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The Weekly Colonist.

Tuesday, July 25, 1865.

SUMMER ASSIZES. [Before Chief Justice Cameron.]

MONDAY, July 17.

ATTEMPTED ARSON. Joseph Hilliard was indicted for attempted arson in a dwelling house belonging to Aime Giddlebeau, on Fisquard street, on the 24th

May last.
The Attorney General prosecuted, and the prisoner was defended by Mr. Ring, instructed

The overt charge against the prisoner was examination. having laid a quantity of spirite of turpentine on the premises of the presence of the witness during the trial for potent reasons, intention, as was intimated by threats used

by him, to injure the prosecutor.

The difficulty appears to have arisen in that endless cause 'jealousy." The case occupied the whole of the day.

After hearing Mr. Ring for the defence, the jury, were locked up for nearly two hours, when being called into court they stated that there was no chance of their agreeing, and they were therefore discharged. The prisoner will be tried again.

ne forv. roller a 14 Tuesday, July 18. THE Assizes - Regina vs. Higgins, for perury-The court was occupied all day yesterday in hearing this case; Mr. Cary, instructed by Mr. Green, appeared for the
prosecution, and Mr. Ring, instructed by Mr.
Bishop, for the defence. Several wintesses erase that last statement from your notes.

Thursday, July 20. THE EMBEZZLEMENT CASE. BEFORE CHIEF JUSTICE CAMERON AND

(...) Sestat COMMON JURY. Regina v. Crunkshank -The trial of Geo. Cruickshank, on a charge preferred by the Bank of British Columbia, of embezzling \$5,000 from the bank safe whitat acting as

\$5,000 from the bank safe whilst acting as cashier, was heard in the Supreme Court yesterterday. Mr. G. H. Cary, instructed by Messrs. Brake and Jackson, prosecuted; and Messrs. Ring and McCreight, instructed by Messrs. Pearkes and Green, appeared for the prisoner. A large number of jurors were challenged on both sides; the witnesses were ordered to leave the Court prior to the open ing of the case.

Mr. Cary, in laying the case before the jury, recapitulated at some length the particulars of the case, as already reported in the papers at the trial before the Police Magiatrate in May last. Before putting his with messes into the box, he requested that the medical witnesses be ordered out of the court, which was accordingly done.

James D Walker, late manager of the Victo

Mr. Cary—Th, you always get hold of some cock and bull story (laughter).

Witness—I put a series of questions to Mr. Cruicksbank.

Mr. Ring—Were they reduced to writing?

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Mr. Cary—Did vou discover anything from the subject?

Mr. Cary—Did vou discover anything from the investigation of those gentlemen, to write the put a series of questions to Mr. Cruicksbank.

Mr. Cary—Did vou discover anything from the investigation of those James D Walker, late manager of the Victo

James D Walker, late manager of the Victo toria branch of the bank of British Columbia, sworn—Became manager of the bank 28th August, 1862; had two clerks, Mr. Russell, and Mr. Rushton; the accountant performed the duties of cashier at the opening of the bank; the clerks were appointed by the directors of the bank; witness powers as manager did not entitle him to remove, but to suspend the clerks; had no addition to the staff fill May, 1863, viz., Mr. Greig and Mr. Henderson; Mr. Greig tame out as clerk; witness had power to appoint persons in an acting capacity; appointed Mr. Greig to act as cashier on May 8th, 1863; Mr. Henderson, arrived with Mr. Greig, and was a clerk; the bank keeps a check on the money in the safe by putting the money into the treasury safe, and a slip is made, and the amount debited or, credited in the treasury, account, by the or credited in the treasury account, by the cashier or accountant; the money then comes under the sole responsibility of the manager, who hands the amount wanted to the accountant or cashier, and a slip is made out credit ing the treasury Witness described the safe to the jury; there was no locked division between the treasury and cashier departments of the safe; when the two outer doors of the of the safe; when the two onter doors of the safe are opened, the person opening has access to all parts of the safe; the cashier kept his money in the upper left hand department; the treasury was in the lower department; witness kept the key to the outer door of the safe; the inner key was kept by the cashier; both keys could not pass into the hands of one party unless they were stolen; there was a separate combination for each lock; the accountant always had the key of the inner door except in my absence, when he con key every stole; there was a superior continuation for each lost; and Cargy resident in the was a superior continuation for each lost; and Cargy resident in the was a superior continuation for each lost; and continued the superior continuation of the superior co

quarter ending September 30th, within three days after that time; I alone counted the money both times. I did not find it correct in October; I found exactly \$5,000 deficient. Can't say whether I carried up any money from the safe with my own hands between 1st July and 30th September; in opening the safe I was always accompanied by the person who had the key of the other door.

The Court here adjourned for an hour, the Julge cautioning the Jury not to converse with anyone on the case during the press.

with anyone on the case during the recess.

Aiternoon Session.

His Honor took his seat at 2 o'clock A discussion was raised as to the pro-priety of Dr. Trimble, one of the witnesses for the defence, remaining in Court during the

Mr. Walker desired to be understood with reference to his previous evidence that from about the 10th to the 25th July, while he was at Belmont, Mr. Rushton had the key of the inner door, and Mr. Henderson of the outer. Mr. Cruickshank went down to deliver out the cash in the morning.

1 Mr. Ring—You were not present Mr. Walker and how do you know he went down?

the subject.

Mr. Ring here interposed. He wished to ascertain whether Mr. Cruickshank was in a and canable of making any disclosure. He should, with the leave of the Court, question Mr. Walker as to the sanity of Mr. Cruickshank at that time.

Mr. Cary.—Why this was in 1863.

Mr. Ring.—Oh! I thought you were springing the disclosure upon us. Bear in mind then that I shall make the same objection when the time comes. Mr. Cary Th, you always get hold of some cock and bull story (laughter).

Witness I put a series of questions to Mr.

Belore arriving at what took place, he (the learned counsel) wanted a foundation to be

Witness-He did.

His Honor said he was now in a position His Honor said he was now in a position to deal with the objection and gave it as his opinion that alleged idiocy or even temporary insanity at the time of an alleged offence were undoubtedly questions for the determination of a jury. But this was a question of the admission of evidence as to a statement made by a party who is alleged to have been at the time insanc, and if it could be shown

commit suicide, or shoot anyone down.

at the time insane, and if it could be shown that this confession was made when the party was of imbecile mind, it would come under the law governing voluntary confessions and it would therefore be completent for the court to hear evidence of the state of the prisoner's mind.

Dr. Trimble was hereupen sworn and examined by Mr. Bing.

I recollect Mr. Cruickshank being ill. 1 was naked noon to attend him the first night he took sick, sometime I believe in January. I continued to attend him from that time to the period of his recovery. He auffered from compression of the brain. It had an effect on his mental faculties. It affected his mind to such an extent at first that he did not know what he was saying, he was insane in fact. For a long time, two or three months, he answered in monosyllables, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake, and sometimes he would not answer at the lake and had also committed forgery. He said he had committed mindent and he said he had committed mindent and had also committed forgery. He said he had committed mindent and had also committed forgery. He said he had a not prove a statement made by one of the medical without a state of the medical with was safe to let the down in the first part of his liness.

Mr. Cary oh, but I will though; I will prove a statement made by one of the medical will not

shock such as that to the system had the effect of a re-action and of rousing him to his faculties and restoring him to a partial recovery; he is not well yet; I attended him Witness said he would like to state that durative at the trial for the offence, which had not been raised by the learned counsel.

Belore arriving at what took place, he tile carned councel) weated a foundation to be laid to show the state of Mr. Crinickshank's in faculties and restoring him to a partial recovery; he is in and well yet; I attended him witness said he would like to state that during Mr. Crinickshank's illness he could not been raised by the learned counsel, many questions to that effect to Mr. Walker.

Mr. Cary objected to the learned counsel patting any questions or interfering with the examination of the witness.

Mr. Bing it support of his application retered the court to Taylor on Evidence, pages 32 and 352.

Mr. McCreickshank is edied to the same side, and contested that the order of the court is to be put in was inadmissible until His thought to be put in was inadmissible until His quested authorities in support.

Mr. Cary lepted that not one of the cases quoted interior in the proposed to put to be a same side, and contested that the order in the support of his application retered the counts of insanity; it is one of the leatures of insanity; it is one of the l

evidence of the state of Cruickshank's mind.

His Honor held that the argument was a from the brewery; there was no restraint little premature as he had nothing on his upon him; there was very little improvement after he left the brewery; rather worse increase, and quite agree with it.

For put some questions to the witness about it.

Crors—examined by Mr. Cary — Mr. Cruickshank might recover his mind in three lead.

Mr. Cary-I do not want to infer anything; I wan't a direct, straightforward answer, and I must have it.

Witness-I don't understand the question. Mr. Cary-Oh yes! you do. Witness-Well, I don't believe he would commit suicide, or shoot anyone down. Q. Was he safe to go about?

to trace any delusion. When he was first Charles Bacon, examined by Mr. Mc-able to go out I took him out myself to try Creight—Remembered when Mr. Cruickable to go out I took him out myself to try and draw his attentions away to water, trees, and other things. He seemed quite indifferent ent. After he was taken ill he became very much emaciated and his life at one time was not in full possession of his senses. On was almost despaired of. The brain was in sective and he remained in bed for some time. with our and he remained in bed for some time without any appetite. I remember Mr. Walker returning from California. I went to see Mr. Cruickshank in gaol, he was still insane. I called in Dr. Helmcken the first anight of Mr. Cruickshank's illness, but he Mr. Cary declined to cross-examine.

With him was in regard to the bank, Mr. Ring objected to this question at the present stage, and the judge concurred. Mr. Cary, to witness—What was your opinion of Mr. Cruickshank's state of mind?

Witness—My opinion was that Mr. Cruickshank was laboring under some kind of declaration.

insane. I called in Dr. Helmcken the first night of Mr. Cruickshank's illness, but he only saw him twice.

An argument was here raised as to the introduction of Dr. Helmcken's testimony.

The Court adjourned till Friday at 10 a.m., and the resumed on Friday morning at 1030 o'clock. At the request of the Counsel for the prisoner, at the request of the Counsel for the prisoner, but half-past three o'clock, I heard him, but helmcken and Powell were admitted into Coart in order that they might hear the evidence of Dr. Trimble as 10 the state of mind of the prisoner during his late illness.

The examination of Dr. Trimble was fewards as the other accused this in the same way as the other accused this in the same was shown, the rule way as the other accusations hie had made The examination of Dr. Trimble was results of the state of mind described may have the greatest dislike to described may I would not sit with him; on one other coccasion he repeated this mind have the greatest dislike to described may I would not sit with him; on one other coccasion he repeated this to the received the same exhibition in the Police Court; he seemed to be in the same exhibition or rather worse than he was a month before, as regards his intellect; I also saw him in the Police Court; when before Mr. Pemberton my impression is that he would on that day have signed a paper to the effect that he had murdered his wife if asked to do so, he was in such a state of mental imbecility; I saw him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about him; on one occasion he came out of his toom in a perfect state of uneasiness about a week before this time; he was not in a rational state of mind. The law would look upon a confession made by a man when illness had to see him so much recovered; I believe a shock such as that to the system had the conversation; I said to Mr. Walker were inducement of the same was to refuse to receive it. This confession appeared to have been made by the prisoner at a time was to refuse to receive it. This confession and examination that persons in that taken this min to the statement to the statement was not in a rational state of

His Honor—Prior to this interview had you any knowledge or had you heard anything of Mr. Cruickshank's state?

Witness—I heard that he had been very ill. His Honor—Did he make anything in the shape of a confession to you?

Witness—He did.

Witness—You may infer from what I

Cruickshank might recover his mind in three days; had known similar cases himself.

Dr. Helmcken testified that having been at the Club one night, he was called to attend Mr. Cruickshank, and found him laboring from congestion of the brain. Witness—You may infer from what I

Witness—You may infer from what I was more or less insane.

The court here adjourned for an hour. Afternoon Session.

His Honor took his seat at 2:30 p.m.
Mr. Ring said that he had no further evidence to offer as to the state of Mr. Cruick-shank's mind before and after the making of