EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
IN ADMIRALTY

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

THE UNIDENTIFIED SHIPWRECKED VESSEL, If any, its apparel, tackle, appurtenances and cargo located within a five mile radius of the center point coordinates provided to the Court under seal,

Defendant,
in rem

and

The Kingdom of Spain, The Republic of Peru, and Gonzalo de Aliaga (the Count of San Juan de Lurigancho), *et al.,*

Claimants.
_____/

CIVIL ACTION

Case No. 8:07-cv-00614-SDM-MAP

Reply Declaration of James P. Delgado, Ph.D

1. I have previously executed a declaration and a confidential declaration provided to the Court as Exhibits D and E to Spain's Motion to Dismiss or for Summary Judgment in this case. I have reviewed the declarations submitted by Odyssey with its response to Spain's motion, especially those relating to the archaeological evidence (*e.g.*, Dr. Kingsley and Mr. Sinclair) and historical documentation relating to *Mercedes*. In this reply declaration, I briefly review key aspects of the convergent archaeological evidence and location data which establish that the site consists of remains of *Nuestra Senora de*

las Mercedes ("Mercedes") I also review arguments in the Odyssey declarations to contest the certainty of the identification of the site.

2. In reviewing the Odyssey submission, I noted that Odyssey states that its "leading hypothesis" is that the materials taken from the site "came from the *Mercedes*" (Odyssey Resp. p. 7). I also noted that neither Odyssey nor the declarations submitted with its reply suggest any other vessel that could account for the assemblage of Spanish naval cannon, ballast, sheathing and other structural elements, plus copper ingots, tin ingots, culverins and coins, documented for *Mercedes* at a site that matches the historically documented location at which *Mercedes* exploded and sank. Rather, the principal contention seems to be, as Odyssey states, that the evidence is "circumstantial." (*Id.*).

3. Identification of a historic shipwreck site is inherently a matter of "circumstantial" evidence involving questions such as the following: Is the site at a location that corresponds to historical documentation as to where a given vessel sank? Are the remains in a condition that is consistent with the historical record concerning when and how the sinking occurred? Do the artifacts at the site correspond to the assemblage of artifacts known to have been on the vessel? As I detailed in my initial declaration, the answer to each of these questions is clearly "yes."

4. To be conservative, further tests of the evidence may also be appropriate: Are there artifacts at the site that are inconsistent with a proposed identification of the vessel? The answer to this is "No." The vast array of artifacts identified at the site is consistent with and characteristic of the *Mercedes*. To be even more conservative, one may also ask: Are any other vessels known to have sunk at the site that could plausibly

account for the assemblage of artifacts observed at the site? The answer to this is also "No."

5. As I discuss further below, the Odyssey submissions either acknowledge outright or do not dispute that the site contains an extraordinarily distinctive collection of Spanish naval cannon, copper ingots, tin ingots, culverins and coinage that correspond to known contents of *Mercedes* at a site that matches contemporaneous navigation log data and other reports for *Mercedes*. No artifact, apart from the ubiquitous trash such as snagged modern fishing net, is identified that could not or would not have been on *Mercedes*. The principal contention advanced by the Sinclair and Kingsley reports appears to be that it may be premature to acknowledge that the site is *Mercedes* because wooden hull remains are degraded and/or disconnected and/or that not all of *Mercedes'* complement of cannon, provisions, stores and equipment, etc. are clearly visible on the seabed within the area covered by Odyssey's photomosaic. In this reply declaration, I address misconceptions, inconsistencies and errors contained in the Odyssey declarations as to questions such as these.

6. To briefly recapitulate, my initial declaration pointed out the convergence of key evidence which I summarize as:

- correspondence of the site location with the contemporaneous Spanish and British Navy logs and reports identifying the location at which *Mercedes*, the only casualty of the Battle of Cape Saint Mary, exploded and sank.
- the presence at that site of Spanish Navy cannon that match *Mercedes'* known cannon types and sizes (12 lb. and 6 lb. cannon, 3 lb. pedreros and 12 lb. obuses), plus hull sheathing and other elements distinctively characteristic of a Spanish Navy frigate of the time of *Mercedes*.

- the presence at the site of vessel remains, cannon and other artifacts in a pattern that is distinctly that of a vessel that was torn apart before sinking a kilometer to the seabed, coupled also with blast damage to some artifacts.

- the presence at the site of a large and a wide array of highly distinctive artifacts - copper ingots, tin ingots, culverins and chests of coins - documented as on *Mercedes*.

- with respect to coinage, exclusively Spanish nationality, South American points of origin, and dates (1773-1804) that further point with extraordinary specificity to *Mercedes*.

A. Location Data

7. I now discuss the status of this evidence in light of the Odyssey submissions, beginning with the location of the site. I note first that the analysis of the location of the Battle of Cape Saint Mary and *Mercedes* provided by the Department of History of the Spanish Navy Institute of Navy History and Culture and the correspondence of that location with the site (Spain Mem. Ex. B; Confidential de Leste Decl., Annex 3) is not disputed in the Odyssey submissions. The Sinclair report appropriately states that "extant documents place *Mercedes* in the area. (Odyssey Resp. Ex. C, p. 20). I also note that my analysis of the correspondence between the site location and the British commander's contemporaneous report (Spain Mem. Ex. E, Confidential Delgado Decl.) is not disputed.

8. Odyssey's submissions include contemporary navigation data that provide specific reference points that also correspond to the previous analyses. The report by Captain Alvear on *Medea* (Odyssey Resp. Ex. A, Annex 22) gives a position of 36º 23' North and 7º 40' West at 6:15 a.m. before the Battle. This is highly consistent with the location analysis provided by the Institute of Naval History and Culture. (Spain Mem. Ex. B, Annex 3). The log of the British Frigate *Amphion* (Odyssey Resp. Ex. C, Annex

27) reports that while awaiting the Spanish frigates, she was 8 or 9 leagues (24 - 27 nautical miles) south of Cape Saint Mary. The log of the British Flagship *Indefatigable* (*Id*.) also reports that Cape Saint Mary was 8-9 leagues to the Northeast when the signal was given to intercept the Spanish ships to the south. This tells us that the British squadron was more than 20 miles south of Portugal when they began sailing south to intercept the Spanish squadron. *Indefatigable's* log reports that by 8:30 a.m. the British and Spanish squadrons had joined and *Indefatigable* had hove to. These log entries also confirm the accuracy of Captain Moore's report to the Admiralty I used in my analysis. (Spain Mem. Ex. D, Annex 3 and Spain Mem. Ex. 3).

9. I note that the Kingsley report includes a 1984 Instituto Portugues du Patrimonio Cultural document that refers to activities "em vista à recuperação da fragata espanola 'Nuestra Señora de la Mercedes'" – activities with "a view to recovering" *Mercedes*. (Odyssey Resp. Ex. A, Annex 22.) But the coordinates for the search area proposed in this document are at 36º 57' to 36 º 59' North and 8º 09' to 8 º 12' West. This area is within about 10 miles of the Portuguese coast and cannot be reconciled with the contemporaneous British logs and Captain Moore's report to the Admiralty (Spain Mem. Ex. E, Annex 3) that they were more than 20 miles south of Cape Saint Mary, when they moved *south* to intercept the Spanish squadron, or with Medea's position, at 6:15 a.m. the morning of the battle. The documents submitted with the Kingsley report annex also contain nothing to show that *Mercedes* was actually found in the 1984 area.

B. Spanish Warship Artifacts

10. As I noted in my initial declaration, the cannon that are exposed on the seabed correspond to the types and sizes of weapons (12 pdrs., 6 pdrs., 3 lb. pedreros, and

24 lb. obuses) specified by Spanish Navy regulations for Frigates of War at the time of *Mercedes*. (Spain Mem. Ex. D, Annexes 14-16; Spain Mem. Ex. A, ¶ 26, Annex 13) and specifically documented as *Mercedes*' armament. (Spain Mem. Ex. A, Annex 15). The bronze cannon can be seen to match exactly Spanish Navy specifications for *Mercedes'* pedreros and obuses. (Spain Mem. Ex. D, ¶ 99, 104, 105; Spain Mem. Ex. A, ¶ 32). I also note that the match of cannons at the site with Spanish Navy specifications is not disputed by any Odyssey submission. In this connection, I also note that, although Kingsley notes that many of the iron cannon are corroded, buried or concreted, this is to be expected after two centuries of submersion in salt water. Kingsley does not dispute that their observable features and sizes correspond to *Mercedes*' weaponry.

11. The fact that every cannon listed on *Mercedes*' manifest is not visible on the seabed is a common characteristic of many shipwreck sites, even those that do not rest in sediment or sand. A case in point is the British 44-gun frigate HMS *Endymion*, built in 1779 and wrecked in the Turks and Caicos in 1790. The wreck lies in relatively shallow waters less than 30 meters in depth along the side of Endymion Rock on a corraline and sand bottom. Many features, including the bottom of the hull, iron ballast, anchors and cannon are exposed or lightly covered with sand. Surveys of the site in the 1990s disclosed only 20 cannon, a subsequent survey located another two cannon, and a recent survey in December 2007 located several more cannon. According to archaeologist Donald Keith, who is conducting the survey, while 28 cannon are now pinpointed on the site, the other guns are believed to lie beneath other artifacts and features such as degraded and concreted remains of the hull and its fastenings.

12. The critical points that can be observed about the iron cannon are that 1) they are 12 lb. and 6 lb. cannon, the sizes specified for *Mercedes'* main battery: 2) where their shapes can be seen, they are of the Spanish pattern; and 3) none of the cannon visible at the site are of a size or shape that is inconsistent with *Mercedes*.

13. Kingsley argues that cannons are "weak indicators" because they were at times circulated or exchanged among ships of different nationalities (Odyssey Mem. Ex. A, p. 24). To support this, Kingsley cites cannon found at the sites of *Sacramento* and *Santa Maria de la Rosa* (*Id*.). As Kingsley acknowledges, however, *Santa Maria de la Rosa* is a vessel from the Spanish Armada of 1588 and *Sacramento* dates from 1688. (*Id.*) Both ships long predated the standardization of naval ships and their armament that took place during the 18th Century. That standardization was well in place by the time of *Mercedes*, as documented by Spanish Navy specifications for *Mercedes'* cannon inventory (Spain Mem. Ex. A, ¶ 22, Annex 15; *id*., Ex. D, Annexes 14-16). (I discuss below the point raised by Kingsley that not all of *Mercedes'* cannon are visible in site photographs.)

14. In my initial declaration, I noted that the site is strewn with copper sheathing characteristic of a Spanish Navy vessel, and that its condition shows the violence of *Mercedes*' loss. Sinclair agrees that copper sheathing is present at the site and that it is torn and crumpled: He acknowledges "the tearing and crumpling of the copper sheathing that covered the hull." (Odyssey Resp. Ex. B, p. 20).

15. Kingsley agrees that *Mercedes* was sheathed with copper (*Id.*, Ex. A, p. 18), and that the copper sheathing nails taken by Odyssey from the site "definitively point towards the use of copper sheathing…" (*Id*., p. 44). Curiously, however, Kingsley

argues that the sheathing visible in site photographs may be lead, based on lack of blue-green copper coloration in some of the images (Odyssey Resp. Ex. A, p. 44). But the images containing copper sheathing (Spain Mem. Ex. D, Annexes 9.4, 9.17, 9.18, and 9.19) are for the most part in black and white, a function of low lighting strength. Even in black and white, however, the sheathing sections are distinctly light in color and reflective, as is characteristic of copper, not lead (Lead sheathing is dark grey and unreflective).[1] In my Annex 9.21, an image which has the benefit of strong lighting that reveals coloration, the blue-green color of copper sheathing can clearly be seen.

C. Copper and Tin Ingots

16. The presence of copper and tin ingots is another highly diagnostic site feature documented for *Mercedes*, as I have noted. It therefore bears emphasis that the presence of these distinctive materials on *Mercedes* and at the site is obvious and undisputed (Odyssey Resp. Ex. A, p.8; Odyssey Resp. Ex. B, p. 8).

D. Culverins

17. My initial declaration and that of Admiral de Leste noted the presence of "two discarded bronze culverins" on *Mercedes'* manifest (Spain Mem. Ex. A, Annex 15) and in the site photographs. The presence of 16th and early 17th Century weapons at a site in association with cannon and other artifacts that otherwise correspond to a late 18th Century Spanish warship provides extraordinarily strong vessel-specific evidence for *Mercedes* and the site.

[1] At underwater sites, the extent to which colors show in photography depends on lighting strength. Photographs of the copper ingots on the seabed likewise also are mostly in shades of gray, rather than their normal blue/green color, because of low lighting. *See, e.g.*, Annex 9.1 to my initial declaration).

18. I therefore note that Kingsley agrees that the culverin identified in my Annexes 9.29-9.32 is at the site (Odyssey Resp. Ex. A, pp. 24-25) and that it and other cannon at the site "certainly share stylistic traits with Spanish examples. . ." (*Id*.). I wish to note that the second culverin can be seen in Annex 9.7 to my initial declaration. The bronze cannon is buried except for the muzzle end. The exposed muzzle area has the distinctive flaring and reinforcement banding characteristic of culverins. (Compare my Annex 9.7 to Annex 9.32; see also Spain Mem. Ex. A, de Leste Decl., Annex 32). Flaring and banding was used to provide culverins with added protection against barrel bending or bursting, necessary because of limitations in bronze gun casting technology in the 16th and 17th centuries.

E. Coinage

19. The significance is obvious with respect to the presence at the site of a large population of coins for which all available information is that they; 1) are exclusively Spanish; 2) are dominated by South American mints; 3) have a date range that is concentrated in the years closest to *Mercedes'* final voyage; and 4) stop in 1804. I note that Kingsley agrees that the information available about the coins "dovetails with the historically-attested coin cargo on the *Mercedes*." (Odyssey Resp. Ex. A, p. 54). Sinclair agrees that the coin data, including some 5000 cleaned and analyzed silver coins (*Id.*, Ex. B, pp. 4-5), "fall within the limits of what one would expect from the *Mercedes*." (*Id*., Ex. B, p. 21).

20. Remarkably, Kingsley suggests that one should be "cautious" about the coins because Spanish coins were circulated among countries "engaged in international commerce." (*Id*., Ex. A, p. 52). It is true that gold and silver coins were circulated

before paper currency came into common use. Given the historical record that *Mercedes* was en route from the Americas to Cadiz with a large amount of specie, and sank south of Cape Saint Mary, however, it is implausible to speculate, as Kingsley does, that a Dutch or French ship carrying this Spanish coinage might be at the site (*Id.*, Ex. A, p. 53).

21. With regard to the issue of completeness of the coin data, I also note that the nationality, origin and dates of a complete coin population set is provided by the Department of Numismatics of the Spanish National Museum of Archaeology. (Spain Mem. Ex. H) Senora Marcos Alonso's study of all of the gold coins recovered by Odyssey reports that they are exclusively Spanish and have dates that begin in 1784 and end in 1803. She also reports that coins minted in 1803 in Lima constitute nearly half of these 212 coins (98 out of 212). Sra. Alonso and Ms. Tedesco also report on randomly selected samples of silver coins that produced similar findings. (Spain Mem. Ex. H, Annex 4; reporting 41% of the gold coins are dated 1803 and no post-1804 coins; Odyssey Resp. Ex. H, p. 4, reporting 1773-1803 dates on unconserved silver coins.)

F. Site Observations: Sinclair and Kingsley

22. I now address arguments advanced by Sinclair and Kingsley relating to conditions at the site to the effect that, despite this evidence, it is premature to identify the site. For the sake of brevity, I do not do so on a paragraph-by-paragraph basis, but rather discuss principal lines of argument presented in their reports. One important observation I should note at this point is that Sinclair, whose report discloses that he has substantial experience with deepwater archaeological sites, confirms essential aspects of my own

observations. Sinclair also demonstrates that Kingsley, whose reports disclose no actual fieldwork at comparable sites, has made fundamental errors and oversights.[2]

23. An appropriate starting point is Sinclair's acknowledgement that the site is a "debris field" that is "consistent with a vessel that has broken up at the surface, descended through the water column and spilled out the cargo and various components onto the seabed" (*Id*,. Ex. B, p. 8). (Although Sinclair states that the cause of the vessel breaking up was "not necessarily due to an explosion," (*Id*.), he does not address (or dispute) the specific evidence cited in my initial declaration of visible blast damage to cannon, sheathing and other elements (Spain Mem. Ex. D, ¶¶ 24, 89-96)). As noted earlier, Sinclair agrees that the copper sheathing is torn and crumpled. Sinclair states that the "explosion theory while having some merit can also be explained by the breakup of a vessel on the surface and the subsequent stress exerted on the materials as they descended through the water column" (Odyssey Resp. Ex. B, p. 17) on a "kilometer long fall" (*Id.*, p. 10) to the seabed. Sinclair thus agrees that the site represents a vessel that broke apart at the surface, as we know occurred with *Mercedes* due to the well-documented explosion. Sinclair also agrees that the remains of the vessel were separated and scattered by the stresses involved in sinking more than a kilometer, as I also noted in my initial declaration (Spain Mem. Ex. D, ¶¶ 24, 35).

24. Sinclair also agrees that the distribution of vessel remains is influenced by the fact that wooden hull sections become relatively buoyant as heavier objects fall from them. This process makes hull remains prone to greater dispersion (Odyssey Resp. Ex.

[2] Kingsley refers to fieldwork he has conducted at the Dor/Tantura site in Israel (Odyssey Resp. Ex. A, Annex 2). This site is an extremely shallow coastal lagoon.

B, p. 9), as I noted in my initial declaration (Spain Mem. Ex. D, pp. 9, 13-14) and as is seen in the site photomosaic and photographs. Sinclair also agrees that this process would not produce "an intact shipwreck site in the classic sense." (Odyssey Resp. Ex. B, p.10).

25. Sinclair also concurs that the condition of the hull remains at the site reflect the degradation of wood submerged in salt water that is to be expected after two centuries of submersion. Sinclair appropriately notes that "wood is not a substance with good survivability in ocean environments" (*Id.*). Indeed, Sinclair states that those who "have a grasp on actual chemical and biological reactions in seawater or corrosion science" know that it can result in the "lack of preservation [that] is very evident on the *Black Swan* site." (*Id.*, p. 9)[3] Sinclair also states that "we have site features and objects that certainly once we were part of a vessel," but the "structural remains that once were associated with the *Black Swan* site have been largely decomposed." (*Id.*, p. 17) Sinclair thus concurs with my earlier statement that "It is well known in maritime archeology that at the site of a two century-old shipwreck in the open ocean only a fraction of the wood and other organic materials that are not buried will survive. . ." (Spain Mem. Ex. D, ¶ 22) Sinclair agrees that the site constitutes remains of a vessel, in the condition and with the patterns of dispersion that would be expected of *Mercedes*. Sinclair also appears to confirm my observation that Odyssey's statement to the court in Interrogatory Answers that "the most outstanding characteristic of this site is the actual absence of a vessel" is inexplicable.

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[3] Sinclair thus captures a major misconception underlying Kingsley's report, discussed further below.

26. Sinclair proposes that because the site is that of a vessel that broke apart on the surface and underwent dispersion as it sank a kilometer, hull remains containing additional artifacts may have drifted away and/or came to rest outside the approximately 120 by 160 meter covered by the photomosaic. (Odyssey Resp. Ex. B, pp. 9-10).[4] Sinclair and I are in general agreement about this. As I noted in my initial declaration, it is well documented that *Mercedes* was torn apart by the explosion and portions of *Mercedes* became "separated or floated away." (Spain Mem. Ex. D, ¶ 35). Survivors were rescued from fragments that remained afloat after the explosion. One such fragment was the forecastle that remained afloat as it drifted away from the site of the explosion. (*Id*., ¶ 89, and Annex 13). Within the photomosaic area, separated deposits of vessel remains reflect the ship having been torn apart by the explosion, then sinking more than a kilometer. (*Id*., ¶ 24). A concentrated deposit of heavy objects shows the central area of *Mercedes'* remains, but there is no reason to posit that all of *Mercedes'* hull and its contents came to rest within the photomosaic area. The historical accounts confirm that the forward section, and likely other fragments, remained afloat or partially afloat.

27. Kingsley advances a series of arguments that, to avoid invective, I will simply say are misconceptions refuted by Sinclair and/or do not correspond to this site. Kingsley rests much of his report on the premise that a "defining characteristic" of the site of *Mercedes* should be the "survival underwater of large, inter-connected sections" of its hull. (Odyssey Resp. Ex. A, p. 3). Sinclair speaks to and refutes Kingsley. Sinclair notes that it is a "falsehood" to expect a wooden shipwreck to remain undegraded on the

[4] Kingsley refers to an area that is 368 meters long, but provides no further information as to the information on which he bases this figure (Odyssey Resp. Ex. A, p. 9).

seabed and that such a theory would only be advanced by those who "seem not to have a grasp on actual chemical and biological reactions in seawater or corrosion science in particular." (*Id.*, Ex. B, p. 9).

28. Kingsley also states that at the site "[t]he environment is conducive to optimum preservation." (*Id.*, Ex. A, p. 5). Kingsley attributes this to the "anaerobic conditions encountered in the world's seas", which "make the environment in which the Black Swan site has settled. . . conducive to the survival of wood." (*Id*., p. 31). This is indeed a surprising statement: an anaerobic environment is one in which no oxygen is present. An anaerobic environment cannot sustain sea (or terrestrial) life. Kingsley's analysis of the evidence thus rests on a premise that the world's seas are biological deserts incapable of sustaining marine life such as the marine worms and bacteria that consume wood. Fortunately, of course, this is not the case. Kingsley's misunderstanding of the ocean environment and conditions at this site is graphically shown by the presence at the site of the oxygen-dependent stingrays, starfish and sea urchins that he catalogs from site photographs. (*Id*., p. 12).

29. Kingsley also asserts that at the site there is "minimal current and sand motion" and "the environment is hydronamically [sic] stable." (*Id*.). Kingsley appears not to have examined Odyssey's "Preliminary Site Assessment" report on site conditions. According to Odyssey's observations based on extended ROV operations at the site, a "constant subsurface current runs across the site in a northwest direction." There have been "considerable alterations" of the seabed. (*Id.*) The strength of the current was graphically illustrated by "at least one modern plastic bag of trash that came rolling

across the site and past the ROV cameras . . ." Odyssey also notes that "[c]ultural material on the site . . . functions as an effective fence across the current."

30. The presence of current has major effects on a shipwreck site. Current provides a continuing flow of oxygenated seawater that promotes cellulose consuming bacteria and other marine organisms such as wood-consuming marine worms. Current also moves bottom sediments (and artifacts), transporting sand and sediment, forming and moving sand and sediment drifts much like wind movement in terrestrial environments such as deserts. These effects can be clearly seen in site photographs. Sand drifts formed by current can be seen in Annexes 9.5, 9.8, 9.21, 9.26, 9.34, 9.36, 9.42, and 9.50 to my initial declaration (Spain Mem. Ex. D).

31. Kingsley's argument that the site may not be *Mercedes* because well preserved and inter-connected hull sections are not present on the seabed cannot be reconciled with the known facts that *Mercedes* was torn apart by a catastrophic explosion, then sank in deep water two centuries ago. Once it sank, *Mercedes* was not in a "anaerobic condition" – the unburied remains were exposed to a constant current that promoted degradation of exposed wood and other organic material. As Sinclair states, "[t]his lack of preservation is very evident on the *Black Swan* site" (Odyssey Resp. Ex. B, p. 9) and "I agree with Delgado in that what little structural remains that were once associated with the *Black Swan* site have been largely decomposed." (*Id*., p. 17).

32. Reports from other sites provided by Kingsley attest to the process of wooden hull degradation that is commonly found at nautical archaeology sites. With respect to *Sacramento* sunk in 1688 off Brazil, the investigators report that "there is little

left of the hull of the galleon." (*Id*., Annex 10, at p. 9 of 13). *Pomone*, a British frigate sunk in 1811 off Portsmouth, England, experienced "total disintegration" on the seabed. The site consisted of "artifact scatters." (*Id*., Annex 11, p. 22 of 23). *See also Id*., Annex 13, pp. 13-26 (site plans showing fragmented hull remains of *La Trinidad Valencera*, 1588 and *Santa Maria de la Rosa* (1588) .

33. Kingsley's erroneous premise about site preservation conditions and their effect on organic materials such as wood is also graphically shown by other artifacts. Kingsley acknowledges that the coins were shipped in wooden chests (*Id*., p. 5). What once were coin chests now are visible only as "concreted coin clumps and clusters." (*Id*.). See as an example Annex 9.1 to my initial declaration, showing concreted coins with the surrounding wood gone. Kingsley acknowledges that wood remains from coin chests at the site consist of fragments that were "preserved beneath coin clumps." (Odyssey Resp. Ex. A, p. 51).

34. An equally remarkable and erroneous premise on which Kingsley rests much of his report is that it is "physically impossible" for hull remains or any other substantial quantity of artifacts to be buried at the site. (*Id*., p. 3). Kingsley contends that depressions in the seabed visible in site photographs are not scour pits, but rather "impact craters created when extremely heavy chests of coins and cannon weighing several tons smashed into the seabed . . ." (*Id*., p. 10). Here also, Kingsley fails to consider Odyssey's Preliminary Site Assessment. After noting the presence of a constant current across the site, the Odyssey Preliminary Site Assessment states that "scour pits are present around most of the larger anomalies."

35. Kingsley Annex 2.14 shows one such scour pit. I attach additional images of this feature as Annexes 1 and 2 to this declaration. Those images show the depth to which loose sand or sediment has been exposed by current-induced scouring and buried artifacts have been exposed. A depression extending a meter or more into loose sand and/or sediment can be seen. In the depression, an intact Spanish olive jar, a section of thin pipe and other items have been exposed. An intact ceramic jar and a piece of pipe could not create a meter-deep crater. The sides of the pit are also clearly fresh, not two centuries old. This is a classic scour pit created by the current at the site as it shifts loose sand or sediment and exposes buried artifacts.

36. I also note in this connection that Kingsley states that ceramics at the site consist only of one intact olive jar and one base of an olive jar. (Odyssey Resp. Ex. A, p. 3). The photographs I provided with my initial declaration contain at least two Spanish olive jars that I selected as examples. (Annexes 9.50 and 9.51). The ceramics seen in Annexes 9.50 and 9.51 were selected by me on a conservative basis as examples. These are by no means the only ceramics visible on the seabed. Additional bowls, bottles etc. are visible, but are not exposed sufficiently, or the resolution of the image is not clear enough, to identify them with certainty. Annex 9.2 for example, shows two apparent bowls or jars that are buried up to their rims. I provide with this declaration Annex 3, which shows the top of another largely buried olive jar.

37. Numerous additional site photographs show the burial of artifacts that Kingsley asserts is physically impossible. Annex 9.6 to my initial declaration, for example, shows a 12 pdr. cannon that is buried for all but about a half meter at the muzzle end, together with snagged modern fishing net that is largely buried also by

shifting sediment. The buried portion of this cannon is a meter or more. See also Annex 9.7, the apparent culverin I previously discussed. The full length of such a weapon should be at least 3 meters, but only a small fraction is unburied. Annex 9.13 shows a large rectangular iron object, possibly a cooking stove, that is largely buried. Annex 9.29 shows another culverin, with the bottom portion buried. Annexes 9.36 and 9.37 show an anchor whose fluke is exposed, while the shank extends downward at an angle into the seabed. The shank of an anchor such as this is about 3 meters long.

38. The ballast deposits visible at the site are also highly relevant in several respects. As an initial matter, I note that Sinclair agrees that ballast is present (Odyssey Resp. Ex. B, p. 13), as can be clearly seen at the site. (See Spain Mem. Ex. D, Annexes 9.5, 9.16). In Annex 9.15 to my initial declaration, it can be seen that the ballast rests in place on remains of the lower hull, with a tween deck stanchion still attached to a timber. In Annex 9.5 to my initial declaration, it can also be seen that the ballast pile extends over a considerable distance and gradually ceases to be visible at the lower left corner of the image because of burial by sand drift. I provide Annex 4 with this declaration, as it also shows the large area over which the visible portions of the ballast pile can be seen. These images graphically show that a section of the lower hull came to rest upright here, such that gravel ballast remained in place, and has since been largely buried. It should also be noted that ballast rests on a false deck laid across the lower hull, just above the hull bottom and keel. Because of burial, the full dimension of this ballast pile cannot be seen, but the visible area extends over what appears to be at least a 4-meter distance. These images also tell us that keel remains likely lie here, beneath the ballast.

39. It is thus fallacious to argue, as Kingsley does, that the site cannot be identified because not every cannon or all of the storage jars or other items on *Mercedes* are in plain view on the seabed. We know that portions of the ship remained afloat and it is neither logical nor necessary to assume that all of *Mercedes* came to rest in the photomosaic area. It can also be clearly seen that within the photomosaic area, there is loose sand and sediment in which ballast and hull remains, cannon, ceramics and other artifacts lie with varying degrees of burial. And we know that the non-organic artifacts (cannon, copper tin ingots, culverins and coins) that are clearly visible above the seabed point specifically and unmistakably to *Mercedes*.

G. Human Remains

40. Kingsley characterizes it as "vicious" to note that *Mercedes* is the resting place of those who died in the explosion and sinking of the ship and to note that human remains may be buried at the site. (OdysseyResp. Ex. A, p. 18) It is surprising to find such a statement, particularly in view of Mr. Stemm's declaration that Odyssey has a policy of "utmost respect" for shipwreck sites (Odyssey Resp. Ex. D, ¶ 13). The historical record is clear that the vast majority of its crew, and the family of Captain Alvear, died on *Mercedes*. Even when human remains have disintegrated, leaving behind shoes, clothing or other personal effects as in the cases of *Titanic*, *Bismarck* or *U.S.S. Arizona* at Pearl Harbor, we know that the site is the resting place of those who died in the loss of the ship and recognize that this should be respected.

41. Although bone material is likely to be dissolved and consumed if it is exposed on the seabed, human remains survive for centuries when they are buried by vessel remains or sediment. Attached as Annex 5 are Odyssey photographs of a pelvis

and a scapula taken from the site of a vessel identified by Odyssey in Case 06:cv-01685 as a 17th century vessel.

H. Archaeological Standards

42. A broader matter that should be discussed is compliance with proper archaeological practice. Observance of accepted archaeological procedure is a matter of vital concern to me as a nautical archaeologist. Adherence to archaeological standards and priorities is a key consideration in whether an archaeological site has been damaged for treasure hunting or has been treated in accordance with the historic, archaeological and public interest in an irreplaceable site.

43. The declaration of Mr. Stemm states that "Odyssey has always conducted its archaeological operations with the utmost care and respect for shipwreck sites." (Odyssey Resp. Ex. D, ¶ 13). It is unfortunate, but necessary, to note that the information provided by Odyssey shows striking disregard for sound archaeological practice and respect for the site.

44. In my initial declaration, I noted that it was evident that Odyssey's operations at the site had concentrated on a sustained effort to recover coins and little else. Mr. Stemm's declaration confirms that Odyssey's activities at the site were driven by a "decision [that] was made to recover the massive cargo of coins from the site . . ." (*Id.*). It is evident from Mr. Stemm's affidavit that what Odyssey calls "archaeological operations" consisted of an effort to take coins as rapidly as possible from the site. Mr. Stemm describes no effort by Odyssey during its operations to gather other diagnostic artifacts or data.

45. Kingsley supplements this disturbing picture. Notably, he states that "[n]o stamped or incised epigraphic evidence has been recorded on the cannon, ingots, rigging elements or pewter/silver wares in the seabed to identify the *Black Swan* site . . ." (Odyssey Resp. Ex. A, p. 3). Taking his statement at face value, Kingsley tells us that Odyssey did not record data that he argues is essential for proper archaeology.

I. *Mercedes'* Naval Status

46. My initial declaration discussed the historical background of *Mercedes* and the Battle in which she sank as a result of the instructions given British Captain Moore to detain specie-laden "Spanish homeward-bound Ships of War." I also noted that this was a standard and official military function during this era, authorized in the case of the U.S. Navy by Congress and by standing orders of the Secretary of the Navy, and by an Order in Council for the British Navy. (Spain Mem. Ex. D, ¶ 16, and Annexes 4 and 5.

47. I will not review again the official documentation that has been provided showing the commissioning and service of *Mercedes* as a Frigate of War and the orders under which she was serving. However, in view of speculation that has been offered that *Mercedes* was actually a "packetboat." (Odyssey Resp. Ex. E, p. 3). I wish to call attention in particular to the June 8, 1804 report of Captain Goycoa to Minister of the Navy Grandallana (Spain Mem. Ex. A, Annex 15). Captain Goycoa reports his arrival at Montevideo from El Callao en route to Cadiz and acknowledges that he has been placed under the order of Squadron Leader Bustamante y Guerra. Captain Goycoa lists the names and ranks of the "oficiales de guerra" ("officers of war") serving on *Mercedes*. He also lists *Mercedes'* crew complement, cannon and other armaments, munitions and other

provisions and stores. *Mercedes*' crew totals 319, including 42 Ordinary Gunners, 9 Load Gunners, 63 Marines and 18 Marine Gunners. Detailed breakdowns of ammunition and other stores are provided. This document itself tells us that *Mercedes* was engaged in active military service. A 38 gun frigate of war, with a crew of 319, including more than 60 gunners, and a 63-man marine detachment is not a "packetboat."

48. The Odyssey declarations argue that *Mercedes* was assigned to the Spanish Correos Maritimos, but the historical sources relating to *Mercedes* that are provided: (1) identify *Mercedes* as a Spanish Royal Navy Frigate of War (*See, e.g.*, Odyssey Resp. Ex. C, Annexes 3, 31; *Id*., Ex. F, Annexes 6, 13, 24); and (2) affirmatively show that *Mercedes* was not a Correos Maritimos vessel.

49. As to the former, another example is Odyssey Resp. Ex. E, Annex 8, identifying *Mercedes* as a "war frigate of the Division under the command of D. Josef Bustamante y Guerra, Second Commander of the Royal Navy."

50. With respect to Correos Maritimos, two historical sources are particularly noteworthy. Annex 23 to the Flayhart report (Odyssey Resp. Ex. F) reports a post-battle meeting between Captain Alvear and Captain Moore. As I noted previously, Moore's orders were to detain only Spanish Ships of War and not to interfere with "Merchant Ships of that nation, however laden, on any account whatsoever." (Spain Mem. Ex. D, Annex 3). Flayhart Annex 23 reports that, in accordance with these orders, Moore allowed Spanish merchant ships as well as a postal ship to "pass by freely" while he awaited the Spanish warships.

51. Flayhart report (Odyssey Mem. Ex. F) Annex 15 is an excerpt from *Correos Maritimos Espanoles,* a history of the Correos Maritimos. Dr. Flayhart reports that he consulted this source and provides page 144 of this reference work, a list of Correos Maritimos vessels in service in 1779-1781. Flayhart cites this document as evidence that the Correos Maritimos "occasionally chartered 'fregata commercial'" (*Id*., p. 8).

52. Flayhart omits the list of 1802-1804 Correos Maritimos vessels and voyages provided in the same volume. Annex 6 to this declaration provides pages 188-191 from the same history of the Correos Maritimos, which were not provided with or discussed in the Flayhart report. Annex 6 contains a listing of Correos Maritimos vessels and sailings from December 1802 through February 1805. As can be seen, *Mercedes* is not on the list. The Correos Maritimos vessels are identified as Brigantines and Corvettes - lighter, faster vessels than frigates of war.

53. As a historian, I find the omission of this information from the Flayhart report and annexes troubling in view of his effort to suggest that *Mercedes* was serving as a Correos Maritimos vessel.

* * *

54. In sum, as I noted in my initial declaration, multiple overlapping sources of consistent evidence -- location data and a wide array of artifacts showing a torn apart Spanish Navy frigate-class vessel carrying copper and tin ingots, culverins and coins up to 1804, permit no conclusion other than the site is the resting place of *Mercedes*, a warship sunk with great loss of life while in military service.

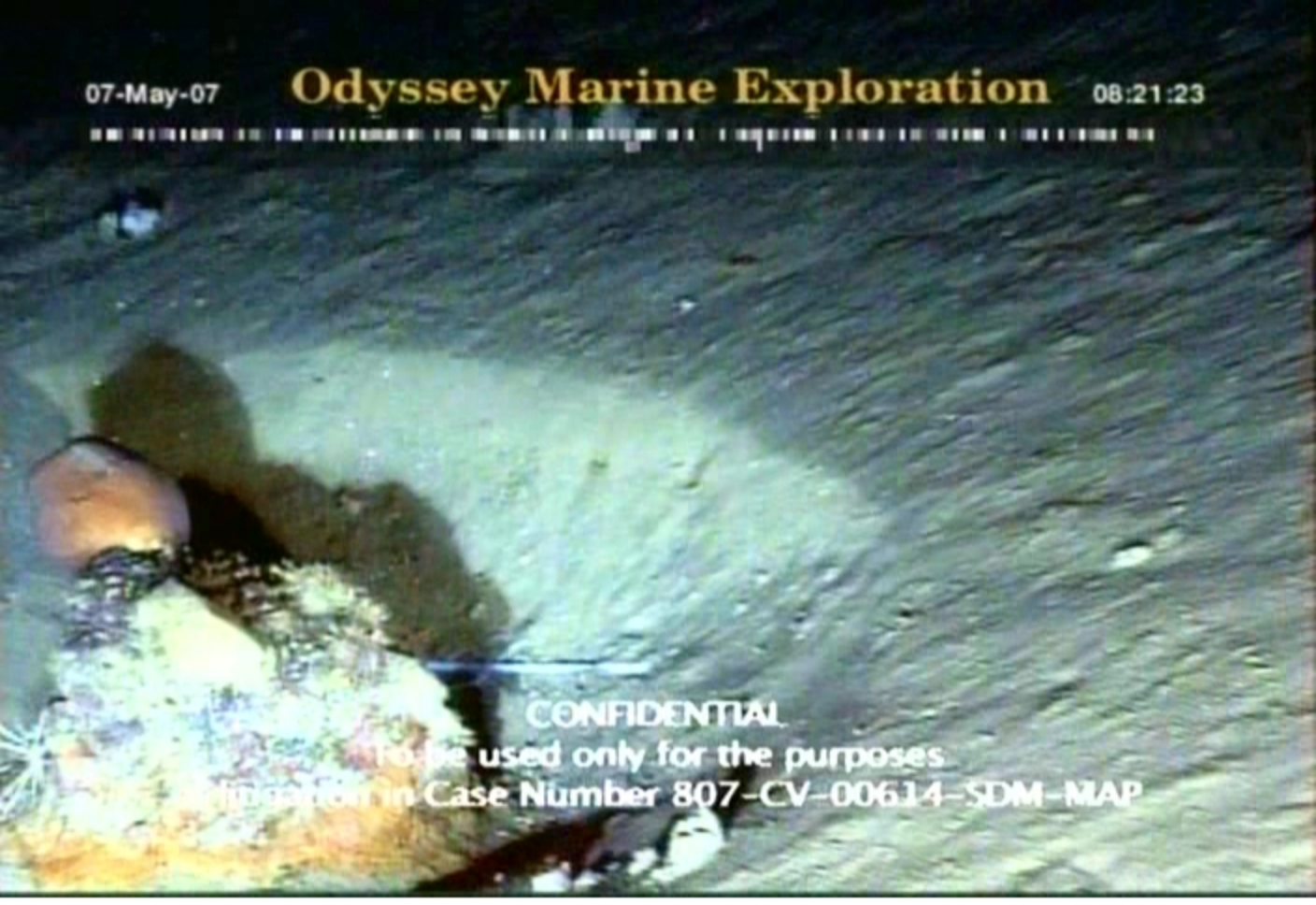
I affirm under penalty of perjury that the statements contained in my declaration are true and correct to the best of my knowledge and belief.

Signed at Vancouver, British Columbia, Canada.

James P. Delgado, Ph.D

Dated: 21 JANUARY 2009

ANNEX 1
TO EXHIBIT A
(Delgado Reply Declaration)


07-May-07
Odyssey Marine Exploration
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CONFIDENTIAL
To be used only for the purposes
in Case Number 807-CV-00614-SDM-MAP

ANNEX 2
TO EXHIBIT A
(Delgado Reply Declaration)


07-May-07
Odyssey Marine Exploration
08:21:26
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ANNEX 3
TO EXHIBIT A
(Delgado Reply Declaration)


07-May-07
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ANNEX 4
TO EXHIBIT A
(Delgado Reply Declaration)


07-May-07
Odyssey Marine Exploration
08:17:09
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ANNEX 5
TO EXHIBIT A
(Delgado Reply Declaration)

Archaeological Finds Sheet T7a35f-5

General Information

Project: ATLAS	Location: T7a35f-5	TAG Date 19-Sep-2006	TAG by: Hawk Tolson

Artifact Description

Type: Bone	Length: 7.00 Width: 5.00 Height: 6.50	Description: Possible pelvet fragment

(All dimensions in cm or gram)

Artifact Images

front view, w/scale and TAG
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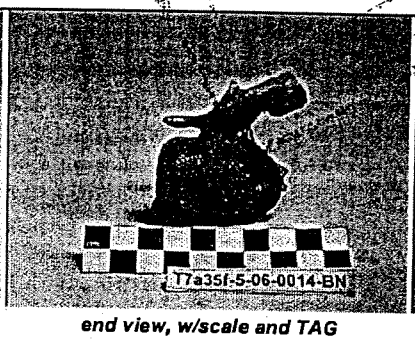


end view, w/scale and TAG
T7a35f-5-06-ARCH-S-0119.jpg

back view, w/scale and TAG
T7a35f-5-06-ARCH-S-0120.jpg

Archaeological Finds Sheet T7a35f-5

General Information

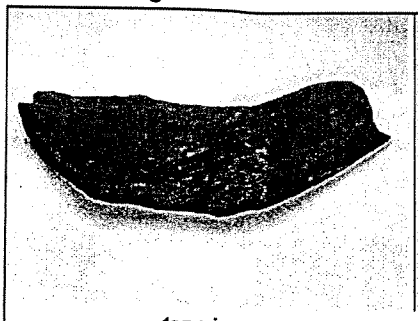
Project: ATLAS	Location: T7a35f-5	TAG Date 13-Oct-2006	TAG by: Hawk Tolson

Artifact Description

Type: Bone	Length: 18.00 Width: 8.00 Height: 2.00	Description: Fragment of scapula.

(All dimensions in cm and grams)

Artifact Images



top view
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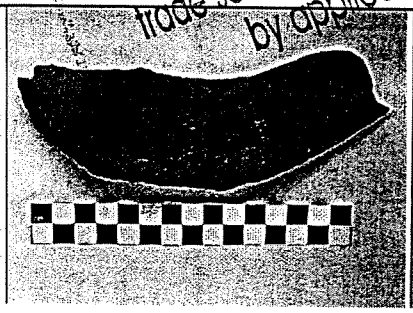
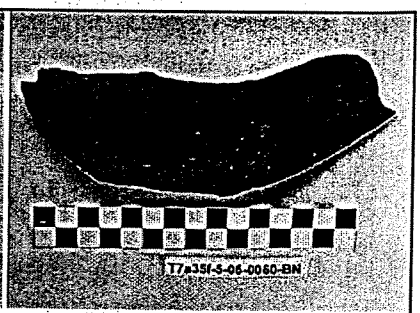


top view, w/scale
T7a35f-5-06-ARCH-S-0409.jpg



top view, w/scale and TAG
T7a35f-5-06-ARCH-S-0410.jpg

ANNEX 6
TO EXHIBIT A
(Delgado Reply Declaration)

Account of voyages undertaken by mails-ships of the Royal Navy until the enactment of the New Regulations of September 10, 1809

Name of the mails-ship	Class of vessel	Port of arrival	Date of arrival	Port of origin	Date of departure from Port of origin
"San Antonio"¾ (R.A.)	Mails-brigantine	Lisbon	Dec. 17, 1802	Havana	Oct. 1, 1802
"Descubridor"[4] (R.A.)	Mails-brigantine	Ferrol	Dec. 30, 1802	Havana	Nov. 1, 1802
"Casilda" (R.A.)	Mails-brigantine	Coruña	Jan. 4, 1803	Cartagena de Indias	Oct. 28, 1802
				Havana	Nov. 14, 1802
"Cazador"[4] (R.A.)	Mails-brigantine	Bares	Feb. 4, 1803	Veracruz	?
				Havana	?
"Batidor"[4] (R.A.)	Mails-brigantine	Ferrol	Mar. 22, 1803	Montevideo	Dec. 22, 1802
"Ligero" (R.A.)	Mails-brigantine	Coruña	Mar. 27, 1803	Montevideo	Dec. 31, 1802
"Mosca" (R.A.)	Mails-corvette	Coruña	Apr. 16, 1803	Cartagena de Indias	Feb. 2, 1803
"Infante D. Carlos" (R.A.)	Mails-corvette	Coruña	Mar. 27, 1803	Montevideo	Mar. 5, 1803
"Fuerte" (R.A.)	Mails-brigantine	Coruña	Mar. 28, 1803	Havana	Apr. 3, 1803
"Casilda" (R.A.)	Mails-brigantine	Coruña	Mar. 18, 1803	Baltimore	May. 2, 1803
"Prnpe. de la Paz" (R.A.)	Mails-brigantine	Coruña	Jun. 2, 1803	Veracruz	?
				Havana	?
"Urquijo"[4] (R.A.)	Mails-corvette	Vigo	Jul. 8, 1803	Havana	Jun. 4, 1803

Notes: (R.A.) refers to the ships pertaining to the Spanish Navy which are designated as of the Royal Navy.

[4] In this era, the ships that arrived at a Port other than la Coruña did so due to bad weather or problems that prevented them from entering into this Port, forcing them to enter in one that had better conditions.

“Postillón” (R.A.)	Mails-brigantine	Coruña	Aug. 1, 1803	Veracruz	Jun. 1, 1803
				Havana	Jun. 29, 1803
“Principe de Asturias” R.A.	Mails-corvette	Coruña	Aug. 15, 1803	Montevideo	May. 30, 1803
“Mosca” (R.A.)	Mails-brigantine	Coruña	Aug. 17, 1803	Veracruz	May. 17, 1803
				Havana	Jul. 7, 1803
“Descubridor” (R.A.)	Mails-brigantine	Coruña	Aug. 21, 1803	Cartagena de Indias	Jul. 2, 1803
				Havana	Jul. 22, 1803
“Inf. D. Fco. de Paula (R.A.)	Mails-corvette	Coruña	Sept. 17, 1803	Montevideo	Jun. 17, 1803
“San Antonio”¾ (R.A.)	Mails-brigantine	Coruña	Oct. 5, 1803	Veracruz	Jul. 26, 1803
				Havana	Aug. 16, 1803
“Polux” (R.A.)	Mails-brigantine	Coruña	Oct. 7, 1803	Veracruz	Jul. 5, 1803
				Havana	Aug. 10, 1803
“Palomo” (R.A.)	Mails-brigantine	Coruña	Oct. 31, 1803	Veracruz	Aug. 31, 1803
				Havana	Sept. 8, 1803
“Mercurio” (R.A.)	Mails-corvette	Coruña	Nov. 9, 1803	Montevideo	Aug. 31, 1803
“Cazador” (R.A.)	Mails-brigantine	Coruña	Nov. 25, 1803	Cartagena de Indias	?
				Havana	?
				Puerto Rico	?
“Ligero” (R.A.)	Mails-brigantine	Coruña	Dec. 7, 1803	Veracruz	Sept. 4, 1803
				Havana	Oct. 4, 1803
“Batidor”[4] (R.A.)	Mails-corvette	Ferrol	Dec. 19, 1803	Montevideo	Oct. 9, 1803
“Casilda” (R.A.)	Mails-brigantine	Coruña	Dec. 30, 1803	Veracruz	Oct. 8, 1803
				Havana	Nov. 10, 1803
“Prnpe. de la Paz” (R.A.)	Mails-brigantine	Coruña	Jan. 22, 1804	Veracruz	Nov. 11, 1803
				Havana	Dec. 6, 1803
“Gembray”[4] (R.A.)	Mails-corvette	Ferrol	Mar. 11, 1804	Cartagena de Indias	Oct. 12, 1803

“Descubridor” (R.A.)	Mails-brigantine	Coruña	Mar. 16, 1804	Veracruz	Jan. 11, 1804
				Havana	Feb. 7, 1804
“Begoña” (R.A.)	Mails-brigantine	Coruña	Mar. 19, 1804	Havana	Jan. 9, 1804
“Infante D. Carlos” (R.A.)	Mails-corvette	Muros	Mar. 29, 1804	Montevideo	Jan. 4, 1804
“Postillón” (R.A.)	Mails-brigantine	Coruña	Apr. 10, 1804	Cartagena de Indias	Dec. 22, 1803
				Havana	Jan. 30, 1804
				Puerto Rico	Mar. 12, 1804
“Polux” (R.A.)	Mails-brigantine	Coruña	Apr. 28, 1804	Veracruz	Mar. 10, 1804
				Havana	Mar. 27, 1804
“Fuerte” (R.A.)	Mails-corvette	Coruña	May. 23, 1804	Montevideo	Mar. 9, 1804
“Inf. de Fco. de Paula” (R.A.)	Mails-corvette	Coruña	Jun. 26, 1804	Cartagena de Indias	?
				Havana	?
				Puerto Rico	?
“San Antonio”¾ (R.A.)	Mails-brigantine	Coruña	Jul. 3, 1804	Veracruz	May. 1, 1804
				Havana	May. 27, 1804
“Mercurio” (R.A.)	Mails-corvette	Coruña	Jul. 11, 1804	Montevideo	May. 17, 1804
“Uriquijo” (R.A.)	Mails-corvette	Vigo	Jul. 20, 1804	Havana	?
“Ligero” (R.A.)	Mails-brigantine	Coruña	Sept. 5, 1804	Cartagena de Indias	Jun. 25, 1804
“Batidor” (R.A.)	Mails-corvette	Coruña	Sept. 13, 1804	Montevideo	Jul. 8, 1804
“Prínp. de la Paz” (R.A.)	Mails-brigantine	Coruña	Sept. 14, 1804	Veracruz	Jul. 6, 1804
				Havana	Jul. 30, 1804
“Cazador” (R.A.)	Mails-brigantine	Coruña	Sept. 14, 1804	Veracruz	Jun. 18, 1804
				Havana	Jul. 22, 1804
“Paloma” (R.A.)	Mails-brigantine	Coruña	Oct. 6, 1804	Cartagena de Indias	May. 24, 1804
				Havana	Jul. 21, 1804
				Puerto Rico	Aug. 21, 1804

"Mosca" (R.A.)	Mails-corvette	Coruña	Oct. 9, 1804	Veracruz	Jul. 14, 1804
				Havana	Aug. 11, 1804
"Descubridor" (R.A.)	Mails-brigantine	Coruña	Oct. 21, 1804	Veracruz	Aug. 3, 1804
				Havana	Sept. 9, 1804
"Príncipe de Asturias"[4] (R.A.)	Mails-corvette	Ferrol	Oct. 31, 1804	Montevideo	Sept. 11, 1804
"Begoña"[4] (R.A.)	Mails-brigantine	Concurbion	Dec. 23, 1804	Cartagena de Indias	?
"Casilda"[4] (R.A.)	Mails-brigantine	Camariñas	Jan. 29, 1805	Montevideo	Nov. 13, 1804
"Infante D. Carlos"[4] (R.A.)	Mails-corvette	Marín	Feb. 16, 1805	Cartagena de Indias	?

[. . .]

CERTIFICATE OF ACCURACY

I, Miriam A. Bodenheimer, hereby certify that I am fluent in Spanish and English and that the following is, to the best of my knowledge and belief, a true and accurate translation of the accompanying document "Correos Maritimos excerpt" from Spanish to English.

Miriam A. Bodenheimer

Miriam A. Bodenheimer

Spanish Original

Francisco Garay Unibaso

CORREOS MARITIMOS ESPAÑOLES

Vol. I

CORREOS MARITIMOS ESPAÑOLES A LA AMERICA ESPAÑOLA

(Yndias Occidentales)

De 1514 a 1827

BOLSILLO MENSAJERO

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Relación de los viajes realizados por los buques-correo de la Real Armada hasta la promulgación del nuevo Reglamento del 10 de setiembre de 1809

Nombre del buque-correo	Clase de buque	Puerto llegada	Fecha de llegada	Puerto origen	Fecha salida del puerto de origen
«San Antonio»[3/4] (R.A.)	Bergantín-correo	Lisboa	17/dic./1802	Havana	1/oct./1802
«Descubridor»[4] (R.A.)	Bergantín-correo	Ferrol	30/dic./1802	Havana	1/nov./1802
«Casilda» (R.A.)	Bergantín-correo	Coruña	4/ene./1803	Cart. Indias	28/oct./1802
				Havana	14/nov./1802
«Cazador»[4] (R.A.)	Bergantín-correo	Bares	4/feb./1803	Veracruz	?
				Havana	?
«Batidor»[4] (R.A.)	Bergantín-correo	Ferrol	22/mar./1803	Montev.	22/dic./1802
«Ligero» (R.A.)	Bergantín-correo	Coruña	27/mar./1803	Montev.	31/dic./1802
«Mosca» (R.A.)	Corbeta-correo	Coruña	16/abr./1803	Cart. Indias	2/feb./1803
«Infante D. Carlos» (R.A.)	Corbeta-correo	Coruña	27/may./1803	Montev.	5/mar./1803
«Fuerte» (R.A.)	Bergantín-correo	Coruña	28/may./1803	Havana	3/abr./1803
«Casilda» (R.A.)	Bergantín-correo	Coruña	28/may./1803	Baltimore	2/may./1803
«Prnpe. de la Paz» (R.A.)	Bergantín-correo	Coruña	2/jun./1803	Veracruz	?
				Havana	?
«Urquijo»[4] (R.A.)	Corbeta-correo	Vigo	8/jul./1803	Havana	4/jun./1803

Notas: (R.A.) se refiere a los buques pertenecientes a la Marina de Guerra española que se les denomina de la Real Armada.
[4] En esta época, los buques que arribaron a puerto distinto del de la Coruña fue debido a malos tiempos o problemas que les impidió ganar este puerto, haciéndoles entrar en el que mejor condiciones tenía.

«Postillón» (R.A.)	Bergantín-correo	Coruña	1/ago./1803	Veracruz	1/jun./1803
				Havana	29/jun./1803
«Príncipe de Asturias» (R.A.)	Corbeta-correo	Coruña	15/ago./1803	Montev.	30/may./1803
«Carmen» (R.A.)	Bergantín-correo	Coruña	17/ago./1803	Veracruz	17/may./1803
				Havana	7/jul./1803
«Descubridor (R.A.)	Bergantín-correo	Coruña	21/ago./1803	Cart. Indias	2/jul./1803
				Havana	22/jul./1803
«Inf. D. Fco. de Paula (R.A.)	Corbeta-correo	Coruña	17/set./1803	Montev.	17/jun./1803
«San Antonio» (R.A.)	Bergantín-correo	Coruña	5/oct./1803	Veracruz	26/jul./1803
				Havana	16/ago./1803
«Polux» (R.A.)	Bergantín-correo	Coruña	7/oct./1803	Veracruz	5/jul./1803
				Havana	10/ago./1803
«Palomo» (R.A.)	Bergantín-correo	Coruña	31/oct./1803	Veracruz	31/ago./1803
				Havana	8/set./1803
«Mercurio» (R.A.)	Corbeta-correo	Coruña	9/nov./1803	Montev.	31/ago./1803
«Cazador» (R.A.)	Bergantín-correo	Coruña	25/nov./1803	Cart. Indias	?
				Havana	?
				Pto. Rico	?
«Ligero» (R.A.)	Bergantín-correo	Coruña	7/dic./1803	Veracruz	4/set./1803
				Havana	8/oct./1803
«Batidor»[4] (R.A.)	Corbeta-correo	Ferrol	19/dic./1803	Montev.	9/oct./1803
«Casilda» (R.A.)	Bergantín-correo	Coruña	30/dic./1803	Veracruz	8/oct./1803
				Havana	10/nov./1803
«Prnpe. de la Paz» (R.A.)	Bergantín-correo	Coruña	22/ene./1804	Veracruz	11/nov./1803
				Havana	6/dic./1803
«Gembray»[4] (R.A.)	Corbeta-correo	Ferrol	11/mar./1804	Cart. Indias	12/oct./1803

«Descubridor» (R.A.)	Bergantín-correo	Coruña	16/mar./1804	Veracruz	11/ene./1804
				Havana	7/feb./1804
«Begoña» (R.A.)	Bergantín-correo	Coruña	19/mar./1804	Havana	9/ene./1804
«Infante D. Carlos» (R.A.)	Corbeta-correo	Muros	29/mar./1804	Montev.	4/ene./1804
«Postillón» (R.A.)	Bergantín-correo	Coruña	10/abr./1804	Cart. Indias	22/dic./1803
				Havana	30/ene./1804
				Pto. Rico	12/mar./1804
«Polux» (R.A.)	Bergantin-correo	Coruña	28/abr./1804	Veracruz	10/mar./1804
				Havana	27/mar./1804
«Fuerte» (R.A.)	Corbeta-correo	Coruña	23/may./1804	Montev.	9/mar/1804
«Inf. de Fco. de Paula» (R.A.)	Corbeta-correo	Coruña	26/jun./1804	Cart. Indias	?
				Havana	?
				Pto. Rico	?
«San Antonio» (R.A.)	Bergantín-correo	Coruña	3/jul./1804	Veracruz	1/may./1804
				Havana	27/may./1804
«Mercurio» (R.A.)	Corbeta-correo	Coruña	11/jul./1804	Montev.	17/may./1804
«Urquijo» (R.A.)	Corbeta-correo	Vigo	20/jul./1804	Havana	?
«Ligero» (R.A.)	Bergantín-correo	Coruña	5/set./1804	Cart. Indias	25/jun./1804
«Batidor» (R.A.)	Corbeta-correo	Coruña	13/set./1804	Montev.	8/jul./1804
«Prinp. de la Paz» (R.A.)	Bergantín-correo	Coruña	14/set./1804	Veracruz	6/jul./1804
				Havana	30/jul./1804
«Cazador» (R.A.)	Bergantín-correo	Coruña	14/set./1804	Veracruz	18/jun./1804
				Havana	22/jul./1804
«Paloma» (R.A.)	Bergantín-correo	Coruña	6/oct./1804	Cart. Indias	24/may./1804
				Havana	21/jul./1804
				Pto. Rico	21/ago./1804

«Mosca» (R.A.)	Corbeta-correo	Coruña	9/oct./1804	Veracruz	14/jul./1804
				Havana	11/ago./1804
«Descubridor» (R.A.)	Bergantín-correo	Coruña	21/oct./1804	Veracruz	3/ago./1804
				Havana	9/set./1804
«Príncipe de Asturias»[4] (R.A.)	Corbeta-correo	Ferrol	31/oct./1804	Montev.	11/set./1804
«Begoña»[4] (R.A.)	Bergantín-correo	Concurbion	23/dic./1804	Cart. Indias	?
«Casilda»[4] (R.A.)	Bergantín-correo	Camariñas	29/ene./1805	Montev.	13/nov./1804
«Infante D. Carlos»[4] (R.A.)	Corbeta-correo	Marín	16/feb./1805	Cart. Indias	?

En los días 20, 21 y 23 de abril y el 7 de mayo de 1805 se dieron a la vela desde varios puertos de la península navegando con viento favorable hacia sus destinos las goletas de S.M. (R.A.) nombradas la «Sevillana» y la «Etruria», la barca «Carmen» y el místico «Carmen», cuyos cuatro buques conducían correspondencia para ambas Américas e islas Canarias.

«Dulce Nombre» (R.A.)	Goleta-correo	Gijón	10/set./1806	Havana	38 días
«Esperanza»	Goleta-mercante	Vigo	26/ago./1807	Guaira	44 días
«Despacho»	Fragata-mercante	Cádiz	4/nov./1808	Havana	?
«Sta. Catalina»	Goleta-mercante	Cádiz	4/nov./1808	Havana	?

El día 14 de noviembre de 1808 salió de Cádiz el siguiente convoy: navío de guerra «S. Fco. de Paula», de 74 cañones, para Veracruz, junto a los mercantes: *Para Veracruz:* fragatas «Ntra. Sra. del Rosario», «Ntra. Sra. del Carmen», «Mariana», «Ntra. Sra. del Coro»; bergantines «Ntra. Sra. de la Regla», «San Antonio»; jabeque «San Cayetano».

Para la Havana: fragatas «S. Juan Bautista», «Jesús Nazareno»; bergantines «Continencia», «San Francisco de Paula».

Para Honduras: bergantín «S. Miguel 2.º»; bombarda «Santa Bárbara».

Para Maracaibo: goleta «Ntra. Sra. de los Clarines».