

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1480	Press ~~Mis.~~
75-76 Dated	12-10-	19 1864

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

12th October 1864.

No. 75. Read the following letter from J. A. C. BOSWELL, Esq., Acting Principal Assistant Magistrate and Justice of the Peace, Vizagapatam; to J. D. SIM, Esq., Secretary to Government, Madras, dated Vizagapatam, 1st October 1864, No. 73.

I have the honor to submit the following for communication to the Government Solicitor.

2. Two seamen of the Ship *James Seddon*, Thomas Benjamin McAlpin, Sailmaker, and Abner Smith, Carpenter, laid a charge before me against their Commander, Captain Richard Jeffares, for having wilfully caused the death of a seaman on board their vessel, one John McLeod, by loosening the rope which guided the stage on which he and another man were seated painting the ship; for in consequence of this, they stated that McLeod fell into the sea and was drowned.

3. As the offence was stated to have been committed in the Cocanada roads, I merely took the depositions on oath of the two informants, and committed the case for inquiry to Mr. Fraser, Magistrate and Justice of the Peace at Cocanada, under Section 88 of the Code of Criminal Procedure.

By a statement that has appeared in the Newspapers, I have since learnt that Captain Richard Jeffares has been acquitted of the charge brought against him and released; and that the two principal witnesses in the case have been committed for trial on a charge of giving false evidence.

4. Now, I consider it my duty to communicate to you a circumstance, which may place the matter in a different light, and go far to exculpate these men from a charge of wilful perjury. It is this, that though Captain Jeffares, at the time of examination, simply contented himself with denying the charge, yet after I had intimated my intention of forwarding the case for inquiry to the Magistrate at Cocanada, and all the parties had left the Court, Captain Jeffares returned and asked the favor of a private interview with me: he was anxious to go into another room alone, but I took him aside to one end of the Court room, and told him I was ready to hear anything he wished to say. He then, in a state of great agitation, made a statement to me, as nearly as I can recollect to this effect, that he was taking time by signals from the ship *Bengalla*, a rope got into the way, that he went to alter it, and by mistake unhitched the rope which guided the stage on which the two men painting the vessel were working. He added that when he saw what he had done, he stood like one paralyzed; that the accident had been a great grief to him, and he would have done anything to save the man's life and threw a life-buoy to him.

5. I presume that Captain Jeffares has admitted nothing of this kind before the Magistrate at Cocanada, for if he had, I do not see on what grounds the charge for perjury against the two principal witnesses could be sustained, unless they have contradicted themselves upon cross-examinations or given statements on oath at variance with their depositions before me.

No. 76. ORDER THEREON, 12th October 1864, No. 1480.

Communicated to the Government Solicitor.

(True Extract.)

To the Government Solicitor.

Edw. J. Tulloch.

Chief Secretary.

2
No 1480 - 12 Oct 02

Communicated to the
Govt. Solicitor


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The Govt. Solicitor despd 17/10 1860