

any resistance to the capture. Did not hear Braine say that he gave orders to his men not to injure any one, unless in case of resistance. On Monday morning after they had secured possession of the vessel, all of our men, that I could see were liberated from the irons. One of Braine's men told me that if I would keep quiet, and not attempt to recapture the vessel, they would take care of me. I believe the passengers got all their luggage. I lost nothing, and am not aware that any of the others lost anything, except what the captain spoke of.

Re-examined.—They told me they were acting in the name of the Confederate States. The chief engineer was forced to work after being wounded in the chin. I do not know what became of the second engineer's luggage. I did not know he was killed, as I was asleep at the time.

Jan'y 8, 1864.

EVIDENCE OF JAMES JOHNSTON.

James Johnston deposed—was born in Ireland; have been a resident of the United States 14 years; am not a naturalized citizen of the United States; follow the business of engineer; know the steamer *Chesapeake*; was Chief Engineer of the steamer *Chesapeake*; have been Chief Engineer something over a year; have been on board the steamer *Chesapeake* three years last July; was on board the *Chesapeake* on the 4th and 5th December last; this vessel was engaged in carrying passengers and freight between New York and Portland; the steamer had something over twenty passengers on board on the 5th December; I had charge of the engine on the 5th; remained in charge up to 12 o'clock at night; nothing unusual occurred on Saturday night or on Sunday; I had charge of the engine again on Sunday night until 12 o'clock; was waked up between 1 and 2 o'clock on Monday morning by the report of pistols; went from my room on deck and found Mr. Shaffer lying on deck at the engine room door.

I knew the steamer 14 years ago; she was then called the *Chesapeake*; have known her by the name of the *Totten*; she was at one time rebuilt; she was rebuilt in New York; she was afterwards called the *Chesapeake*; I had known her by the name of the *Chesapeake* before that time; she is owned by H. B. Cromwell, of N. Y.; I raised the second engineer up when I found him lying on deck on the Monday morning of the capture; I called him by name; he was dead and lying with his feet down the hatchways; this was between 1 and 2 o'clock; I saw no blood then, it was quite dark; saw two spots on his neck which showed blood; I then went below to the place from which the second engineer came up; there I got a pistol put to my head by Collins; I caught him by the arm, and told him to hold on, then a man beside Collins whom I took to be Brooks, shot at me, the ball taking effect in the chin. [Mr. Gray objected to witness answering the question "who shot the second engineer?" Brooks made a statement, it appears, to the witness with reference to the shooting of the second engineer, which Mr. Gray objecting, the magistrate would not allow him to tell as not being admissible in evidence.] I went across the deck below and spoke to Wade. Wade did not answer. I was fired at without a word being said to me. I had the ball taken out of my chin two days ago. It was taken out by Dr. Earle of King's County. The mate Charles Johnston, was shot in the knee and in the arm. He and I went into the kitchen through a little hatch; we remained there for half an hour. While there I saw Mr. Shaffer's body going overboard. There were three or four persons engaged in throwing it over. Knew none of them except Braine. The body was thrown over just as it was when lying on deck. The cook came to the kitchen. I asked him where Capt. Willett was. He said he was in the Cabin. I also asked him what was going on. He said the ship was taken. Robinson, the sailing master, took me to my room to dress, as I had only my night clothes on. I had been asleep and was awakened by the pistol shot. Robinson had no pistol with him that I saw. I heard two or three pistol shots.

After dressing I went to the cabin and found the Captain there in irons; Robinson was with him; the mate was there wounded; Parr was there taking a shot out of Brook's hand, he then took a shot out of the mate's arm; Parr then tried to take the shot out of my chin, but could not, as he said it was fast in the chin; I do not remember to have seen any of these prisoners present; I had some