



NEW ZEALAND
GOVERNMENT GAZETTE
(PROVINCE OF NELSON).

Published by Authority.

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By His Honor's command,

J. C. RICHMOND, Provincial Secretary.

VOL. XIII.

NELSON, TUESDAY, JANUARY 31, 1865.

No. 3.

Provincial Secretary's Office, Nelson,
January 31, 1865.

IN consequence of the very painful news just received of the death of the Superintendent, J. P. ROBINSON, Esq., by drowning on the bar of the River Buller, on Saturday, the 28th instant, the PUBLIC OFFICES will be Closed to-morrow. It is requested that all public festivities intended to commemorate the Foundation of the Settlement may be postponed until a day to be hereafter appointed.

J. C. RICHMOND,
Provincial Secretary.

Provincial Secretary's Office, Nelson,
January 31, 1865.

THE following particulars relative to the death by drowning of JOHN PERRY ROBINSON, Esquire, Superintendent of the Province, and others, on the Bar of the Buller River, West Coast, on Saturday, the 28th instant, are published for general information.

J. C. RICHMOND,
Provincial Secretary.

On Board the steamer Wallaby,
Blind Bay, January 31, 1865.

SIR—It is with very painful feelings we have to report to your Honor the distressing accident which occurred on Saturday, the 28th instant, when lying off the Buller River.

About half-past four o'clock on the afternoon of the 28th instant on the *Wallaby* arriving off the harbor of the Buller, from the Grey River, the master ascended the rigging for the purpose of examining the bar. Having satisfied himself that there was no apparent danger (the bar being perfectly smooth), he ordered the life-boat to be lowered, and his Honor the late Superintendent, his son, Messrs. Burnett, Gully, and M'Culloch, four seamen, and the chief officer, with the luggage of the first-named five persons, left the vessel, when, after crossing the first roller-wave on the bar, apparently in safety, the boat did not appear to rise over the second, the chief engineer, who was observing the progress of the boat, ascended the rigging, and immediately called to the master to come and see, as there seemed to him to be something wrong. Immediately the vessel was put to full speed, and another boat lowered and pulled towards the bar, where was found the life-boat full of water, and some of the party holding on by the sides, and others inside of her. On her return to the vessel, in tow of the second boat, we

deeply regret to say, Mr. Robinson, John McCulloch, the first officer (James Fowler), and one seaman (Joseph Cooke), had met with a watery grave; and the survivors in so weak a state, that but from the prompt assistance rendered by the second boat, not one would have been saved.

On the *Wallaby* entering the Buller two hours afterwards, and the distressing circumstances being made known, parties immediately started along the beach to endeavor to discover any of the bodies, and not until the following morning were there any found, when two were perceived on the sands, those of the chief mate and John McCulloch.

We summoned a jury, and held an inquest on the bodies the same evening. Coffins were made, the Funeral Service read, and the bodies decently interred yesterday morning.

The jury returned a verdict of "Accidental death."

We also beg to state that a messenger on horseback was despatched fifteen miles from the Buller, along the beach, with a hope that the other bodies would be found; and also parties on foot, after two tides receding; but we regret to say without success. Instructions were left with the constable at the Buller to send out every day for the next week, in the hope of finding the missing bodies, and should they be discovered, to make a report by the first steamer to Nelson.

We have, &c.,

B. WALMSLEY, J.P.
J. BLACKETT, J.P.

His Honor the
Deputy-Superintendent,
Nelson.

INQUEST ON THE BODIES OF FOWLER AND McCULLOCH.

Proceedings of a Court of Inquest, summoned by BENJAMIN WALMSLEY and JOHN BLACKETT, Esqrs., Justices of the Peace for New Zealand, touching the death of John McCulloch and James Fowler, at the Buller river, West Coast, Province of Nelson, New Zealand, this 29th day of January, 1865.

The following were sworn in as jurymen:—Joseph Ferguson, Andrew Preston, Joseph Williams, William Beattie, John Martin, Thomas King, Thomas Mackenzie, Robert Saunders, Frank Crossling, William Murrell, and Isaac Waylan. Of the above, John Martin was chosen foreman of the Jury.

The jury then proceeded to view the bodies, and, having returned, the following depositions were taken:—

Joseph Lucas Hodges, being sworn, said:—I am district constable at Westport, and, on account of information I received last evening from Mr. Martin's relative of an accident which had occurred at the mouth of the Buller river, I proceeded half way to the Orawiti river in search of bodies supposed to have been drowned, but I found nothing. This morning I got up at three o'clock, and searched on the beach, from the upper flagpole, and found nothing round the point. I then proceeded towards the Orawiti,

following a man on horseback who was also in search of the bodies. I saw him stop and return, and he informed me he had found a body, and believed it to be that of John McCulloch. On proceeding to see this body, I found another, which I identified as that of the mate of the steamer *Wallaby*, by name James Fowler. I also found a tent, and covered over the body. I then proceeded to the body found by Charles Wootton, the horseman, and have since identified it as that of John McCulloch. I assisted in bringing the bodies to Westport.

Thomas Whitwell, being sworn, said: I am master of the steamer *Wallaby*. Proceeding between the River Grey and Nelson, I had occasion to land some passengers at the Buller, and there not being sufficient water for the steamer to get across the bar, after examining it as closely as I could, I decided on sending the boat in with the passengers, thinking it perfectly safe so to do. I had the ship's life-boat lowered and the crew of four men with the chief officer in charge were put into her. They proceeded towards the bar, and after being gone some twenty minutes, during which time the vessel had drifted some considerable distance off the bar, and not being able to see the boat distinctly, the chief engineer, who was up in the rigging, called my attention to look at her. I then saw something floating from her, and I concluded that some mishap had occurred. I put the vessel at full speed and headed her towards the bar, at the same time getting the other boat ready for lowering. When as near as it was safe to go, I saw the life-boat was swamped and people clinging to her. I sent the second boat to their assistance with three men in her. They succeeded in reaching her and towing her off to the steamer. I then found that some of the people were missing, and on enquiry I found that four were missing out of the whole number which had left the ship. The names of the passengers which had embarked were, Mr. Robinson, the Superintendent of Nelson, and his son, Mr. McCulloch, Mr. Gully, and Mr. Burnett. Of these I found the Superintendent and Mr. McCulloch missing, also the chief officer, James Fowler, and a seaman named Joseph Cooke. I took the survivors on board, and sent the boat in search amongst a number of articles floating about. I also steamed the vessel in amongst them, but could find none of the missing men. I then steamed slowly down in the direction of the current with the boat pulling about to examine every object we saw. I then steamed in shore in the direction in which I supposed the bodies would float with the wind. Finding nothing, I then came into the Buller and anchored, and sent word on shore of the accident. I searched for the bodies on the beach early this morning. I found nothing myself, but saw two bodies which had already been discovered by Mr. Hodges and two other persons. I have since identified one of those bodies as that of James Fowler, late chief officer of the *Wallaby*.

By the Foreman: The life-boat will carry about two tons in all. She is fitted with cork under the thwarts. In stating that I steamed in as far as it was safe to do, I referred to the draught of water, and not to the break on the bar. I should imagine that there would be about four or five feet of water on the bar. I was satisfied as to the ability of my first mate to steer a boat in broken water, or I should not have sent him. It is usual to land passengers by means of a boat, if the bar be smooth enough to allow it. I have never landed passengers in this way, in the Buller, before; but I have done so on the Okitiki and at the Wairau; at the latter, many times. I should have had to wait for two hours before I could cross the bar with the steamer. If a passenger objected to be landed in a boat, I

could not oblige him to go. None of the passengers objected to be landed in a boat. The mate was steering the boat when he left the ship's side; he steered with a rudder. I considered that, under the circumstances, it was as safe to steer the boat with a rudder through the surf as it was with a steer-oar. The mate had been about three months with me, and came down here as master of her (the *Wallaby*), from Sydney. I cannot say whether he had had much experience in surf boats before he joined the *Wallaby* with me. I considered he was the most competent hand on board. None of the passengers objected to be landed in a boat, and, as far as I knew, they were all agreeable to be landed in a boat. I never saw the flag hoisted on the flag-staff on shore, nor did I see any one on the beach beckoning to the boat not to take the bar. Had I seen the flag I should not have known what it meant. I have no means of communicating with the shore in case of any accident. The *Wallaby* draws about six feet six inches of water. I should require a foot more than that to come in safely. We did touch several times when we came in. The tide was then first quarter flood. I consider that a boat could have got out quite safely yesterday. I have been commander of steamers on the New Zealand coast constantly since 1857. A similar occurrence has never occurred with me before.

By a juror: I consider that it would be a great security to life and property to have a set of signals, and a life-boat and crew established at the Buller.

Alexander Brown, being sworn, said: I am chief engineer of the *Wallaby*. I was on deck yesterday when the boat with passengers left the side. I saw her proceeding towards the bar of the Buller. I took particular notice, and as it got over the bar I saw the boat rise upon the sea, and then she seemed to fall down. I then saw an oar appear to project very high up. I then thought all was not right. I went aloft and could see the boat lying broadside to the sea, and there seemed to be people about it just between two breakers. I called the Captain's attention to it. He came up and told me to go full speed a-head. I went below and saw no more till we came inside the river. I proceeded this morning early, by request of Mr. Blackett, with some hands to assist in bringing in some bodies which had been found, and assisted to bring them in. The first body I saw was that of our chief officer, Mr. Fowler. I could not identify the other, he being a stranger to me. I consider that the bar was perfectly safe to land passengers over when the boat left the vessel. I should not have objected in the least to have gone in the boat. I have seen boats with passengers cross the bars of other rivers in perfect safety, the Wairau for example and the Okitiki, in similar weather to that of yesterday. I considered the bar to be perfectly safe because there was no break in it at the time we were preparing to land the passengers. As the boat neared the bar the surf appeared to increase, which made me take more particular notice than before. I did not hear any passenger object to be landed in the boat. I consider the boat a proper one for the purpose of landing passengers. I think the steamer was about half a mile from the boat when I saw the oar stuck up. The steamer could not safely have been taken nearer to the bar than she was when the boat left her. The steamer could not safely have been taken nearer to the position at which the boat left her, by steaming; but I cannot say whether, had she been so, it would have been the means of saving more lives.

James Burnett, being sworn, said: I am a surveyor and reside in Nelson. I was a passenger on

board the *Wallaby* from the Grey to the Buller river. When the boat was lowered alongside the steamer yesterday, I went on board with the other passenger, for the purpose of being landed at the Buller. At that time the bar seemed pretty smooth, but shortly after leaving the side of the vessel the sea increased, and some one observed that it was rather rough to land in a boat. The mate said "Oh the landing is nothing, the coming back will be the worst." One of the sailors—Cooke I think it was—observed, "If she will not ride over such a sea as this she ought to be burnt." Another of the sailors observed that it would be better to land to the lee of the north spit, than to cross the bar. By this time a long unbroken sea rolled under us, and she seemed to ride well over it. I looked back and saw another sea coming up which appeared likely to break—it struck us slightly on the quarter, and the boat at once capsized. The next thing I observed was that my feet were touching the bottom, and I was completely under water. I then rose, and my head touched one of the thwarts of the boat. I groped about to get to the side, and after two or three attempts I managed to get my head above water and seized hold of the side of the boat, and almost immediately after she righted; after that, she continued to roll over several times, being struck by seas each time, when I was either washed off or washed under the boat, I reached it again by swimming. The first few times the boat rolled over, the Superintendent (Mr. Robinson) was alongside of me. I was then washed off by a very heavy sea, and found myself some yards from the boat, and when I got back to it I fancied that there were not so many people clinging to it. I then climbed up, and got on the keel of the boat, and, as there seemed to be a lull, we contrived to balance her for some time, and she kept in the same position, although some seas rolled over her. She righted again soon, and I managed to get inside along with some others, and some were clinging to the sides and bow. We managed, with a little difficulty, to keep her in a right position, as we were drifting outside the bar with the fresh water. I then saw a boat let down from the side of the steamer, and pulled towards us. When it reached us, some of us got into it, and I and another man remained in the life-boat. We were then towed to the side of the steamer, and we got on board. The names of the passengers who embarked in the boat were—Mr. Robinson (the Superintendent), and his son, John M'Culloch, Mr. Gully, and myself. Of this number the Superintendent and John M'Culloch were missing when we got on board.

By the Coroner: I think every prompt assistance was given to us from the steamer. The remark made about the roughness of the sea was made in the boat, after leaving the vessel, and after the sea became rougher. I did think it was unsafe to proceed then, but it was too late to return. I did not hear any one propose to return to the ship. The mate seemed to have no fear about going in, and was perfectly cool. I have seen the body of John M'Culloch since it was found on the beach.

John Gully, sworn, states: I am a draughtsman and reside in Nelson, and was a passenger by the steamer *Wallaby* from the Grey to the Buller. I left the ship in the ship's boat, with nine others, passengers and crew, and proceeded to the Buller mouth. When on the bar a sea capsized the boat, and after rolling about some time—about five or ten minutes—during which time we were sometimes clinging to the boat and sometimes washed off it, the boat gradually drifted into smoother water, when I saw the steamer coming to our assistance very fast, and the rapidity with which Captain Whitwell sent a boat to our assistance saved the lives of those who were left in

the boat, as in a few minutes more it appeared that we should be again amongst the breakers.

The jury having consulted together for a short time, agreed upon the following verdict, viz. :—

“ We the undersigned, jurors, do hereby find that James Fowler and John M'ulloch were accidentally drowned while attempting to cross the Buller bar into the river by a boat, and we recommend that to prevent similar accidents, a code of signals and a

whale boat be established here ; at the same time we express our opinion that no blame can be attached to the master of the steamer, or to any one else concerned.

J. B. Martin, Foreman,
Andrew Preston,
Joseph Ferguson,
Frank Crossling,
Isaac Waylan,
William Murrell,

William Beattie,
Thos. W. McKenzie,
Joseph Williams,
Thomas King
R. G. Saunders.