaiso to England is £2 12s 6d per ton.

TOWED OUT—The schooner Milton Badger was towed out of the harbor by the Geo. S. Wright last evening, at eight o'clock, and both vessels sailed for Nanaimo.

FOR STEILACOOM—The steamer Otter sailed for Steilacoom last evening to take a cargo of cattle to Mud Bay, British Columbia.

FROM PUGET SOUND—The Eliza Anderson arrived from Olympia and Way Ports yesterday morning, with 26 passengers and a small freight.

Saturday, July 22.

THE NORTHERN COAST.—The Enterprise will sail for Nanaimo and way settlements this evening carrying the mails.

FOR NEW WESTMINSTER.—The steamer Enterprise sailed yesterday morning at 11 o'clock with 45 passengers and 90 tons freight.

Monday, July 24.

SAILED—The Hamburg bark Perle, Feddersen, master, was towed out of the harbor on Saturday by the Enterprise, and sailed for Nanaimo in charge of pilot Titcomb, to load with coal for San Francisco.

THE steamtug Diana hauled alongside the Hudson Bay Company's wharf on Saturday afternoon where she will have her boilers taken out and replaced by new ones preparatory to going on the Northern coast route.

FOR NANAIMO—The steamer Enterprise sailed for Nanaimo and way ports on Saturday at 3 p.m. carrying the mails and some 50 or 60 passengers.

VICTORIA MARKETS.

Saturday, July 22, 1865.

Jobbing rates:

FLOUR—Extra, $9 50@$10 ℔ bbl. Superfine, $8@$9 do.
OATMEAL—$9 50@$10 ℔ 100 lb.
CORNMEAL—$7 50@$8 do
RICE—$7@$9 ℔ do.
BEANS—White, 4¼c ℔ lb ℔ sack. Bayos and Pink, 3½c@3¾c do do
SUGAR—Raw—8½c@9c do ℔ bbl. Refined—14c@16c do do
COFFEE—22c@25c do per sack
TEA—35c@40c do ℔ chest
CANDLES—22½c@25c do ℔ box
CHEESE—22½c@25c do ℔ case
BACON AND HAMS—Best, 25c@27½c do; Old do, 18c@22c do in lots to suit
BUTTER—Fresh—45c@50c ℔ dozen; Good salt do, 38c@42c do ℔ firkin.
POTATOES—New, 6c ℔ sack
ONIONS—6c do do
WHEAT—3c@3½c do do
OATS—2½c@2¾c do do
BARLEY—3c do do
GROUND DO—3½c do do
MIDDLINGS—3½c@4c do do
BRAN—2½c do do
HAY—1¼c@2c do ℔ bale

PASSENGERS.

Per stmr. ELIZA ANDERSON, from Puget Sound—Judge Lander, Frank Clark, Julia Shelton, Cynthia Shelton, Wm Sheffield, Miss Wood, Catlin, J G Edwards, Parmeter, Geo Mills, Capt Aire, G Reiley, Alex Warthwale, S W Jamieson, Cerfe and sister, Capt Frain, Mrs Fowler and son, Miss Mary Very, B F Dennison, Mr Boscowitz, Shields, 3 Kanakas, 2 Indians.

IMPORTS.

Per schr A CROSBY, from Astoria—18 sks wheat, 97 do bran, 73 do oats, 43 sks middlings, 12 bxs furniture, 1 cs fanning mill, 46 pieces castings—Value, $674

Per stmr ELIZA ANDERSON, from Puget Sound—3 calves, 2 horses, 7 bbls currants, 19 bls wool, 1 pg cherries—Value $1152 19.

Per schr AMELIA, from New Westminster—10,000 feet lumber. Value, $175.

CONSIGNEES.

Per schr A CROSBY, from Astoria—William Lawson, Lenevue & Co., Stmr Eliza Anderson.

Per Stmr ELIZA ANDERSON, from Puget Sound—F Reynolds, C Wren, order, Cutting & Co, M Lawson, R Greenbaum.

GOODS ON THE WAY.

From San Francisco to Burrard's Inlet.

Per ship AQUILA, July 10—Barley 15 tons, hay 65 tons—Value $1,175.

MARINE INTELLIGENCE.

ENTERED.

July 17—Schr Anne, Elvin, Rocky Point
Stmr Sir James Douglas, Clark, Nanaimo
July 18—Stmr Eliza Anderson, Finch, Port Angelos
Sloop A Phinney, Osgood, Port Angelos
Schr J K Thorndike, Thornton, San Juan
Sloop W Naylor, Mercer, San Juan
Stmr G S Wright, Marston, San Francisco
Stmr Sir Jas Douglas, Clark, Nanaimo
July 20—Boat Harriett, Dirk, San Juan
Stmr Enterprise, Swanson, New Westminster
July 21—Stmr Sir James Douglas, Clark, Nanaimo
Schr Goldstream, Hewitt, Fort Rupert
Schr Crosby, Ketchum, Astoria
Schr Sweepstakes, Keffir, San Juan
Slp Ida, Donaldson, Chemainus
July 22—Slp Northern Light, Mountfort, Port Angelos
Schr Meg Merrilles, Pamphlet, Nanaimo
Schr Amelia, Kendall, Burrard's Inlet
Stmr Enterprise, Swanson, New Westminster

CLEARED.

July 17—Stmr Brother Jonathan, DeWolf, San Francisco
Stmr Enterprise, Swanson, New Westminster
Bark W D Rice, Buddington, Port Angelos
July 18—Stmr Eliza Anderson, Finch, Puget Sound
Sloop A Phinney, Osgood, Puget Sound
Sloop J K Thorndike, Thornton, San Juan
Sloop W S Naylor, Mercer, San Juan
Schr Milton Badger, Harding, Sitka via Nanaimo
Stmr G S Wright, Marston, New Westminster via Nanaimo
Stmr Otter, Mouat, Port Angelos
Schr Matilda, Gilbert, New Westminster
Bark Royal Charlie, Ross, Port Angelos
Schr Anne, Gloin, Rocky Point
July 19—Schr Flying Mist, Hogan, Waldron Island
July 20—Boat Harriett, Dirk, San Juan
Slp Hamley, Gray, Nanaimo
Canoe Lassells, San Juan
Schr Sweepstakes, Keiffer, San Juan
Schr Alpha, George, Nanaimo
Stmr Enterprise, Swanson, New Westminster
June 21—Bk Perle, Fedderson, Nanaimo
July 22—Slp Northern Light, Mountfort, Port Angelos
Schr Meg Merrilles, Pamphlet, Nanaimo
Stmr Enterprise, Swanson, Nanaimo
Schr Amelia, Kendall, New Westminster

DIED.

On the 17th inst. Frederick K. S., infant son of A. B, and J. Swainson Willis, aged four months and nineteen days.

Liverpool (England) papers please copy.

Timothy Laye, an American citizen of South Boston, Mass., drowned in Esquimalt Harbor, on the nigh. of the 16th instant.

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