

ber the shape of his nose—think he wore a blue jacket—he was a middle-sized man, not very stout. When I saw Ruiz at Salem, did not tell any one at the time that I recognized him. Think there might be about sixty men on board the schooner when we were boarded by them.

(The *Counsel for the prisoners* here called upon the witness to look the prisoner Ruiz in the face, and say upon his oath whether that was one of the men who came on board the Mexican. The witness said he could not swear to him.)

To the *District Attorney*. Recognize the prisoner Ruiz, the moment I saw him at Salem. Captain and mate only had given their testimony at Salem. No one had been examined before I saw them. Never spoke to any one in the street about him.

*John Battis*. Recognize in the court two of the pirates on board the Mexican. (Witness placed his hand on Ruiz and Boyga.) First saw Ruiz at the companion-way of the Mexican. Saw him next standing guard at the fore-castle.

*Cross-examined*. Was seventeen at the time the Mexican was boarded. Was the Captain's boy. Five men came on board from the schooner in our boat. Three men went below with the Captain in the cabin, and two remained on deck—these two were Ruiz and Boyga. Have not talked with the crew of the Mexican about these men in particular. First recognized them on board the *Savage* at Salem. Told a great many that I recognized them—cannot tell who in particular, there were so many. There were a great many I knew on

board the *Savage*. Did not tell them that I knew these men in particular—merely said that I recognized some of them.

Was alarmed when the pirates began to abuse us, and when I saw their knives; was not much afraid before. Should think there were fifty men on board the schooner; believe she had a carved head, painted white—could not exactly say what it was. She was painted black with a white streak. Ruiz had on a tarpaulin hat; cannot say whether he had a jacket or not; he had on duck pantaloons and a checked shirt. Remember the boatswain—should think he was about five feet high. He had a straight nose, with a bunch on the right side of it; had no whiskers, and was not very stout.

*Thomas Fuller*. Was of the crew of the Mexican; I identify Ruiz. (Witness went up to him and struck him rather rudely upon the shoulder. Ruiz immediately started up, and protested indignantly and with much gesticulation against such conduct. He ought not, he said, to be thus treated in the tribunal. The rest of the prisoners also arose from their seats, and evinced much excitement. They were at last pacified by the interpreter, and the examination proceeded.)

Recollect Ruiz perfectly well. Saw him beat our steward with a batten. Went with our captain in the boat. Saw the pirates in our cabin and fore-peak—saw six or eight pirates on deck—Ruiz among them, and another with him, five feet two or three inches in height, dark complexion, long nose, had a crooked Roman nose; had on a white felt hat; had jacket, but don't know the color.