

(No. 6737.)

"PENQUIN" (S.S.).

REPORT and Finding of the Court of Inquiry, held at Durban on the 13th, 15th, and 17th days of September, 1904, into the circumstances attending the wreck and loss of the British steamship "PENQUIN," number 108845, of Manchester, 97/247 tons register, of which Tellef Jorgensen was master.

*Report.*

The "Penguin" left the Port of Port Natal at about 6 a.m. on 13th August bound for Delagoa Bay, but her real destination was Cape Vido on the Zululand coast. She had a crew of 14 hands, viz. :—

1. Tellef Jorgensen, master.
2. Enoch Westerlund, mate.
3. J. F. Higner, first engineer.
4. G. Brolin, second engineer.
5. O. Christianson, boatswain.
6. Maurice Jewell, steward.
7. Siman (native), deck hand.
8. John (native), deck hand.
9. Bob (native), deck hand.
10. Tom (native), deck hand.
11. Mahomet, fireman.
12. Said Ahamed, fireman.
13. Alla Ahamad fireman.
14. Ally Ahamad, fireman.

There were also the following passengers aboard, viz. :—

1. C. E. Frees.
2. S. Waite.
3. D. C. Alexander.
4. M. Edwards.
5. W. Thomson.
6. G. Dixon.
7. J. Jamieson.
8. C. G. Kramming.
9. G. Warmsdrews.
10. S. Ostensen.
11. A. Lambert.

The owners of the "Penguin" were C. G. Smith and Company, of Smith Street, Durban, and the vessel was chartered by Walter Knox of Durban, who represented a syndicate whose object was to endeavour to recover the treasure believed to be in a vessel, named the "Dorothea," which was wrecked and went down some years ago off the Zululand coast. The passengers on board the "Penguin" represented the syndicate, and were employed to endeavour to recover the lost treasure.

There were on board the "Penguin" when she sailed, four boats, and she had in tow a large life-boat belonging to the syndicate.

Everything went well until about 9 o'clock p.m., when a strong westerly wind got up with heavy following seas, so much so, that the schooner or large life-boat, which the vessel was towing, overran her tow-rope, and the slack bight getting round her, when it tightened, she capsized, and shortly after broke adrift altogether—before this, however, the three men who were on board this boat, succeeded in gaining the deck of the "Penguin."

After this mishap to the schooner, the captain slowed down, and put the "Penguin's" head round to the sea.

The captain left the deck about 10 o'clock, his place at the wheel being taken by the mate. About 10 minutes after, he heard shouting, and came out. It was then discovered that water was flowing into the engine room, and on further investigation, that the lazarette hatch had been stove in, and the bunker

hatches washed off. These were found floating about the deck. They were replaced, and diver Krening stood on one while the mate endeavoured to secure a boat cover over it, but it was too late then, for the air blew it up from below, and the water washed it off from above, and their efforts were vain.

About 10.30 or 11 o'clock, the vessel began to settle down by her stern. The only thing now was to launch the boats. The sea did this for them, one man getting away in an 8-ft. dingey, and reaching the shore early next morning in safety.

Fifteen of the crew and passengers got into the large life-boat belonging to the expedition, after she had floated off the "Penguin's" deck.

These made every effort to keep in touch with the ship and rescue their shipmates, but failed to do so. When they lost sight of the "Penguin" her stern was submerged, and there is no reasonable doubt but that she foundered soon after.

The men left on board (ten in all) appear to have failed to secure one of the other boats, and in all human probability, must have gone down with the vessel, as nothing has been heard of them since.

Of the 15 men who got away in the life-boat, 14 effected a landing on the Zululand coast, one, James Jamieson, of Edinburgh, being unfortunately drowned when the boat capsized in the surf.

In consequence of the damaging statements and sensational evidence of one of the witnesses, William Thomson, shipwright to the treasure seeking expedition, and who described the ship as a "death-trap," and spoke of the absence of hatches over the bunkers, and that there was only a grating over the lazarette hatch, it became necessary to call further evidence to test the correctness or otherwise of this witness's statements.

The further evidence called satisfied the Court that the vessel was well-found in every respect, that the hatches were there and were of good 2½-in. board, and were properly battened down and were secured in the usual way. The quality of the hatches was testified to by Captain Airth, Lloyd's Surveyor, who had surveyed the ship on 26th February last also by carpenter Thomas Johnsen, of the Port Department, and diver Krening, who first stepped on to the lazarette hatch, when he boarded the "Penguin," on leaving the schooner in tow, and after, when he stood on the hatches while the mate tried to cover them. This witness, diver Krening, further states in his evidence, that Thomson was drunk when put on board at Durban, and therefore was not in a condition to notice the quality of the hatches at that time, and that he was drunk while on board, and was only roused up in time to jump into the life-boat. His sensational tale about the painter being cut by those in the boat is not true, for the rope which he examined on the following day, while on shore, was a rope which had been cut for the purpose of making rowing grommets, there being no rowlocks on the boat, which did not belong to the ship, but to the treasure seeking expedition.

When the "Penguin" left Durban she was well found and furnished with everything required by Lloyd's and the Board of Trade.

The vessel was out of the hands of her owners for this voyage, she having been chartered on behalf of a treasure seeking expedition, some members of which were on board. The charter party and instructions to the captain were produced in evidence, and the Court is fully satisfied that the owners did all that was possible to ensure the safety of the ship, and that no blame attaches to them.

The vessel had no cargo, but took out 150 tons of coal for her own consumption while on the coast. The bunkers were filled, and the balance, except 40 bags carried on deck, was in the main hold.

The build of this vessel was peculiar. The engines were aft, and the whole of the space forward of the engines was for cargo, with two hatch-ways. It is to be regretted that stowing a homogenous cargo like coal, which lends itself so well to the proper distribution of weight, the captain committed a grave error of judgment, in putting his vessel so much by the stern, and more particularly when he had so

much room in the hold, carrying 40 bags of coal on deck.

It is in evidence that these bags of coal washed about the deck and endangered the ship, while if they had been put in the hold, she would not have been so much out of her trim.

The evidence varied very much as to her trim; one witness putting it as 6 ft. 6 ins. by the stern, and the captain as 4 ft. 6 ins.

The Court has no hesitation in saying that with a shallow-draught vessel, 118 ft. long, this was far too much for safety, except in very fine weather, and no prudent shipmaster would trim his vessel like that with the knowledge of the violent westerly gales he would very likely encounter on this coast.

The charterers were responsible for the loading of the vessel, and one of them, who was a landsman, when he saw the vessel's trim remonstrated with the captain, who replied "That he would trim her as he liked." It is only fair to say that the charterer, when he found fault with the trim, did so, not from any apprehension of danger (about which he had no knowledge), but because he thought it would interfere with the operations of the syndicate by increasing her draught.

#### *Finding.*

(1) First, that the "Penguin" when she sailed in this her last voyage was staunch, sound, well found, and every way suitable for the contemplated voyage.

(2) That she was not properly loaded, being much out of trim, by the stern, the weight being improperly distributed, for which error of judgment the captain is responsible.

(3) That at about 9 or 10 p.m., a strong westerly wind was blowing, with a heavy following sea, so much so, that the schooner she was towing overran her tow-rope, and the slack bight getting round her, when it tightened, she capsized and shortly after broke adrift altogether. Thereafter, the "Penguin" was frequently pooped, with the result that the lazarette was stove in, large quantities of water getting below before it was detected. This brought her more by the stern. Then the bunker hatches washed off and water found its way into the engine room. The Court is of opinion that the vessel did not spring a leak, but that all the water in the engine room came first from the bunker hatches, and then the fires were put out. When those on board realised their danger it was too late to do anything, the ship was helpless, standing on end,

bows up. The only thing now was to launch the boats, with which she was well supplied. The sea did this for them, one man getting away in an 8-ft. dingey, reached the shore safely. 15 of the others got into the large life-boat of the expedition, after she had floated off the "Penguin's" deck. They made every effort to keep in touch with the ship and rescue their shipmates, but failed to do so. When those in the life-boat lost sight of the "Penguin," her stern was quite submerged, and there can be no reasonable doubt, but that she foundered soon after, and the following men on board of her, viz.:—James F. Hignel, Maurice Jewell, Simon, Bob, John, Said Ahmad, Allie Ahmad, Alley Ahmad, crew; and Morgan Edwards, Digby Cayley Alexander, in all probability went down with her.

(4) The vessel was well found in life-saving appliances.

(5) No one is to blame for the loss of the vessel, except the captain, who committed an error of judgment in loading her so much out of trim.

The recent losses of the "Lion" and the "Penguin" has forced on the notice of this Court the desirability of some simple method of securing that the names of all those who go out in these small locally-owned craft should be preserved by the port authorities, and we accordingly draw the attention of the Government to this matter.

(Signed) J. C. C. CHADWICK,  
Acting Chief Magistrate.

(Signed) W. BROWN DICKIE, } Assessors.  
(Signed) CHARLES REEVES, }

(Signed) A. T. ROBERTS,  
Secretary.

17th September, 1904.

I certify this to be a true copy of the evidence,\* report, and finding of the Court of Inquiry.

A. T. ROBERTS,  
Secretary of the Court.

26th September, 1904.

(Issued in London by the Board of Trade on the 11th day of November, 1904.)

\* Evidence not printed.

" T  
In the mat  
Harbour  
P.Q., d  
before  
sioner,  
and M  
the ca  
British  
104283  
rence,  
Septem  
vessel

The Cou  
circumstanc  
ping casua  
The "Tu  
N.S., on Se  
to call at  
cargo. The  
A. McInty  
petency for  
branch pilo  
master's ce  
navigate th  
morning of  
proceeding  
endeavourin  
with the S  
over-ran hi  
of the ebb t  
on Goose Is  
being fine  
The ship r  
same day,  
and proceed  
The extent  
ascertained  
pipe in No  
and there

120 Wt