

(No. 1163.)

“ FERNGLEN.”

REPORT of a Naval Court assembled at the British Vice-Consulate at Portland, U.S.A., on the 25th day of October 1881, and continued by adjournment on the two following days, the 26th and 27th days of October 1881, to inquire into the loss of the ship “ FERNGLEN,” of Sunderland.

Present :

JAMES LAIDLAW,  
British Vice-Consul,  
Portland, Oregon, U.S.A., President.

Mr. ROBERT STRANG,  
Master of British ship “ Lyttleton.”

Mr. RICHARD HARVEY,  
Master of British ship “ Oberon.”

Mr. CHARLES H. WOODWARD,  
Clerk of the Court.

The Court, pursuant to an order from James Laidlaw, Esquire, British Vice-Consul, having been duly sworn, proceeded to make investigations concerning the loss of the British ship “ Fernglen.”

The “ Fernglen ” was an iron ship belonging to Sunderland, official number 68,911, and owned by R. B. Porrett, of Thornhill Park, Sunderland. She was built at Sunderland in 1874, of 818 tons register, was ship-rigged, and was commanded by Joseph Bubb, who held a certificate of competency as master, which, he states, was lost in the vessel, and the number of which he was unable to give to the Court.

She left Wellington on the 22nd of August 1881 in ballast, bound for Portland, Oregon, with a crew of 20 all told. From the evidence it appears land was sighted on Saturday the 15th of October 1881, the first mate says at 10 a.m. At noon Cape Hancock was bearing N.E. true by observation, and distant 55 miles. During the afternoon light airs and calm, the course being N.E. by N. At 6 p.m. the wind came round to S.E., and began to freshen. About 9 p.m. the royals and topgallant sails were taken in. At 10 p.m. a bright light was seen on the starboard bow, but neither the master nor the mate could make out what light it was. (This was no doubt the light on Tillamook Rock, which was lighted about February 1881.) At 11 p.m. the courses were hauled up, and at midnight the mainsail was furled; the weather was then hazy. The master computed he had run 20 miles on his course N.E. by N. about 2 a.m. on the 16th of October. The Court, however, cannot see how he could have made such a mistake, seeing the wind freshened at 6 p.m. At 2 a.m. a red light was seen, the master says on the starboard bow, but the man at the wheel and second mate say on the port bow. The master thought it might be a steamer coming towards him or a sailing vessel's light; the ship was then hove to with her head about E.N.E. About 3.30 a.m. the master hove the lead, and says he found no bottom at 25 fathoms. The evidence goes to show that they did not wear ship till after 5 a.m., though the master's evidence gives the time as shortly after 4 a.m. While wearing ship the master took several casts of the lead, and found from 2½ to 3 fathoms, the ship striking at the same time. All sail was set, and endeavours made to force the ship over the ground, but in vain, and she lay easy all the day and night of the 16th, wind from S.E. to S., and ship's head about S.S.W. At 4 p.m. the lifeboat from the U.S. station came alongside and told them the ship would very probably come off at the next flood tide, but she did not do so.

No attempt was made to take out ballast till Monday the 17th of October, and ballast was hove overboard till 4 p.m., when the wind and sea increased, the ship beating heavily on the ground and making water. Lifeboats were got ready and preparations made for leaving the ship. About 10 p.m. both anchors were

let go, to provide against her dragging into deep water and sinking. All night the ship lay striking heavily; all sail having been taken off her. At daylight of the 18th of October she took a slight list to starboard. About 8 a.m. she began to heel over and the starboard lifeboat was put out, but was stove, and shortly after the ship went over, masts in the water. About 10 a.m. she broke amidships. At 1 p.m. the U.S. lifeboat tried to reach the ship, but ineffectually, and as a last resource the port whaleboat was cut away, and all hands got on board; they got clear of the wreck and were drifting out to sea when picked up by the tug “ Columbia,” and taken to Astoria.

On the 15th of December 1880 the Lighthouse Board at Washington, D.C., issued a notice to mariners (No. 48, of 1880), giving notice that on and after February 1st 1881 a white flash light would be shown from the new lighthouse on Fillamook Rock, visible 17½ nautical miles in clear weather; also that a steam fog siren would be sounded during thick and foggy weather every 1½ minutes, and that thereafter the light at Point Adams would be changed from a flushing red and white light to a fixed red light, and that the fog signal at that point would be discontinued. It appears from the evidence that the master of the “ Fernglen ” was unaware of these changes, and also that he had not been able to procure any coasting chart, and had no other but a North Pacific Chart, published by James Imray and Son, which he had had for about four years; also that he had Findlay's North Pacific Directory, latest edition. It also appears from the evidence that the official log book, ship's log book, and all papers had been lost with the vessel.

After due deliberation and careful consideration of all the facts and circumstances as detailed in the evidence, which is somewhat contradictory in some point, the Court finds,—

First. That the ship “ Fernglen ” was lost on Clatsop Spit through default of the master, Joseph Bubb, in standing in till the ship was in broken water. Being a stranger to the river, and having no proper charts to guide him, yet knowing that he was approaching a bar generally considered dangerous, nothing could justify him in standing in so long in hazy weather, and when he saw the red light and was unable to make it out, it would have been but common prudence to wear round and stand off till daylight.

Second. That had the master taken the precaution of using the lead and keeping it on the bottom when he saw the red light, he would have seen how fast the ship was drifting and in what direction. The Court cannot understand how he could not get soundings at 3.30 a.m., when in little more than an hour afterwards the ship was in 2½ to 3 fathoms, being hove to during the time.

Third. That when the master hove the ship to her head should have been kept off the land.

Fourth. That had assistance been at hand while the weather was fine on the 16th of October, and some ballast been then hove overboard, it is probable the ship would have come off.

The Court doth therefore adjudge that the certificate of competency of Joseph Bubb, as master, the number of which is unknown, be suspended for a period of four calendar months from this date. The Court returns to the first mate his certificate, as it does not attach any blame to him, seeing the master was in charge.

Regarding the second mate, the Court considers his evidence eminently unsatisfactory, he being apparently ignorant of all the circumstances of the navigation. The Court therefore reprimands him, and advises him in future to take more notice of what happens during the time he is on watch. And the Court doth declare the costs of these proceedings to be—

To the clerk of Court, for attendance in Court on three days during which the Court sat, at 30s. per diem, 22 dollars 50 cents (4l. 10s.):

To Mr. Robert Strang, master of the British ship “ Lyttleton ” (who declines to render his services gratuitously), for attending Court on three days, at 2l. 3s. per diem, 31 dollars 50 cents (6l. 6s.):

To Mr. Richard Harvey, master of the British ship “ Oberon ” (who declines to render his services gratuitously), for attending Court on three days, at 2l. 3s. per diem, 31 dollars 50 cents (6l. 6s.):

Stationery for the use of the Court, 3 dollars (12s.):

To Mr. Robert Talbot, for wages since 20th instant for seven days, at 6l., 7 dollars (1l. 8s.):

To Mr. Peter Peterson, for wages since 18th instant, at 2l. 10s., for nine days, 3 dollars 75 cents (15s.):

To Mr. William Wallace, for wages since 18th instant, at 1l., for nine days, 1 dollar 50 cents (6s.):

To messenger of Court, 2 dollars (8s.):

Which sum, amounting to twenty pounds eleven shillings sterling, or one hundred and two dollars seventy-five cents local currency, shall be disbursed by the Clerk of Court under proper receipts. The Court makes the allowance as above to Robert Talbot, Peter Peterson, and Wm. Wallace, for the reason that

each and all of them had to decline profitable employment while awaiting the sitting of the Court.

Given under our hands at the British Vice-Consulate at Portland, Oregon, this twenty-seventh day of October 1881.

(Signed)

JAMES LAIDLAW,  
British Vice-Consul,  
President of Court.

ROBERT STRANG,  
Master of the British ship  
"Lyttleton."

RICHARD HARVEY,  
Master of the British ship  
"Oberon."

CHARLES H. WOODWARD,  
Clerk of Court.

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