

EXHIBIT D

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

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

CIVIL ACTION

v.

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

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, *et al.*,

Claimants.

Reply Declaration of James A. Goold

1. I have previously submitted a declaration in this case to provide true and correct copies of certain documents for consideration with Spain's Motion to Dismiss or for Summary Judgment. This supplemental declaration provides additional documents relating to the case of *Sea Hunt v. Kingdom of Spain*, in which I was lead counsel for Spain, which concerned the Spanish Navy Frigates *La Galga* (1750) and *Juno* (1802).

2. Odyssey's Memorandum In Opposition to Spain's Motion states that *Sea Hunt* can be "readily distinguished" because "neither *Juno* nor *La Galga* were on commercial missions

at the time of their sinking. They were not carrying private commercial goods . . .” (Odyssey Resp. 30-31).

3. Annex 1 is an affidavit of the President of Sea Hunt concerning *La Galga* filed in the district court and included in the record on appeal in the *Sea Hunt* case. The affidavit includes a list of tobacco products, silver and gold coins, mahogany planks, cocoa and other items said to have been cargo on *La Galga* when she was shipwrecked in 1750. The list was submitted by Sea Hunt as evidence which “suggests the vessel was not engaged in a military mission of any kind at the time of her loss but rather was engaged in a commercial enterprise.” (Annex 1, ¶ IV, p. 2).

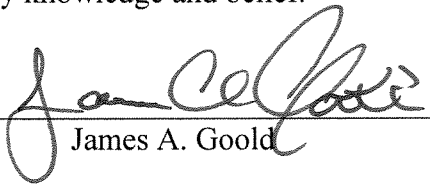
4. Annex 2 is an affidavit concerning the Spanish Navy Frigate *Juno* filed also by Sea Hunt the district court and the Court of Appeals in that case. The affidavit, by a historical researcher in Spain, states that he conducted archival research concerning *Juno*. The affiant avers that “there was a substantial amount of privately-consigned silver or gold on board The JUNO when she sank,” including “400,000 Spanish silver dollars,” mail and other articles as well as civilian passengers. The affiant avers that *Juno* was “engaged in commerce” at the time of her sinking. (*Id.*, ¶¶ 5-9).

5. Odyssey’s Memorandum in Opposition states at p. 17 that “extensive research has revealed that it is likely that the sites in question [in the *Sea Hunt* case] are not the *Juno* or *La Galga*.” (Odyssey Resp. 15). Odyssey has submitted an affidavit of Mr. John Amrhein (Odyssey Resp. Ex. J) in support of this statement. Mr. Amrhein’s affidavit references a book he has written, “The Hidden Galleon,” concerning *La Galga*.

6. Annex 3 consists of excerpts from “The Hidden Galleon.” Mr. Amrhein recounts how he learned what he claims to be the location of *La Galga*. Mr. Amrhein reports that in 1982

he contacted a person who had “psychic ability” (*Id.*, at p. 150). That person marked the alleged location of *La Galga* for Mr. Amrhein on the chart reproduced on that page “using his psychic ability.” (*Id.*, at p. 156).

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


James A. Goold

Signed at Washington, D.C. this 23rd day of January, 2009.

ANNEX 1
TO EXHIBIT D
(Goold Reply Declaration)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

SEA HUNT, INC.,

Plaintiff,

Commonwealth of Virginia, The Kingdom
of Spain, and Richard Cook and Alpha Quest, Inc.,

Intervenors,

vs.

Civil Action No.: 2:98cv281

THE UNIDENTIFIED, SHIPWRECKED VESSEL OR
VESSEL(S), etc., *in rem*,

Defendant(s).

AFFIDAVIT OF BEN D. BENSON

I. My name is Ben D. Benson, President of the Plaintiff, Sea Hunt, Inc. ("Sea Hunt"). My place of residence is New Hampshire. I am a citizen of the United States, and I understand this Affidavit is being submitted in connection with the litigation pending in the United States District Court for the Eastern District of Virginia captioned "Sea Hunt, Inc. v. Unidentified Shipwrecked Vessel or Vessels (2:98cv281)."

II. As President of Sea Hunt, I have been personally engaged in significant efforts to research the history and mission of the Spanish Vessel, LA GALGA, which sank off the coast of Virginia in 1750. My research has necessitated the hiring of certain maritime archival researchers to assist in accumulating available historical data associated with the mission and the ultimate fate of LA GALGA.

III. My Affidavit has been prepared in consultation with Victoria Stapells Johnson, a maritime archival researcher, who conducted certain historical research for Sea Hunt associated with the location of the manifest for the registered cargos of LA GALGA and other Spanish vessels at the time they together departed Havana in August 1750 for what turned out to be the last voyage of LA GALGA.

IV. The registry formed in Havana on August 13 and 14, 1750, indicates that LA GALGA was carrying the items listed in Attachment A, which suggests that the Vessel was not engaged in a military mission of any kind at the time of her loss but rather was engaged in a commercial enterprise. The veracity of this research is reinforced by the statement dated 15 October 1750 of Pedro de Pumejaro (Captain of Nuestra Senora de Los Godos), a copy of which is attached as a part of Exhibit 2 to the Affidavit of David Beltran Catala, Judicial Counsellor of the Spanish Embassy in Washington, D.C., and which statement specifies that LA GALGA, at the time of her loss, was carrying a cargo of tobacco.

V. I thus conclude that LA GALGA was, at the time of her last voyage, a registration ship engaged in commerce. I have found no evidence that LA GALGA was engaged in actual military service at any time just prior to, or including, her last voyage in 1750.

FURTHER AFFIANT SAYETH NOT.

I certify under penalty of perjury that the foregoing is a true and correct Affidavit.

Executed on March 11, 1999.



Ben D. Benson, President, Sea Hunt, Inc.

ATTACHEMENT A

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2.

CARGO INFORMATION FROM SHIP REGISTERS FOR THE 1750 RETURN TRIP FROM THE INDIES

Manifests for the registered cargo to be sent back to Spain are found in the Archivo de Indias for five of the seven ships. These are : La Galga, Nuestra Señora de los Godos, Nuestra Señora de Soledad, San Pedro and the Nuestra Señora de Guadalupe. The homecoming manifests for El Salvador and La Zumaca have never been found.

LA GALGA (see transcription of complete manifest in section B.3 above)

Captain: Daniel Huoni
Master: Tomás Velando

Registry formed in Havana, August 13 and 14, 1750

On the account of the Royal Company:

- 342 sacks of snuff, 2932 *arrobas*
- 210 sacks of snuff, 1.488 *arrobas*, 11 lb.
- 76 sacks of snuff, 488 *arrobas*, 19lb.
- 29 bales of bundles of tobacco, 259 *arrobas* 21 lb.
- three other consignments, same as above of 28, 10, and 348 bales respectively.
- 30 chests of cedarwood with 192,416 cigars.
- one cedar chest with two large flasks or horns of snuff.

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As well:

- 900 *pesos fuertes*
- 4.800 *pesos* in doubloons
- 218 *castellanos*, 7 *tomines*, 8 grains of goldware
- 30 *marcos* of silverware
- 119 *castellanos* of gold in three small chests
- 2 pairs of buckles
- 1 Inquisition emblem
- 5 *marcos*, 6 ounces of silver in seven little boxes
- 1 goblet of horn with a gilt base
- 12 spoons
- 2 sacks of cocoa.
- 4 sealed chests of official documents and 7 individual letters
- 6 prisoners.

Source: A.G.I. Contratación 2476. 13 folios)

3.
MANIFEST FOR HAVANA - CÁDIZ TRIP, 1750.

REGISTER OF H.M. FRIGATE LA GALGA.

3 Documents from the Archivo de Indias and the Archivo General de Simancas

Captain D. Daniel Huoni. Master D. Tomás Velando

DOCUMENT 1

on frontispiece: Said ship wrecked off Virginia and her register was brought back (to Spain) by the English ship Allerton which arrived (at Cádiz) on March 2, (1751).

In the city of Havana on the 13th of August in this year of 1750 and before me, as witness and chief Notary of this register, Don Tomás Velando whom I testify to be the master of supplies of H.M. frigate La Galga which, under the command of Don Daniel Huoni is to sail back to Spain and whose cargo he has received and embarked on the said frigate as follows:

1. TOBACCO FROM THE ROYAL COMPANY

The President and directors of the Royal Company established in this city and in other locations on the island of Cuba, make themselves responsible for this cargo of tobacco, the only exception being from the enemies of H.M. crown as stipulated in Chapter 7 of the contract made in view of the Royal factories. The following tobacco has been loaded on the said frigate as follows:

- 342 pouches of snuff covered with hides. They are marked with the monogram *Real Intervención*, numbered 1 to 272 and 483 to 552 from the dispatches of Matanzas. They weigh 2.932 *arrobas*, 1 lb... (1 *arroba* = 11.5 kilos)

- 210 pouches of the same from the consignment of Havana covered and marked in the same way, numbered 273 - 482 and weighing 1 488 *arrobas*, 11 lbs...

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- 76 pouches of snuff from the fields of Guines and Santiago, marked in the same way as the previous ones, numbered 1 - 76 and weighing 488 *arrobos*, 19 lbs...
- 29 packages/ bales or raw tobacco bound with canvas and sealed with the coat-of-arms *Reales Armas* and stamped on the edge of each bundle ...numbered 1 - 29 and weighing 259 *arrobos*, 21 lbs...
- 28 packages/bales of the same from Xiaraco sealed and stamped, numbered 1 - 20 and 31 - 38 and weighing 240 *arrobos*, 14 lbs...
- 10 bales of clean waste from Xiaraco, bound, sealed and signed in the same way, numbered 21 - 30 and weighing 89 *arrobos*, 6 lbs....
- 347 bales of chewing tobacco, from Santiago, bound, sealed and stamped, numbered 1 - 347 and weighing 2.897 *arrobos*, 16 lbs...
- 30 cedar chests sealed and stamped on the outside with *Real Intervención* which hold 192.416 cigars, weighing 176 *arrobos*, 10 libras numbered 1-30. They are from this harvest and are on H.M. account.

2. CONSIGNMENT OF 500 PESOS FUERTES

Señores D. Juan Tomás de la Barrera Sotomayor, accountant and D. Diego Peñalver Angulo, treasurer and D. Antonio Pérez Rivero, Chief Factor and Overseer, all officials of the Royal Treasury of this city (of Havana) and its jurisdiction loaded 500 Mexican *pesos* on board for H.M. These are the same which, in compliance with the Decrees of the 6th (of this month) were despatched by the Governor, Captain General and their Graces, and with the report of the *Asesor* (advisor/consultant) were remitted by order of H.M. by way of the "*Despacho Universal*" from this kingdom. They are the expenses for the second petition from D.

Guillermo Francisco de Fontenay y Losiur, Captain of the French packetboat EL Zorro (Fox). The packetboat was captured at Garrote along the coast of Portobelo by a corsair under the command of D. Francisco Lorenzo. This money is to be delivered to the President and Officials of the House of Trade of the Indies (*Casa de la Contratación*) so that it can be held under the same order and so that it can be taken out of the proceeds of the said packet boat and her cargo.

3. CONSIGNMENT OF 400 PESOS FUERTES

Señores D. Juan Tomás de la Barrera Sotomayor, accountant D. Diego Peñalver Angulo, treasurer and D. Antonio Pérez Rivero, Chief Factor and Overseer, all officials of the Royal Treasury of this city (of Havana) and its jurisdiction loaded 400 Mexican *pesos* on board for H.M. These are in accord with the decree written and issued on the 12th (of this month) by the Governor and Captain General and their Graces with the report of the *Asesor*. The money was delivered by D. Gregorio Parrilla and D. José Espinosa part shipowner and representing D. Francisco Lorenzo, commander of the corsair in his charge. The money is remitted so as to pursue the appeals which have been lodged regarding the exaction of the *derechos reales* (taxes) and the actions of the French Captain D. Guillermo Francisco de Fontenay of the packetboat EL Zorro. There is also a quantity of money to be remitted in regard with a different appeal which was made in Cartagena de Indias concerning the sentence of another prisoner and the expenses thereby incurred. This sum is being sent on the order of D. Francisco Antonio Barrios of Madrid who has been empowered to act for the contenders involved.

4. CONSIGNMENT OF 4.800 PESOS IN DOUBLOONS AND VARIOUS TREASURES OF SILVER AND GOLD. 2 POUCHES OF COCOA

The very Reverend Father and Commissary General Fray Juan Garay de la Concepción of the order of Our Father San Juan de Diaz, registered the following in his hampers, chests, bottle cases and other parts of his luggage; 4.800 pesos in doubloons, 218 *castellanos*, 7 *tomines*, 7 *granos* of different pieces of goldware (weighing 2.5 lbs approx.), 30 *marcos* of silverware (weighing 15 lbs. approx.), 119 gold *castellanos* in three little boxes (weighing 1.3 lbs approx.), 2 pairs of buckles, an insignia of the Inquisition, 5 *marcos*, 7 *onzas* of silver in 7 little boxes (weighing 3 lbs approx.), 1 goblet of adorned horn and a gilt base, another two

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little boxes, one tinderbox, 12 looped spoons, one *coco* with its accessories (beads from the Indies to make rosaries), two little boxes of *tombac* (a copper zinc alloy). As well he is carrying 2 pouches of cocoa which weigh 75 lbs. each for his own use.

All of these items are the same as those registered and carried from San Felipe de Porobelo to this port (of Havana) aboard the sloop N.S. Begoña under Captain and Master D. Juan Bautista Olano. This cargo is to be sent to Spain on the account and at the risk of the said Father Commisary. It is to be delivered, as is the present practice, to Spain in compliance with the decree issued on the 11th (of this month) by the Governor and Captain General and officials of the Royal Treasury of this city. A petition presented by the said Father permitted him to embark on this frigate, although it is not carrying a register of treasures/ a rich cargo, and it is to be noted that the master, D. Tomás Velardo is not responsible for the delivery of the aforementioned items as they are not part of his responsibility.

And the said master of supplies, D. Tomás Velardo, is obliged, having once safely reached Spain with the frigate, to deliver the cargo aboard to the persons (concerned). This is to be in accordance with the form expressed by each item and established by the guide despatched in the Royal Treasury by the Officials of *Contaduría* who checked and confirmed the (ship) register and to whom the original register was returned. It is to be noted that the Governor and the Captain General of the island in virtue of the *Real Orden* (Royal Order) supervised (the preparation of the) Register and the receipt that the master signed agreed that the Register was accurate. The witnesses present were; D. Antonio Betancourt, Manuel de Linares y Antonio Granados. Under my supervision; D. Francisco Cajigal de la Vega (Governor), Tomás Velardo (master of La Galga). Before me; Pedro Antonio de Florencia, Chief Notary for registers.

This register is in agreement with the original document which remains in my possession and in my records where I have placed it. By verbal order from the Officials of the Royal Treasury, I had the present register copied and it is written on seven pages. The first page is *papel sellado* (officially stamped) and the other pages are on ordinary paper. This (copy) is to be delivered to D. Tomás Velardo, master of supplies of the said frigate.

Havana, August 16 of this year of 1750.

Juan Tomás de la barrera Sotomayor
Antonio Rivera

Diego Peñalver Angulo

Testifying to this: Pedro Antonio de Florencia, Chief notary of registers

5. SEALED DOCUMENTS.

In the city of Havana on August 14 of this year of 1750 and before me the Chief Notary of registers and witnesses, I testify D. Tomás Velando to be the master of supplies of H.M. frigate La Galga which, under the command of Captain Daniel Woni (sic), is sailing to Spain. As part of the register the Governor, Captain General and Officials of the Royal Treasury of this city have delivered 4 chests of official documents of *Real Servicio* to the master (of La Galga) as follows:

- 1 chest bound in black tarpaulin of less than half a *vara* (1 *vara* = approx. a yard) in length, more than a quarter in width and a quarter in height. It is labelled : To Our Lord the King, in the hands of his Excellency the Marqués de la Ensenada, secretary of the *Consejo del Estado* and of the Office of War, the Indies and the Treasury, Madrid (from the Viceroy of New Spain).
- 1 chest of the same length, covering, and width, 8 fingers in height and labelled: To Our Lord the King, in the hands of D. Antonio Valenciano of H.M. *Consejo* and his secretary of the *Consejo de Indias* for New Spain. Madrid. (From the) Viceroy of New Spain.
- 1 chest covered in red tarpaulin of more than three quarters in length, one third in height and width and labelled: To Our Lord the King in his Royal and Supreme *Consejo de Indias*, by the hand of his Secretary. Madrid. (From the) Governor of the Philippines.
- 1 chest with the same covering, length and width, 8 fingers high labelled: To Our Lord the King, may God protect him in his Royal and Supreme *Consejo de Indias*, by the hand of his Secretary. Madrid. (From the) Governor of the Philippines.

These four chests are the same ones which D. Francisco Ortiz, master of the frigate N.S. Godos carried aboard as part of the register for Spain. These were taken off (the frigate) in this port by virtue of the order by His Most Excellent Lordship, the Count of RevillaGigedo, Viceroy of New Spain which was in a letter of the 29th of May of this year. Addressed to His Illustrious Lordship it was noted (the decision) that this vessel was more secure than (N.S. Godos) The master is obliged, once having safely reached the Bay of Cádiz with the frigate, to deliver these (chests) to the President and *Oidores* of the Royal to the House of

Trade (*Casa de la Contratación*) or to the magistrate (*Juez*) where they arrive to be put under his control. The receipt that stated that the Register was accurate was signed (by the master) and the witnesses present were: D. Manuel de Campos, Manuel de Linares and Antonio Granados.

Tomás Velando

Before me; Pedro Antonio de Florencia, Chief Notary of Registers.

6. RECORD OF PRISONERS

In the city of Havana on the 15th of August of this year of 1750 and in my presence, the Chief Notary of registers and Witnesses, is D. Tomás Velando, whom I testify to be master of supplies of the frigate La Galga...he has received (from the officials of this city) and has aboard the frigate the following prisoners;

- D. Guillermo Francisco de Fontanay y Lossisur, Captain of the French frigate El Zorro.
- D. Juan Coquelin, 2nd Captain of the frigate El Zorro.
- Matheo Lublan, surgeon of the Dutch sloop El Joven Teodoro.

These above named are the same men who, by the writ of the 17th of June of this year, in the (proceedings) concerning the capture of the said packetboat by the corsair under the command of Captain Francisco Lorenzo in the port of Garrote, off the coast of Puertobelo are ordered to be sent to the *Casa de la Contratación* in Cádiz. The men are to be held at the disposition of H.M. by way of the *Despacho Universal* to whom account of this with the testimony of the relevant documents will be given.

- Santiago Moloney, of Irish nationality, Captain of the English ketch La Pastora, which by the edict of the 16th of July of this year, is being sent to Spain to be at the disposition of H.M. The King is informed of this in the *Testimonio de Autos* (court proceedings)

- Andrés Conel, of Scottish nationality, Captain of the schooner La Mosquita, which was seized by the schooners of the Royal Company of this island. He is being sent by virtue of the ruling on the 8th of this month of August.

- Eduardo Fronz, captain of an English ship which had been fishing off Grand Cayman; in accordance with the ruling he is being sent (to Spain) as the named ship and all its cargo has been declared confiscated goods (i.e. contraband)

7. SEALED DOCUMENTS

The said master declared that he has received from Doctor D. Antonio José de la Palma, subdelgate of the *Santa Cruzada* 1 small box covered in coarse cloth, more than a third (of a *vara*) long, more than a quarter wide and four fingers high, labelled: To the Illustrious D. Francisco Pérez y Cuesta, may God protect him, Bishop of Teurel, of the Consejo of H.M. Grand Inquisitor and Apostolic General Commissary of the *Santa Cruzada* in all his kingdoms and domains, the Indies, islands and *Tierra Firme* in the Royal and Supreme Consejo de la *Santa Cruzada*, Madrid.

As well, he received a small box covered in oilcloth from the Governor and Captain General and Officials of the Royal Treasury of this city. It is a quarter in length, a third wide and a quarter high and labelled: To the King, Our Lord in the hands of His Most Excellent Sir Marqués de la Ensenada of the *Consejo del Estado*, his secretary in the *Despacho Universal of War, the Indies and the Treasury*, (from the) Governor and Royal Officials (of the Treasury) in Havana.

- 1 sealed document, the length and width of ordinary paper and four fingers high. Labelled: To His Excellency the Marqués de la Ensenada, may God protect him many years of H.M. Consejo... (from the) Governor of Havana.

- 1 sealed document of the same length and width as the preceding one and three fingers high. Labelled To the Illustrious Don Francisco de Varas y Valdé, may God protect him many

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years of the Consejo y Camara of H.M. Quartermaster General (Intendente) of the Marine and President of the Casa de la Contratación in Cádiz (from the) Governor of Havana.

- 1 sealed document on a sheet of paper labelled: To the Quartermaster General or Juez de Arribadas (Chief Official of Arrivals) of (the ships from) the Indies of the port where the Galga was built (i.e. Cádiz). May God protect him many years. (From the) Governor of Havana.

- 1 sealed document on a sheet of paper two fingers high and labelled: To the King our Lord in the hands of the Marqués de Ensenada. Madrid. (From the) President of Santo Domingo.

- 1 sealed document the length of ordinary paper labelled: To the King our Lord in the hands of D. Juan Antonio Valenciano, his secretary in the Royal and Supreme Consejo of the Indies for New Spain. Madrid. (From the) President of Santo Domingo.

- 1 sealed document with the appearance of a letter labelled: To Juan Domingo de Garay. May God protect him many years. absent under his supervision. Cádiz.

And the said Tomás Velando is obliged, upon safely reaching Spain with the said frigate, to deliver the prisoners and documents of this Register to the President and *Oidores* of the *Casa de la Contratación* or to the magistrate of the port where (the ship) arrives, so that these (prisoners and documents) can be directed as expressed.

On this receipt the register was signed having been assured to be accurate (by the master) The witnesses present were: Manuel de Linares, Antonio Granados and Juan Bautista Rafo. Signed: Tomás Velando. Before me: Pedro Antonio de Florencia, Chief Notary of registers.

This (copy) is in accordance with the original which I remit. Havana, August 17 of this year 1750.

Testifying to this: Pedro Antonio de Florencia, Chief Notary of the Registers.

Source: A.G.I. Contratación 2476.

DOCUMENT 2

Letter from the Governor of Havana (?), 1750

Sir:

The Viceroy of New Spain informs me that he has sent 50.000 pesos on the ship La Reyna which is destined to this ship building yard. I am permitted to take from this sum the amount needed to fit out the frigate La Galga which was left in this port Lieutenant General D. Antonio Espinola. I have begun the careening in the way I expressed to Your Excellency in a letter dated the 15th of November of last year (1749). I am using many of the workers from the wharf of the Machina as there is a shortage of sailors. And I have reflected on the harm which could happen to this frigate if we delay her repairs any longer for they are indispensable for her preservation.

Once, they (the repairs) have been completed and competent seafaring men have been recruited, a difficult task indeed, the ship will sail from this port for Spain. On board, she will carry the remaining planks of mahogany necessary for the doors and windows of the Royal palace. As well she will have some leaf tobacco and snuff which are left from last years' harvest. I have reached an agreement about this with the Captain of the ship, D. Daniel Huoni. I am proceeding in the preparing of the said frigate as laid out in the Royal Order of October 15, 1747. The prompt remission of the 3.000 said mahogany planks(sic) of the dimensions ordered will be accomplished..."

Source: Archivo General de Simancas, Marina 318

DOCUMENT 3

"...On His Majesty's ship La Galga which is to return to this kingdom under Captain Daniel Huoni and also on the zumaca Nuestra Señora de las Mercedes which will be sailing in the convoy, there are to be embarked the planks of mahogany for the Royal Palace which will be recognised by Your Excellency in the following note...

Note of the mahogany planks loaded on H.M. frigate La Galga and the Zumaca N.S. de las Mercedes for the doors and windows of the Royal Palace which is being built at the court of Madrid. Havana, August 4, 1750

Galga.

265 planks measuring:

Length: 17 1/4ft. to 21 ft.
Width: 1ft. to 2ft. 14 "fingers"
Thickness: 7 to 14 "fingers"

Zumaca.

69 planks measuring:

Length: 7 1/4ft. to 24ft. 2 "fingers"
Width: 1 ft. 7 "fingers" to 2 ft. 9 "fingers"
Thickness: 8 - 14 "fingers"

"fingers". Measurement. finger's breadth.

Source: A.G.I. Indiferente General 1548A

ANNEX 2
TO EXHIBIT D
(Goold Reply Declaration)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION
IN ADMIRALTY**

SEA HUNT, INC.,

Plaintiff,

Action No. 2:98cv281v.

THE UNIDENTIFIED SHIPWRECKED
VESSEL OR VESSELS, etc., in rem,

Defendants,

THE COMMONWEALTH OF VIRGINIA,

Intervenor

THE KINGDOM OF SPAIN,

Claimant,

ALPHA QUEST CORPORATION
RICHARD L. COOK,

Intervenors-Claimants.

AFFIDAVIT OF HORACIO PARDO

1. My name is Horacio Mario Pardo. I was born on January 24, 1961. I am a citizen of Argentina. My place of residence is Carlos Quijano 1057, dpt. 3; Montevideo; Uruguay. I hold a

U.S. nonimmigrant visa, class A-B-2 (multiple entry; indefinite duration). I understand this Affidavit is being submitted in connection with litigation pending in the United States District Court for the Eastern District of Virginia, captioned as *Sea Hunt, Inc. v. Unidentified Shipwrecked Vessel or Vessels* (2:98cv281). This affidavit is being made on personal knowledge, and I am competent to testify to the matters stated herein.

2. For a number of years I have served as an archival researcher for parties interested in learning about the voyages of Spanish vessels lost or shipwrecked in the Americas. Spanish is my native language. I have specialized in the research and analysis of Spanish colonial archives, and particularly those archival collections concerning the disposition, status, and whereabouts of Spanish vessels plying waters in the western hemisphere. I believe myself to be familiar with the precise designations of Spanish vessels sailing to and from and between Spanish colonies and Spain in the seventeenth, eighteenth and nineteenth centuries

3. I was engaged by Sea Hunt, Inc. to conduct archival research concerning the Spanish vessel The JUNO, sunk in 1802 on the coast of Virginia. I was compensated for these services. As part of my archival research I consulted the Spanish colonial archives in Puerto Rico, which was the last port-of-call for The JUNO, prior to its loss. I have also consulted with colleagues who have conducted archival research at the National Archives of Mexico, in Mexico City. At both San Juan, Puerto Rico, and Mexico City, Mexico, there are archival records concerning the status, designation, and purpose of The JUNO on its last voyage. I have carefully reviewed and studied these documents and records. I have concluded that The JUNO was not a ship-of-war ("warship") on its last voyage.

4. The vessel known as The JUNO when it sank in 1802 was known by a number of other names and nicknames. My research indicates that the full and proper name of the vessel was NUESTRA SEÑORA DE LOS DOLORES (Our Lady of Delores). The vessel was nick-named The JUNO. Indeed, this vessel was the third to bear that nick-name, so it was known as "JUNO 3ro" in Spanish.

5. My research indicates that by 1802, and the time that The JUNO was conducting voyages between Veracruz, Havana, and Puerto Rico, its designation was changed to a registration ship (*navío de registro*). This change in status was significant. Only registration ships were permitted by the *Casa de Contración de Sevilla* (the Commercial Department of the Spanish Government, headquartered in Seville, and which controlled all commerce between Spain and its colonies) to transport cargoes of valuables to and from points in the New World to Spain. Ships-of-war were not permitted to carry on private trade. In addition, registration ships could carry passengers; warships could not

6. Archival documents found at San Juan indicate that The JUNO was refitted at Vera Cruz, after repairs on October 28, 1801. The record books of the Spanish Governors at Puerto Rico and Veracruz indicate that The JUNO set sail from Veracruz on January 15, 1802, bound for Havana, laden with *grana* (a substance used to make paint), as well as money, silver, and official and private mails. After a stop in Havana, The JUNO arrived at San Juan on March 11, 1802.

7. There is evidence that there was a substantial amount of privately-consigned gold or silver on board The JUNO when she sank. The testimony of the First Pilot of The JUNO, who survived

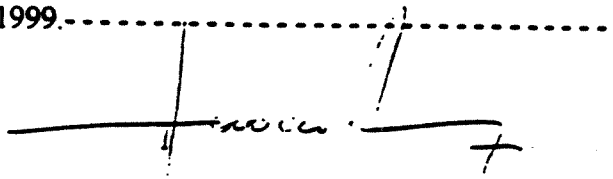
the wreck, indicated that there was 400,000 Spanish dollars in silver on board. This amount of silver could not have been transported, except on board a registration ship

8. Lastly, the fact that there was such a large number of passengers on board The JUNO when she was lost indicates that she was a registration ship. Although it appears that many of the passengers were military contingents and their families, not all were. In addition, I am aware that passengers being transported to Spain were obliged to pay for their own passage. Although I have not located a "ticket bill" documenting the payment of carriage, that was the standard practice of Spanish colonial authorities at this time.

9. I thus conclude that The JUNO was, on her last voyage, a registration ship, engaged in commerce. That was how she was regarded under Spanish regulations in force at the time of her sinking. I have found no evidence that The JUNO was engaged in actual military service at any time just prior to, or including, her last voyage in 1802.

FURTHER AFFLIANT SAYETH NOT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 10, 1999.-----



Horacio M. Pardo

ANNEX 3
TO EXHIBIT D
(Goold Reply Declaration)

THE HIDDEN GALLEON

*The true story of a lost Spanish ship
and the legendary wild horses of Assateague Island*



By John Amrhein, Jr.

John L. Amrhein, Jr.



New Maritima Press

CHAPTER SEVEN
The Hidden Galleon



In the spring of 1982, I continued my research on *La Galga*. In Spain, Victoria had not located any statements from Captain Huony about the wreck as I had hoped. It was a puzzle that would have to be solved here.

I had always felt that the ship lay in Virginia because of the document that I had found several years before that described the boundary as an east line that ended about latitude 38°. This description would place *La Galga* about a mile and a half south of where Stewart had directed SEA. The riddle left by Captain Huony was clear about one thing—he was certain he was in Virginia until early November when a survey was performed to position the wreck, shifting the boundary line and putting *La Galga* just inside Maryland.

I went to the Accomack County Courthouse on the Eastern Shore of Virginia to see what additional information I could find. At the courthouse, I located several plat books showing the Maryland-Virginia boundary. One book contained a plat dated 1943 that had been prepared for the land transfer when Assateague was taken from private ownership to the Chincoteague National Wildlife Refuge. This survey showed the approximate line in 1687 that was very near to latitude 38°. It also showed a line dated 1840 a little north of that. Both lines were well south of the present line, which lies nearly two miles north of this latitude. I also did extensive research on the owners of the land on Assateague on both sides of the line. In 1750, William Gore, who was a principle salvor of the wreck, owned the Virginia portion of Assateague. On the Maryland side, I documented the owners of the land for several miles north of the boundary. What I found was that the boundary line was inconsistent between Maryland landowners and the Virginia owners.

In Maryland, land patents, surveys, and deeds documented the line as being about a half mile south of the present line, while in Virginia there was no evidence of ownership north of the well-documented 1840 line. This meant there was an area of “no-mans-land” in between these two lines. The respective provinces had not granted this small piece of Assateague. However, Pope’s Island, which lay behind this area of Assateague, had been clearly patented as Maryland territory,

CHAPTER SEVEN

The Hidden Galleon



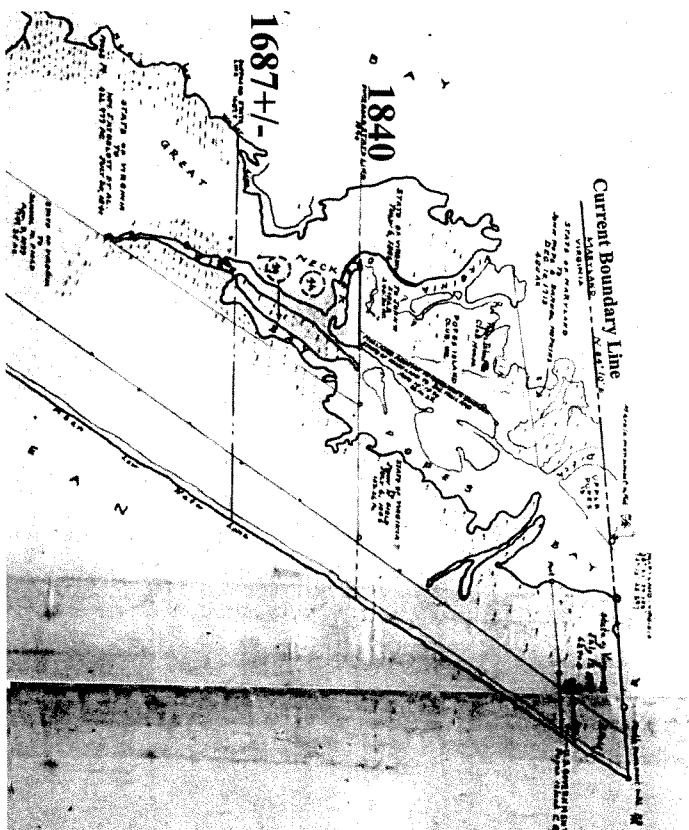
documenting that Maryland considered the boundary to be south of where land patents stopped on Assateague. That boundary was depicted as the 1687 line shown by the government survey of 1943. Everything still pointed to the fact that the line drawn in 1750 would be well south of the present Maryland-Virginia border.

The current boundary on the mainland had been drawn in 1668, but had been in dispute for two centuries until 1883, when a boundary commission redrew the line and set monuments. The 1668 line was clearly in conflict with Maryland's charter. The line was not a true east line as called for—it was run by a compass without recognizing the magnetic variation in the area, which was over five degrees north of east. A due east line would run a little below latitude 38°.

I knew that these differences could be ignored by expanding the ranges of the survey area in the ocean. *La Galga* would still lie in a very defined area. With this new information related to the boundaries, I was convinced that we were very close to discovery.

That spring, plans were finalized to form a new treasure hunting company with myself, Bill Bane, Ned Middlesworth, Gene Parker, Albert Alberi, and Rick Cook. I suggested the name Ocean Recovery Operations, Inc., since the acronym "ORO" was the Spanish word for gold. Everyone liked it. They all agreed that I would be the team leader since I had been the most involved in the research and exploration. Al, who was an attorney, would set up the corporation. He was also a diver who was ready to go when needed. Bill Bane could find us a boat, Gene Parker had a forty-one-foot sailboat, Rick Cook and Ned Middlesworth had time to assist in the search, and I still had my own dive gear, magnetometer, and metal detector. We agreed that no one would get paid for his time and that we would share equally in the expenses and equally in our successes. I was contributing my time and research for nothing. We all realized that if we found the wreck, there wouldn't be a lot of treasure, but it would be worth the effort.

Alberi and I had numerous discussions about the treasure on *La Galga* and where she probably wrecked. He had been researching the ship since the mid 1970s and had records from the Virginia State Archives that I had not seen. He also told me about a letter he had



1943 plat of Assateague Island based on chain of title from the first owners of Assateague. Located in the Accomack County Courthouse. It is part of the Nellie Burwell tract that was acquired by the U.S. Department of Interior. Note the circles above the 1687 line. In the deed to the U.S. Government, they indicate that the strip of marsh was considered part of Pope Island. Plat Book #6, pp. 17-18.

received from Stewart in February of 1978. Stewart's letter contained many factual errors about the 1750 fleet and *La Galga*. It not only included fabricated accounts of treasure, but also simple historical facts that he chose to distort and of which he had no real knowledge. By now, all of this was no surprise. What did surprise me was that this letter, written on Atlantic Ship Historical Society letterhead, stated that he and the Historical Society had discovered *La Galga* in 1967 and had a salvage contract with Spain. Alberi told me that he later attributed the false statements in Stewart's letter as his way of getting to his research, which he did, in fact, turn over to him.

One document Alberi showed me was an account by the sheriff of Accomack that described some trivial items taken from the wreck and found on a nearby island. These items included some rigging blocks, a brass scale, seven iron hoops, and two swivel guns. Alberi had given Stewart his transcription of this without a photocopy of the original. In the original document, it said "two swivel guns" for "two," but Alberi had misread it as "200 swivel guns." Given the context of the document it couldn't be interpreted any other way.

Excerpt of items from *La Galga* found on a nearby island by the sheriff of Accomack County, Virginia in 1750. From *Colonial Records, Folder 43, Virginia State Library, Richmond.*

Stewart in turn used the "200 swivel guns" in his phony letter written by Captain "Mahoney," as Stewart was apt to call him, which was purported to be in the locked-up files that were contained in "Libro 38." This letter was the same one Stewart had shown me two years before at our first meeting, and the one Alberi and I saw together when Stewart first brought him by my house. Alberi believed the "Mahoney" letter to be authentic as it was mistakenly corroborated by his own research, which we later realized was misinterpreted. Those "200 swivel guns" became "500" in the SEA prospectus. I went on to explain to him my similar situation with the *Santa Rosalia*. It was not lost on me how valuable the information was that Albert Alberi had supplied and the irony of the fact that Stewart had introduced us.

Now that we knew where to look for *La Galga*, I decided to go to Chincoteague and try to find someone who might have some local knowledge about Assateague and what might have been found on the beaches over the years. After asking around, I was directed to a man named Nat Steelman who lived on Chincoteague and was considered

a good source for local history.

When I arrived at his house, he graciously invited me in. Nat Steelman was in his early seventies and retained a powerful physique from years of tonging oysters. He was soft-spoken and eager to share his knowledge of the island. His eyes twinkled as he recalled his days as a young boy and the stories his father had shared with him. He produced a map of the area and pointed to the Maryland-Virginia line: "In the 1890s, my father worked as a surferman at Pope Island Life-Saving Station just below the Maryland line," Steelman began, as he pointed with his weathered finger to the location on his map.

"When I was a young boy, my father took me there and showed me a place south of the station at the edge of the marsh where I saw some ship's timbers sticking out of the ground. He told me that they had come from a Spanish ship lost long ago, and that this is where the wild ponies had come from."

Stelman was now pointing to an area over a mile and a half south of the line.

He continued, "This lake that you see was not there years ago. The refuge built a dam by the road here, which has a valve to control the water level in the lake."

I ignored the pony story. Some published accounts of the legend I had read attributed them to a lost Spanish ship that had gone into an inlet. These facts did not jive with what I knew about *La Galga*. I surmised that a storm must have carried the timbers over the dunes and deposited them in the marsh. This location was consistent with the boundary lines I had documented at the Accomack courthouse.

I asked him if he'd ever heard of any Spanish coins being found on the beach. Nat Steelman told me, as his father had related to him, that there was a post about a mile and a half to two miles south of the state line where the surfmen on patrol would reset their watch clock and would sometimes meet. Nat said Spanish coins were often found there. This spot coincided with the same latitude as where he'd said the ship timbers were shown to him.

Nat Steelman said that he had read Reginald Truitt's book on Assateague, which described *La Galga* wrecking in Maryland. He said

that *La Galga* was two miles to the north, and he made no connection with the timbers he had just pointed out and what he read about *La Galga*. I did. Steelman knew *La Galga* was north of the Maryland-Virginia line, having read it in a local history book, but he did not know where the old boundary was.

We shook hands, and I promised to let him know if I found anything.

On the way back to Ocean City, I became convinced that we could find *La Galga* the first day out. I told Gene Parker what I had learned and he went nuts. He decided to take his forty-one foot Morgan Out Islander to the site the next day. Ned Middleworth drove down from Annapolis.

We motored the sailboat the whole way, which took about three hours. We started magging with my original J. W. Fishers unit, but the readout became unstable. Gene started cursing. I was used to it. We decided that we needed a large powerboat and a more sophisticated magnetometer.

I talked with some of the SEA board members, and they agreed to let me use the Varian magnetometer in recognition of all of the uncompensated time I had given. We could now perform elaborate magnetic surveys with its increased sensitivity and utilizing its chart recorder. The boat speed for towing the magnetometer was about five miles per hour, as it sampled the magnetic field once every second. In a four-hour period we could cover a corridor a mile long by 350 yards wide, shifting the boat's path every fifty feet. It would only take a couple of days to finally locate the wreck. Now we had to find a boat.

In the spring of 1982, I contacted Charles McKinney with the U. S. Department of the Interior. He was a manager of their antiquities program, and I had talked to him several years before. I wanted to find out about some upcoming shipwreck legislation. Charlie remembered me and told me about an organization that was being formed called the Atlantic Alliance for Maritime Heritage Conservation. It was a dual purpose organization that was going to promote maritime history, as well as fight some upcoming legislation that would give the states title to all wrecks in state waters over fifty years old. Sport divers, treasure

hunters, and maritime historians banded together to consolidate their lobbying effort against the pending bill. Charlie asked me to join, and I did.

At the organizational meetings for the Alliance, I met people like myself as well as some of the recognizable names, like Duncan Mathewson from the *Nuestra Señora de Atocha* project in Florida. I also met Alan Riebe and Daniel Koski-Karell, two individuals who had worked together hunting for *La Galga*. Riebe had filed for a permit with the Commonwealth of Virginia in November of 1980 to explore for the shipwreck, but had been turned down. I found out that it was Riebe and Koski-Karell who were in the boat Stewart and I saw working the site the year before. Alan and I compared notes on *La Galga*, and he provided me with a diagram showing his interpretations of the 1750 boundary line. He said that he was giving up on the site he thought could be *La Galga* and was headed for Cape Lookout, North Carolina, to look for *El Salizador*, another ship from the 1750 fleet that was carrying treasure when she was lost. From his description, there was no archaeological evidence to make the connection between his wreck site and *La Galga*. No cannonballs were found, although he said he thought he saw one go into his airlift which wasn't recovered. His site was the same one where I had found the black conglomerate the year before. I shared with him what little I had on the *El Salizador* and put him in touch with Victoria so he could pursue additional research on his upcoming venture.

In July, Alberi called me and said he had some useful information. He had a client who had proven psychic ability and said that he had a clear vision of the wreck being buried near a grassy area in shallow water. Alberi went on to say that Bill Holloway, his psychic client, was an upstanding guy and had previously used his abilities to assist the local police. I laughed.

"Albert, you and I both know that the beach has eroded over the centuries, not built out!" I said. "This is a distraction. We need to stay on course."

"Well, I guess you're right," he said.

Bill Bane found a boat for us, a twenty-six-foot Stamas with twin engines, which he had owned but recently sold to one of his customers,

Chip Johnson. Chip generously agreed to loan it to us as he knew that Bill would make sure the boat was cared for.

Bill was always busy at the marina, so he volunteered his son, also named Chip, to go with us. He had recently finished high school and had some free time. Chip was a great boat handler and quickly learned to run the tight search patterns we needed for our magnetometer surveys. And being the son of a Navy diver, he had learned to dive when he was quite young. Chip made a 100 foot dive with his dad at age seven.

We were now ready to get back to the real search for the wreck after being sidetracked by Stewart.

Our group plugged on until October, searching the area around latitude 38°. We didn't find anything from a wreck, but we did locate recently discarded debris. We figured the wreck could be up to a half mile from the beach because of the receding beaches, but after not finding it, we just weren't sure. It was decided that the wreck must be lying very close to the beach, an area that we had not yet searched.

Just before Thanksgiving 1982, we hired the *Original Jackson* to take us out one more time. This would be our last trip—if we didn't find it we were giving up the search. Captain Topping skillfully piloted his sixty-foot boat into water that was no more than five or six feet deep. We were so close to the beach that a breaking wave almost overturned the boat. We still had no luck. It was over. I put the gear away and called it quits. I brooded through the Thanksgiving holidays, wondering what I was going to do now. I had abandoned my career in Washington, so I couldn't go back there. There was really nothing in Ocean City for me except the ocean. I was lost. At thirty-two, I should have a home, and a wife and kids, just like all of my friends. All I had was my diving gear and a \$300 car. *What next?*

After returning to Ocean City from visiting my parent's home on the North Carolina Outer Banks, I decided that another trip to the Accomack courthouse might at least be therapeutic, if not revealing. I found another plat book, which I had not looked at before. The book contained a plat dated 1840 that represented a survey of land on Assateague for a William J. Aydelott and some others. It showed the

area in detail that I was interested in. This survey was the basis for the line labeled 1840 on the 1943 government survey that I was already working with. It seemed now even less likely that the 1750 border could be considered to be north of this line. The plat was drawn correctly to scale, and it showed the beach to be much narrower in 1840 than it is today. If this was true, the ship most likely lay buried under the beach. If it was buried under the beach, then discovery and salvage was out of the question.

I called Albert about my findings.

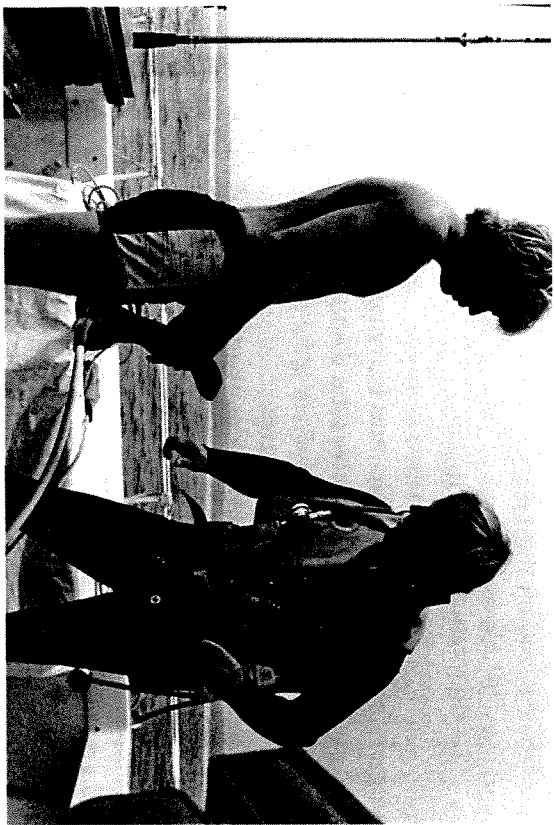
"Albert, I just found out why we haven't found the wreck. I was at the courthouse today and found a plat that not only shows the boundary line, but shows that Assateague was much narrower years ago. *La Galga* has to be buried under the beach."

To my surprise, Albert had a reason to continue.

"John, a nearly identical situation happened a few years back. Some treasure hunters who failed to find a sunken riverboat ended up finding it buried under a federal wildlife refuge. It sounds like we have the same situation here," he said.

He related a story to me of a steamboat named the *Bertrand* that sank in the Desoto Bend of the Missouri River on April 1, 1865, and later became swallowed up by the riverbank after the river changed its course. The wreck had been discovered in 1968 buried under the Desoto National Wildlife Refuge after treasure hunters had exhausted their conventional search efforts in the river. They had found a map showing that the river course had changed since the wreck. Using the map, they were able to plot the location of the *Bertrand* which put it under dry land. They then drilled into the suspected site and proved that it was there. The group then excavated the *Bertrand* with a permit from the Federal Government where they received sixty percent of the value of the cargo. The excavation was completed in October 1969 after 150 tons of cargo had been removed. On March 24, 1969, the historic significance of the *Bertrand* was recognized when it was entered into the National Register of Historic Places. A museum was built at the wildlife refuge to house the exhibit.

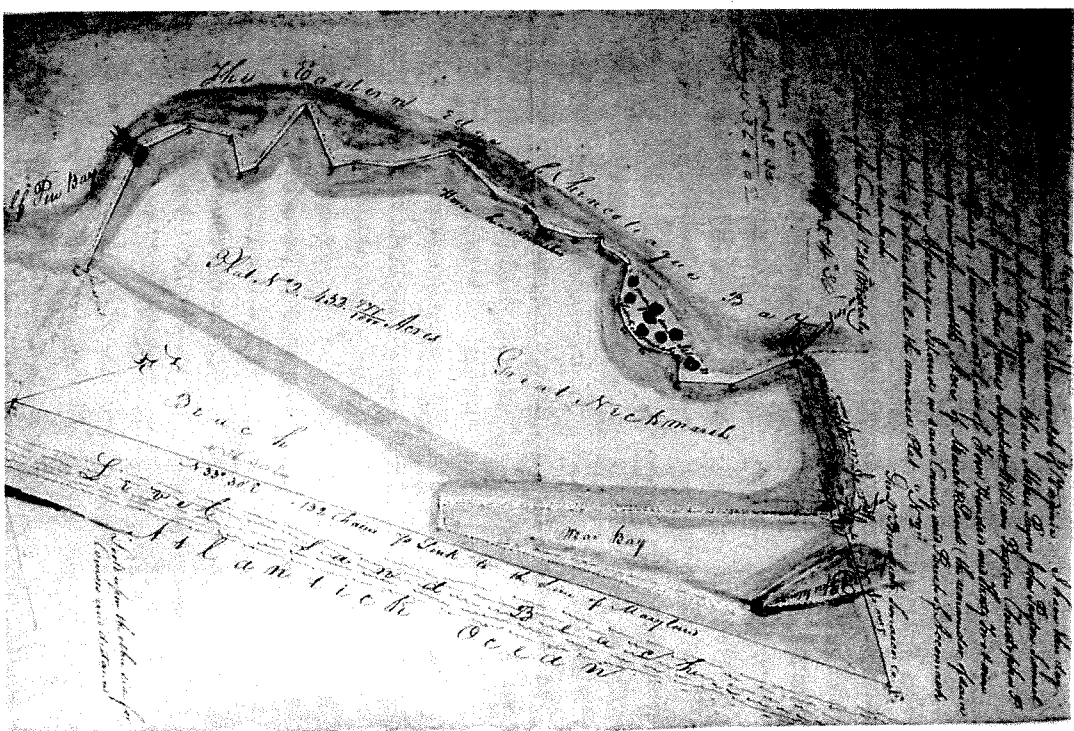
"Look, John, we can do the same thing! It's not over, we need to find



Chip Bane assists the author into the water. Photo by Ned Middlesworth.



Ned Middlesworth contemplates discovery during a magging operation in 1982. Photo by the author.



1840 plat of Great Neck on Assateague for 436 and 977 /1000 acres. This precise amount closely resembles the nominal amount of 500 acres described in 1696. Note Wear Bay. This document proved the coastline changes that hid La Galga. The north boundary is the Maryland line. The words "Due west to the Maryland line" can be seen. The south boundary line is the same as the north bounds of Little Neck, described in 1796 as running, "southeast across the beach to the surf." Surveyor's Book #6, p. 84. Accomack County Courthouse, Virginia.

La Galga!" Alberi demanded enthusiastically. Albert gave me a book about the *Bertand* written by Jerome E. Petsche of the National Park Service. Albert pointed out that the National Park Service heaped praise on the discoverers of the wreck, even though their initial motivation had been finding treasure. The Park Service, however, felt that the real treasure was the riverboat itself and the cargo in her hold, not the gold and mercury sought by the treasure hunters, and that it should be displayed and protected as part of our national heritage.

Albert urged me on saying, "I have received reports that others from a dive club here are currently looking for *La Galga* and have even heard that Mel Fisher applied for a search permit several years ago. You're way ahead of everybody else."

Then I had a chilling flashback. "Albert, it looks like you need to contact your psychic friend!"

This news brightened my day even though the name of our corporation, "Ocean Recovery Operations, Inc.," no longer had any meaning. Considering the treatment afforded the *Bertand* by the federal government, all of the partners considered it worthwhile to continue the hunt. The fact that *La Galga* appeared to be buried under the island changed more than our methods of searching for it. I now realized that *La Galga* was, in fact, the legendary ship that the locals of Chincoctague associated with the wild ponies. Documents found by Victoria in Spain made no mention of them, but she had not found any report from Captain Huony in her archival search. The documents she located gave few details about the wreck. One document had described the location of the wreck as "near some deserted islands." This description hinted at a break in the barrier, or an inlet.

It would take more than an ordinary metal detector to locate *La Galga* if it was indeed buried under the island. I contacted Geometrics, Inc., in California and found that we could purchase for a little over \$5,000 a portable magnetometer, one small enough that it could be carried in a harness around one's neck and utilized a hand-carried sensor head. I certainly didn't have the money for it, and my partners didn't want to lay out a lot, so we decided to borrow the purchase price from the bank and make monthly payments. Since we were going to the bank

anyway, we included enough to by the SEA magnetometer that was advertised for sale. The six of us would then contribute equally to pay the loan off.

It would be February of 1983 before the magnetometer would come in. Gene Parker had the idea of sending Bill Bane, his son Chip, and me to the Florida Keys for the month of January to do some treasure hunting. Bill had an old friend named Ernie Rickman who lived at Key West and had dived in the Keys for years. He had even helped build the old causeway. Ernie told us about some rumors of finds out on American Shoal, lying off of the Saddlebunch Keys, so we rented a house at Little Torch Key.

On my way down, I stopped at Vero Beach to meet Dr. Eugene Lyon, the historian who guided Mel Fisher's search for the *Atocha*, and the author of the book about it. Victoria had been doing some work for him and told me that Treasure Salvors had recently recovered some horseshoes on the *Santa Margarita*, so she arranged the meeting. Since Nat Steelman of Chincoctague had connected the horses to *La Galga*, I was now keen to explore the possibility.

After arriving at his house, Dr. Lyon and I discussed the project, and I told him that we now had reason to believe that there had been horses on board *La Galga* but the register failed to mention them. Dr. Lyon repeated the story that Treasure Salvors had recently found horse bones and horseshoes on the *Santa Margarita* that had sunk with the *Atocha* in 1622, but there was no archival reference to them. He went on to say that he believed that the soldiers on board were bringing them home. Dr. Lyon asked, "Were there any soldiers on board your ship?" "Yes," I said, "Victoria documented that there were sixty of them on board."

"Then I wouldn't be surprised if there were horses on *La Galga*," he said matter-of-factly.

I thanked him for his time and left. As I continued my journey to the Keys, I reflected on my meeting with him. I had started out looking for *La Galga* in the hopes of finding a little treasure and some artifacts. Then Donald Stewart misled me for over a year, looking for what I thought would be a fabulous treasure. Now I was pursuing a legend.



Excavation of the mid-19th century riverboat, *Bertrand*, buried on the Desoto National Wildlife Refuge. 1969 © National Geographic Society.

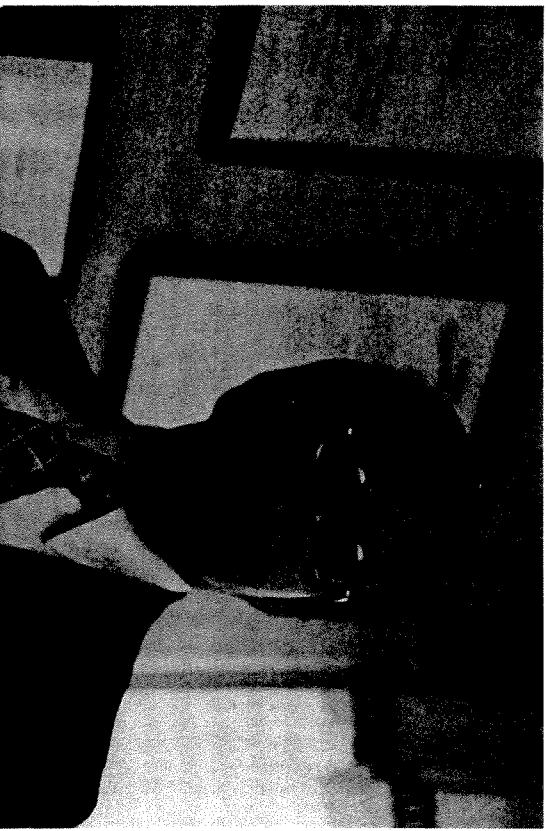
This had become more important than any gold or silver.

Out of the month we spent in the Keys, we only dove three times on the outer reef because of the incessant winds. However, we did have a great time spearing fish and catching lobster on the inner reefs and carousing in Key West at night. Bill Bane entertained us with tales of his Navy SEAL team and some of his experiences that he could tell with the CIA. Bill was part of UDT Teams #2 and #21 at Little Creek, Virginia. When the SEALs were formed, he was called to be an instructor at the Navy's Underwater Swimmers School in Key West. After two years, the CIA recognized his skills and pulled him in.

I learned that I was diving with a man that actually helped develop the science. As Navy divers, he and the others pushed the limits in depth and decompression, which helped refine the decompression tables we use today. He also participated in the Navy's first testing of Jacques Cousteau's Aqua-Lung. Bill Bane, as always, proved to be a

first-class chef and served up some fantastic food, usually the fish and lobster we had caught that day. In spite of the diving, I was putting on weight.

We had fun, but I couldn't wait to get back to Assateague. While we were gone, Albert Alberi had been trying desperately to get in touch with me. Unable to reach me by phone, he wrote a letter on January 15 that was waiting for me when we returned from the Keys. Albert said he had taken a copy of Captain Huony's letter found in the Maryland Archives and a copy of a chart of the Assateague coast and presented them to his psychic friend, Bill Holloway, for him to "divine." Albert had told him nothing else. To Albert's surprise, he pointed to an area close to Ragged Point, which was more than two miles south of the present line. Albert was quite amazed, and so was I when I read Albert's letter. He also included a map showing his notations on the location. Holloway said he would be willing to travel to Ocean City when we needed him.



Albert D. Alberi. Courtesy of the Alberi Family.

As soon as the portable magnetometer came in, we set off for the area we had delineated for the wreck. Gene Parker, Bill and Chip Bane, Ned Middlesworth, Rick Cook, and I made several trips to the site. Our routine was to drive Gene's Jeep CJ down the Maryland beach, which was part of the Assateague Island National Seashore and controlled by the National Park Service. We would arrive at the Virginia line where there was a fence that separated not only the two states, but the National Seashore from the Chincoteague National Wildlife Refuge. From here, we would walk down the beach to the approximate latitude and search from the edge of the surf westward.

Metal detectors aren't allowed on federal property, but we justified using the magnetometer because it doesn't send out a signal to detect metal as traditional detectors do. It is merely a receiver that registers the intensity of the earth's magnetic field. When iron is present in the field, the reading will change on the magnetometer. Regardless, we were not disturbing anything by digging. Our methods were totally non-intrusive. But then we knew this logic might not fly with the rangers so we kept the mag out of site until it was needed.

I had considered applying for a permit but realized that I would be met with two scenarios: one, they probably would laugh when I said that the ship was buried under the island, or two, they would take our research up to that point and run with it themselves. In either case, I would be forced to give up information that had taken several years to assemble, and bureaucratic red tape would have put the project off for many months with no guarantee of government cooperation.

After looking on the beach with no luck, we then focused on the area west of the dunes. Again, we found nothing. The farther west we searched, the more unlikely it seemed that we would find the wreck. But as we eliminated areas, I knew we were getting closer to the wreck.

As we moved westward, we came to the edge of the lake, or waterfowl impoundment, that Nat Steelman had described the year before. I had surmised that this lake area had been the oceanfront centuries ago. Most of Assateague consists of rolling dunes with at least scattered bushes or trees, but this area was once a great barren sand flat which was evidence of a rapid outgrowth of the beach. To the east of the lake

toward the ocean was a heavy growth of kink bushes and brambles, and then the dune line. To the west of the lake were some marshes and pine forest. Beneath the lake were the old sand flats depicted on the 1840 plat.

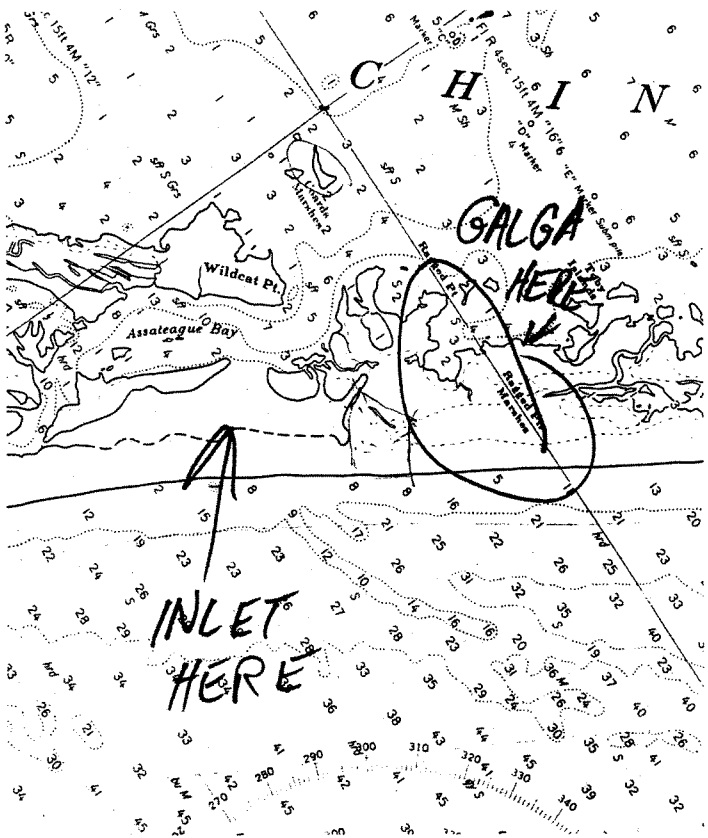
I now looked in the area where Nat Steelman had seen the timbers as a boy. This was east and south of a ridge that ran from behind the beach southwesterly toward the woods on the west side of the lake. A road was built along this ridge. We got a small reading, but saw no timbers. The area was otherwise clean. This led us to the next obvious conclusion: the wreck must lie beneath the lake. But this posed another problem. How could we survey the lake? To accomplish this, Chip Bane and I used his Boston Whaler to tow a canoe over from the mainland where we entered Virginia Creek, towed the canoe to the dam, and then portaged it over. Now we could do search patterns much like we did in the ocean. We skirted the east side of the lake and started working west. We quickly found that the water in most places was only two feet deep and the bottom was hard sand. We also realized that we were literally sitting ducks out on the lake. Here we were, six miles from the mainland with a canoe in the middle of the wildlife refuge carrying electronic gear. We would never be able to explain that. We decided to cut that trip short and get off the lake before we were seen. Now that we knew that we could wade the lake, the canoe was no longer needed.

Nat Steelman had told me about someone else who knew a lot about Assateague. His name was Ronnie Beebe from Snow Hill, Maryland. Ronnie was a surveyor by trade, and his family had long been natives of the Chincoteague area.

In March, I made an unannounced visit to his home. After I explained to him what I was doing, and that Nat Steelman had suggested that I get in touch with him, he agreed to invite me in. Beebe was a little reserved at first, but then he opened up.

"Here is a map of the area we have been searching in," I said. "I have seen a plat at the courthouse that suggests that the beach has built way out in this area."

He oriented himself on my map and said, "You're right about that. The beach has certainly made out over the years."



Notations on map made by Bill Holloway using his psychic ability.

He studied the map thoughtfully and then looked up at me. "You say you're lookin' for a Spanish ship?"

I nodded, "Yeah."

He continued, "I've been told since I was a kid that centuries ago a Spanish ship came into an inlet that caused it to close up in two weeks time. The wild ponies came from that ship."

Many of the people of Chincoteague in the centuries before could not read or write, so their history and traditions were passed on by word of mouth just as the Indians' were. Ronnie Beebe had said he was related to an eighteenth century Indian and oral traditions were a part of his life.

He pointed to an area just north and east of the dam, indicating where he thought the inlet was. It tied in exactly with the 1840 boundary line.

"After that time, the beach made out," he said in his Eastern Shore drawl.

"There's something else," he said as he was now warming up to me. "You see these woods on the west side of the lake? Right in here a Spanish pistol and some Spanish coins were found years ago. There was a handful—like they had been in a bag."

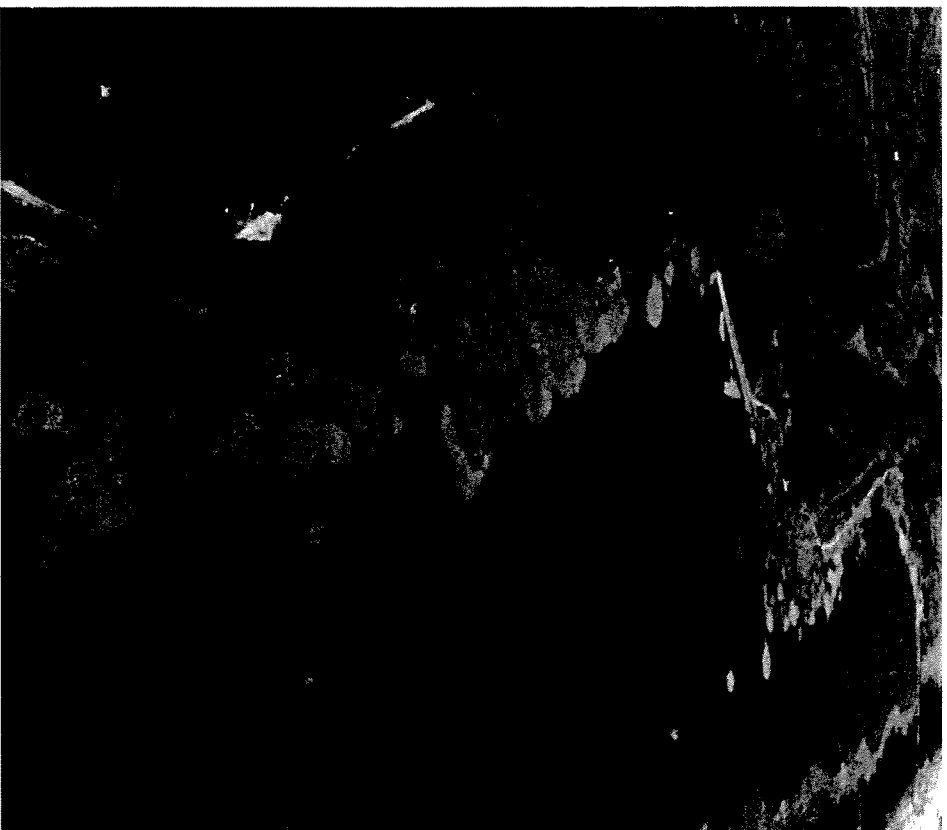
I did the best I could to contain myself. I felt like I was talking with Captain Huony himself.

I asked Beebe if he was related to Clarence "Grandpa" Beebe who is a main character in *Misty of Chincoteague*. He was his grand-nephew. Up until 1982, I had never associated the popular horse legend with *La Galga*. Now once again, I heard a credible story that the legend was true. Now it seemed impossible to separate this legend from the ship we were looking for. I thanked Mr. Beebe for his help. As I drove back to Ocean City, I visualized the 1840 plat. There is a marsh on the back side of Assateague just above latitude 38° today called "Ragged Point Marshes." In 1840, it was called "Horse Head Marshes."

I called Alberi and told him about my meeting with Ronnie Beebe and the similarities with some of what Bill Holloway had said. He then got in touch with Holloway and scheduled him to come to the Eastern Shore. Ned Middlesworth came down from Annapolis and joined Gene Parker, Rick Cook, and Bill Bane at my townhouse at Pier Seven. After Alberi introduced us and we all chatted for a few minutes, I got my chart out. I was dying to know what Holloway had to say. Bill Holloway was in his early forties, a jeweler by trade, slightly built with dark hair and a close-cropped beard flecked with gray. Without a turban, he didn't look like a psychic to me.

"Bill, before we take off, could you outline the area on my chart?" I asked.

He stared at the chart briefly and then pointed to the area of the dam. Taking a pen, he then drew a rectangle on the chart starting at the dam and then south along the edge of the woods, then extended the line east more than halfway across the lake, and then north running parallel with the west edge of the lake. When he finished, he had drawn a rectangle equivalent to about a half a square mile. I was surprised at



Aerial photo taken by the author of the wreck site area in early 1983.

how accurate his assumptions seemed to be. Latitude 38° went through this area.

"This is still a large area. Can you narrow it down?" I asked, trying to contain my excitement.

Without hesitating, he tapped the pen in the northwest corner of his rectangle.

"It's right in here."

Then he added something else. He told me that another ship that was with *La Galga* had wrecked off the south end of Assateague. I told him that would be the *Mercedes*, which had run ashore north of Cape Charles, fifty miles south of Assateague. He insisted he saw a ship with *La Galga* off Tom's Cove nine miles to the south. I ignored it. After all, psychic impressions are not always accurate.

After the Jeep ride through the national park to the Maryland-Virginia line and a two-mile hike into the refuge, we arrived at the dam. Holloway stood on the road that crossed the dam and looked out over the lake to the south. We were now standing in the northwest corner of the rectangle he had drawn earlier on my chart. The rest of us stood back, careful not to distract him. Holloway pointed south across the lake, "This used to be the oceanfront," he said. "The wreck is definitely right out here." And then he said he saw horses jumping in and swimming ashore. "No more than fifteen."

We spread out. I had the magnetometer on and entered the water at a shallow spot closer to the ocean and proceeded to wade south, holding the aluminum staff that supported the sensor head; the console was secured to my chest. I did my search patterns, walking in north and south directions for about a half an hour, totally focused on the LED readout. I heard someone yell my name and looked off to the west and saw Holloway standing on a point of marsh over a hundred yards away. He asked me if I had gotten anything yet, and my response was that I had not, the readout was steady.

"Come this way, come toward me," he yelled. I changed course and worked my way toward him.

"Got anything yet?" he asked.

"No, not yet," I said.

"Keep coming," he said.

A short distance later: "How about now?" he asked.

I saw the numbers start to change. "Yeah! It's climbing!" I shouted. I kept moving toward him. The numbers continued to climb and then faded off.

"You just walked over a piece of it," Holloway said rather matter-

o-factly.

I could tell by the relation of the distance I had walked and the numbers on the readout that whatever it was, it was probably ten feet or more in the ground and probably a larger mass, like a section of the ship with iron fastenings. This was the first meaningful anomaly we had thus far detected on land. Everybody was amazed.

As I walked closer to Holloway, the bottom dropped off, and I couldn't proceed any farther. It appeared that the water was over my head, so I backed off. I was now close enough to him to carry on a normal conversation. He explained again that I had gone over a piece of the wreck and that there was more to find somewhere close by. I continued working the area with no results, but ever mindful of the drop-off which was probably what remained of the old creek and inlet.

We left Assateague all keyed up. After many days of plodding through briars, branches, mud, and cold water with no results, we finally had a significant magnetometer reading. His demonstration was uncanny. Holloway said he had no doubt that we would find it now. It certainly seemed like we were close. On the way back up the beach we stopped at some timbers we had seen that had been recently exposed. They were situated very close to where Alan Riebe had been seen working two years before. There was a rib and what appeared to be a piece of planking which Holloway examined. He said that these were from *La Galga*. It was over a mile north of the lake. I used the magnetometer to scan around the area and got nothing. If it was from *La Galga* I surmised it must have washed there after the ship broke up in the later storm. I was getting a little confused over Holloway's contradictory impressions. It did not seem likely that a piece of the ship would be found this far north because of the prevailing currents. We still needed to find the main part of the wreck.

There would be more trips into the refuge with no results. We looked as far north as an inlet feature 900 yards south of the border and north of the general area that Holloway had directed us to, logging many miles on foot. Each time we came out of the refuge, we were exhausted, but still undaunted. We even magged the shallow waters of Pope's Bay

using the marine magnetometer. I was totally convinced the beach had radically changed since 1750 and that the wreck must be under the island. I felt it was only a matter of time.

One day, Gene Parker and I went down to explore, and he had insisted on bringing a shovel. I told him that if we found the wreck it would be unreachable. He brought it anyway. After looking for a while with no results, a thick fogbank rolled in. The visibility was so bad that we couldn't see where we were going, so we made our way over to the beach and walked along the surf back to the Maryland line. Gene stopped to dig something out of the beach, and I went on. I was not far from the fence when a ranger in a patrol vehicle pulled up next to me. I hadn't seen or heard him coming. He jumped out and came over to me and looked at the magnetometer I still had strapped to my chest.

"What are you doing out here and what is that thing?" the ranger asked impatiently.

"I'm down here studying inlet formations, and this thing is a magnetometer and not a metal detector," I stated nervously. "I'm not digging for treasure," I added.

"Then what is your friend doing carrying a shovel?" he asked.

I had no answer.

The ranger, appearing frustrated, said, "I don't know what you are up to, but I suggest you get a permit. Since that thing is not turned on, go ahead and leave. But I don't want to see you down here again with that thing."

Shortly after that incident, Gene called me and said that he had been called by the refuge manager in Chincoteague, who demanded to know what was going on. Apparently, the National Park Service on the Maryland side had been observing Gene's Jeep being left parked on the beach on a regular basis, so they took his beach access permit number and identified him as the owner of the vehicle.

We decided to continue the search, but we had to be more careful. We would park the jeep behind the sand dunes at the fence and be sure not to be seen with the magnetometer. Gene and I went back down for another look. Besides the magnetometer, I carried my camera. If we got caught, we could easily say we were on a picture-taking expedition.

On the next trip, I was looking in the marsh just north of the dam. Chip Bane and I had previously searched part of this area by water, but we had been driven away by a freakish hailstorm. Gene was in the woods across Virginia Creek poking around. Suddenly, he let out a yell. There was a Chevy Blazer coming up the trail from the south. I was completely exposed. I dropped the mag in the marsh and kept walking toward the dam and the road where the Blazer had just passed. I had already been seen, but Gene had not. The Blazer continued across the dam, and his view of me was now blocked by trees, which I took as an opportunity to run for the dam and catch up with Gene. The Blazer had rounded a bend in the road and stopped. He couldn't see us, and we couldn't see him.

Gene and I then strolled along the road, acting as if nothing was out of the ordinary. We came up behind the Blazer and found it with the door open and a young ranger crouched behind some bushes peering out over the marsh I had just left. He didn't know we were behind him.

Not sure how to introduce ourselves, I simply said, "Hey! You looking for us?" The startled ranger shot to his feet and demanded to know what we were doing. I pointed to the camera and said we were taking pictures of some old inlets. He asked if that was our jeep parked up at the fence, and of course, we admitted it. I asked him if he wanted his picture taken, but he declined. He did offer to give us a ride back to the beach if we were leaving. We said we had gotten enough pictures, so we accepted. Gene and I thanked him for the lift, waited until he was clear out of sight, then returned to get the magnetometer I left laying in the marsh. Fortunately, it was still there. Gene and I went to Chincoteague the next day and met Dennis Holland, the refuge manager, and discussed the requirements for a permit. I told Gene that there was no way we could show our cards yet on *La Galga*. We came up with the idea of admitting to searching for the lost pirate treasure of Charles Wilson that had been widely popularized in tourist literature. A letter was reputed to have been found in England in the late 1940s written by Charles Wilson himself, which gave the directions:



Gene Parker with a ship's timber on Assateague opposite the site located by Alan Riebe. *Photo by the author.*

To my brother George:

There are three creeks lying 100 paces or more north of the second Inlet above Chincoteague Island, which is at the south end of the peninsula. At the head of the third creek to the northward is a bluff overlooking the Atlantic Ocean with three cedar trees growing on it, each about one and one-third yards apart. Between the trees I buried in ten iron bound chests, bars of silver, gold, diamonds, and jewels to the sum of £200,000. Go to woody knoll and remove the treasure.

Charles Wilson.

This story has never been authenticated, and there is no proof that Charles Wilson ever existed. Some have said that real estate developers put this out when lots were being sold on Assateague prior to the establishment of the national park in 1962. Ned Middlesworth had

made numerous trips in previous years in search of it. Our group had already made several forays in the hopes of finding it. Gene and I settled on disclosing this part of our island explorations and leaving *La Galga* out of it.

At this meeting, I explained that we were trying to identify where the old inlets were, which would then hopefully lead us to where the treasure was buried. This was certainly true. Our secret was that a forgotten inlet contained the remains of *La Galga*.

This seemed to make sense to the refuge manager, and he accepted my explanation. But he said we needed a permit from him, and before he would issue that permit, I would need a contract from the General Services Administration in Washington. This contract would spell out each party's responsibilities and the division of treasure. I told him that I would make the application. On March 31, it was filed. The government was slow to respond.

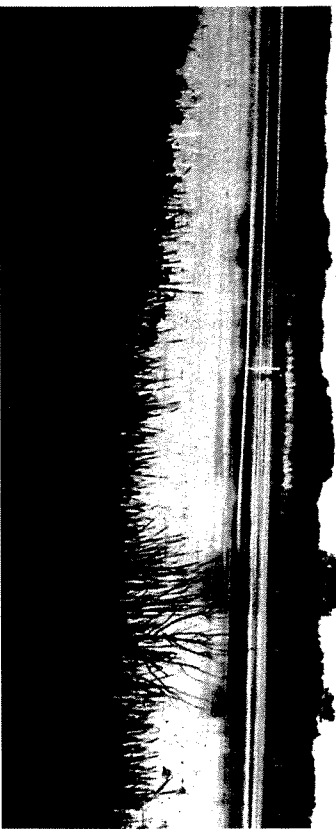
Rick Cook insisted that we go back into Maryland waters to search for the wreck. He refused to accept the fact that the shipwreck appeared to be buried somewhere under the island and totally ignored my findings in the Accomack courthouse related to the boundary line. He even called the other members to persuade them that the search should be directed back to the ocean. After another fruitless search in the ocean, we all agreed that if Cook wanted to continue looking in Maryland waters, then he was free to do so. He was still convinced that Stewart knew more than we did on *La Galga's* location. His obsession with the fictitious ships that SEA had searched for also increased. He never accepted the fact that Stewart had made it all up. I later found out he was still communicating with Stewart and informing him of our activities. We let him out of our partnership. Cook went on to form Alpha Quest Corporation and organized his own search for the wrecks. He and his wife parted ways for good later that summer.

The frustration had set back in. Ned and I had made numerous trips to Assateague in May. The weather was much warmer, which brought out the flies, ticks, and mosquitoes. They were so bad that we were forced to wear pith helmets with netting over our heads. This reduced the bites and prevented us from inhaling them. We ignored

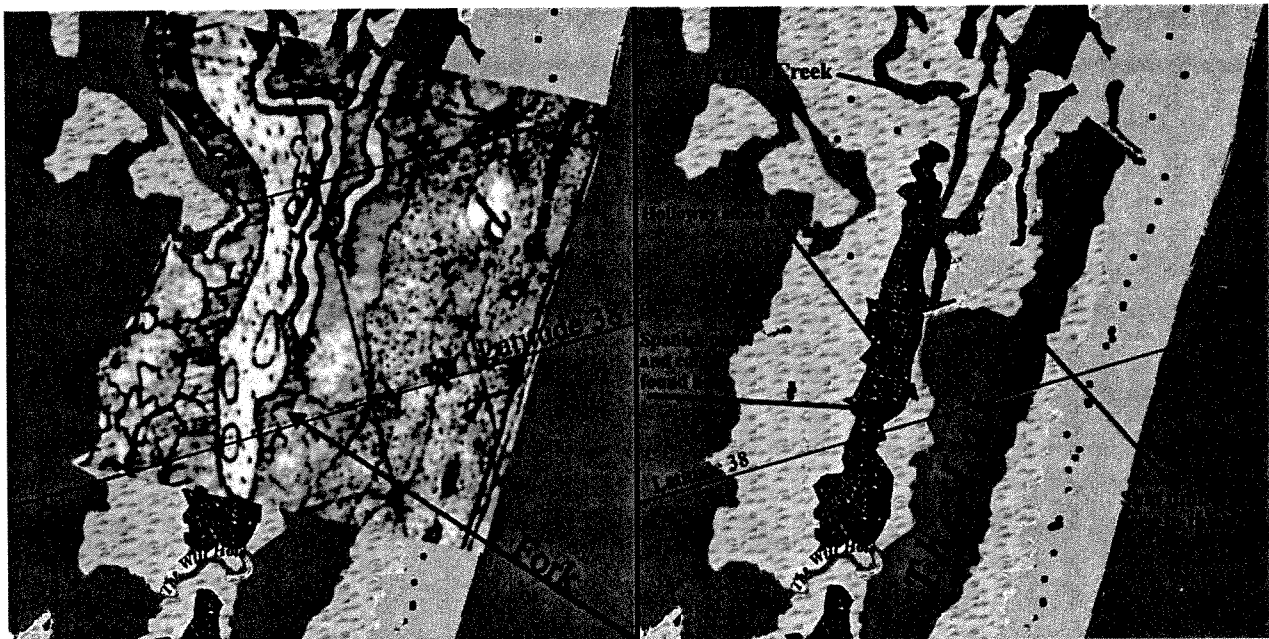
the aggravation, for it seemed that we were awfully close. But nothing had happened since Holloway had been with us. I would call him after each of our forays and tell him what had happened. Holloway had said on more than one occasion that he "saw" me walking over it. In fact, he said that I would find a piece of the wreck sticking out of the ground. I mentally retraced my footsteps, but I didn't see it.

Because of the heat and the possibility of exposing ourselves to the rangers, we altered our game plan a little and went in the late afternoon. We would make the run in Ned's Blazer as it wouldn't be recognized like Gene Parker's Jeep CJ. Ned would also bring what he called his "treasure chest"—a cooler of beer. This remained in his Blazer for the trip home. We'd made several trips to the area that Ronnie Beebe had fingered as an old inlet just above the 1840 line, but with no results.

One day I was down at the lake alone. I waded in where I had the first day with Bill Holloway and progressed south. As usual, the water was so dark that I couldn't see the bottom. I tripped over something. This had never happened before because the bottom was clean, hard sand. I backed up until my feet struck the object again. Then I reached down and felt a wooden timber sticking about six inches out of the bottom. It was square, not round. I looked back toward shore and noticed that I was only twenty-five yards from where Nat Steelman had indicated he



The author wading in the lake. Photo by Ned Middlesworth.



Left. 1859 overlaid on modern map. Right. After considering all of the data consolidated in these graphics the author knew *La Galga* had to be in the fork and that he had only been over a part of it earlier in the year. *Illustration by the author.*

had seen the timbers as a boy. I, of course, was quite excited, but that was all I'd found. There was no magnetic reading.

It was now June, 1983. I was sitting at home looking at an aerial photograph and comparing it to modern topographical maps, an 1859 topographical map I had recently found in the National Archives, and the 1840 plat. In my mind, I recalled what Ronnie Beebe had said about the ship going into an inlet and it later closing up. We had already searched the area that he had indicated was the inlet with no result. The 1859 coast survey map showed that the feature Beebe thought was a former inlet did not exist in 1859; it was the result of later storms.

The solution had been staring me in the face for some time, but I just hadn't seen it. The 1840 plat had a feature called "Wear Bay" which coincided with the lake area today. The definition of a *weir* is an "obstruction placed in a stream to divert its course, a dam." At the end of Wear Bay, as it was spelled in 1840, was a pronounced dead end, and in 1840, it was not far from the ocean. I also observed that the course for Virginia Creek had radically changed between 1840 and 1859, probably due to storm overwash.

From my research, I learned that place names usually have meaning. When I looked at Virginia Creek I wondered if it was called this because when one entered from Maryland, it would carry them the short distance into Virginia. Probably so, I reasoned. Also coincidental with the end of Wear Bay on the 1859 chart was a fork at the end of the creek or bay. I wondered what had caused the creek to split in two. And then immediately to the west of the western fork was a pronounced deviation in the old dune line. This was evident on the 1859 chart as well as the modern topographical map. In fact, the road from the south followed this contour. It was in this immediate area that Ronnie Beebe said the coins and pistol had been found. Latitude 38° ran right through the precise area.

I recalled the statement Sheriff Scarborough had made when he described the wreck. He said that there were many thousands of pounds worth of mahogany that could be gotten "before the ship bursts with the sea and sinks into the land." This statement took on a whole new meaning.

I called Ned in Annapolis.

"Ned, I know where it is! You can see it from the air!" I exclaimed.

I explained my logic and pointed out that we never had searched that area. When I waded the lake, I was always precluded from walking that far west because the water got too deep. I never believed that the wreck would lie that far to the west, but it was only a hundred yards or so from the mag hit located with Holloway's direction. After Holloway's visit, I was focused more to the north to coincide with the 1840 line and Ronnie Beebe's interpretation of the inlet. Although I had been impressed with Holloway's demonstration, I was not convinced the wreck was in this exact location until now. The charts and photographs said it all. I also remembered something else. Rick Cook had told me months before that he had received information that, years ago, before the creek was closed by the modern dam, oystermen had tonged up artifacts that appeared to be from an old ship. Cook told me that it was his opinion that they had washed in from the Spaniards' campsite. But then he was still looking for the ship in the ocean waters of Maryland.

As Ned and I rode the thirteen miles of Assateague toward the Virginia line, we reviewed all we had learned leading up to this day as his Chevy Blazer bounded along and dodged the invading surf. We agreed that all of the pieces of the puzzle seemed to finally come together. It looked like this was going to be the big day. Although we were also getting ready for litigation against Stewart, we never mentioned his name. We were totally focused on our elusive quarry, a lost Spanish warship named *La Galga*.

We arrived at the boundary fence and parked behind the dunes. As I retrieved the magnetometer from the back, I noticed Ned had remembered his treasure chest, his cooler of beer. I looked forward to celebrating later.

Ned and I went directly to the dam, crossed the creek, walked down the road to the contour in the old dune line, and proceeded to the spot where I remembered Holloway had stood. There was tall, dense sawgrass over the whole area, but on the northern section a path had recently been cleared by refuge personnel. I used the aerial photograph to guide me to the spot. The magnetometer started fluctuating before I

got to the water's edge. When I looked at the deep water spot that I had stopped at that day with Holloway, I figured that I must be standing in the fork of the old creek and the mound I was on must be part of the wreck.

I returned to the road in the woods adjoining the marsh and told Ned what I had found. There was not much celebration as the reality of it all finally set in. There was nothing more we could do. To excavate this site, a cofferdam would have to be constructed and then the water, sand, and mud pumped out. After that was done, the government would require that the site be returned to its original condition. This looked like a multimillion dollar job.

As Ned and I walked along the road and the beach toward the Maryland line and his Chevy Blazer, we said little. We both shared a sense of accomplishment, which made us smile, but there was some sadness as well. The hunt and our adventure were over. For us, to realize any real fulfillment for all of our hard work and sacrifice, the wreck would have to be excavated and that depended on the federal government.

As we drove out, we drank our victory beer, but it didn't taste as good as it should have.

I decided to put together a research paper that would describe in detail some of the historical research and fieldwork we had undertaken. I hoped that with the release of this paper it might be possible to generate interest from the federal government or some organization like National Geographic. It might also help some other treasure hunter that wanted to look for *La Galga*. If we were correct, then it would save them a lot of time and money. If we were wrong, then perhaps my report would help somebody find the wreck elsewhere. I also decided not to release the news until the end of the year because of the legal preparation I was undertaking to go after Stewart.

Middlesworth and Parker still wanted to pursue Wilson's treasure, so I filed a follow-up letter in early September with the GSA. On September 28, Walter McAllestar, acting associate director of the Fish and Wildlife Service, wrote to Mr. Jack Williams of the GSA. In his letter, he advised that, before any permit was to be issued, we would

have to supply to the refuge manager evidence, "stronger than rumor or legend," that a treasure did actually exist.

On October 13, I met with the refuge manager, Dennis Holland, and his two assistants. I was told that I needed to prove the existence of Charles Wilson's treasure and provide a precise location. They told me that the information would be kept in Mr. Holland's drawer. If this information was not provided, I wouldn't be issued a special use permit, and without this permit, GSA wouldn't give us a contract. Holland assured me that my information would be safe and marked "confidential" and would be excluded from the Freedom of Information Act. He also informed me that a refuge employee would have to accompany us on any searches and we would be billed for his time. I clearly understood their position, thanked them for their time, and left.

Since we did not have any historical documents that proved that the Charles Wilson letter was real, we weren't sure what to do, but we still wanted to pursue it. It looked like we had probably reached a dead end



From left to right, the author, Ned Middleworth, and Chip Bane on a "Woody Knoll." Photo by Charles Wilson.

with government.

In early December, I turned my attention back to *La Galga* and mailed my research report on the wreck to state authorities in Maryland and Virginia, congressmen from both states, historical societies in both states, the Smithsonian Institution, National Geographic, the Fish and Wildlife Service, and Dennis Holland at the wildlife refuge. I also gave a copy to *The Baltimore Sun*. This release caused a chain reaction of events. Television stations and newspaper reporters wanted interviews. Bob Leary from the *Wilmington News Journal* in Wilmington, Delaware, contacted me for an interview. He also contacted the Fish and Wildlife Service in Chincoteague for permission to take photos at the wreck site area. They agreed and actually drove all of us to the site in a van. The driver was the ranger who had stopped me on the beach earlier in the year. That story appeared on the front page *New Year's Day* in 1984.

Other papers carried the story, and *The Virginian-Pilot* of January 4 featured an article written by Lawrence Maddy about *La Galga's* discovery and Holloway's involvement. Bob Leary of the *News Journal* saw the story and then called me and asked why I had not told him about Holloway. I explained to him that we wanted the government officials to focus on the verifiable facts that had led us to the site since some people would tend to discredit the discovery just because a psychic was involved.

Leary, fascinated with this new angle, contacted Holloway and *The Virginian-Pilot* reporter and rushed another story into the *Wilmington News Journal* on January 9. He'd heard firsthand about my initial reluctance to have a psychic involved and Holloway's thrilling account of the ship breaking her anchor lines and drifting into an inlet. Holloway recounted to him his vision of small horses, no more than fifteen, swimming ashore from the wreck. He also added that he believed there were three chests that were on or near the wreck that contained "silver—some gold, some artifacts, but mostly silver." Leary then interviewed Lawrence Maddy who had investigated several of Holloway's previous predictions. Maddy told him that there was usually someone who could verify his past psychic prophecies, as when he saw President Reagan being shot just before it happened.

The publicity faded quickly after that.

On December 29, I wrote to GSA to follow up on our permit for Wilson's treasure. I wanted now to make a clear distinction between the rumored pirate treasure and the wreck site of *La Galga*. I reinforced that we had no intention of digging in the wreck site area. The government, of course, stuck to their guns over the requisite proof that Wilson's treasure was real before any permit would be issued. I was now seeing what would've happened if I had applied for a search permit for *La Galga*. If they didn't believe upfront that *La Galga* could be buried, I would have been refused a permit.

In January, I received letters from many of those who had been sent the report. John Broadwater, senior underwater archaeologist for the Commonwealth of Virginia, said,

I enjoyed talking with you at the Conference on Underwater Archaeology in Williamsburg earlier this month and I enjoyed even more reading your excellent report on the *Galga*.

It is very apparent that you've spent a great deal of time on your research and the location you have predicted sounds very plausible. I think you are to be commended for devoting so much energy to the research and for sharing that research with others.

The discovery and identification of *La Galga* would be a very significant achievement and would solve a mystery that has interested a great many people. I'm not sure what actions you have taken toward pursuing your investigations, but if I can be of any help, please let me know. I would like to keep in touch with you and Al Alberi on this matter and would be happy to meet with you to discuss your plans and to assist you if possible.

S. Dillon Ripley at the Smithsonian said,

Your belief, based on location of anomalies detected by a proton magnetometer, that this vessel's remains lie within the Chincoteague National Wildlife Refuge, is particularly

significant. It would ensure federal protection of the site pending a careful archaeological survey.

Although the documentation indicates that the *La Galga* wreck was extensively salvaged in the 18th century, its site, when effectively established, may indeed yield significant artifacts illustrative of mid-eighteenth century military and maritime technology.

With these kinds of responses, I fully expected to be contacted by the federal authorities to ask for further information and assistance in evaluating the suspect site.

But I didn't wait for them. With Broadwater's offer to assist, I wrote to him on February 6. I pointed out that since the federal government discourages private initiatives in shipwreck exploration, it would be a good idea if he obtained the necessary "search only" permit so that our group could make the demonstration with our magnetometer. I encouraged him to initiate this step and said I was willing to do all that I could to assist in making the demonstration. I copied the refuge manager, the director of the Fish and Wildlife Service, the consulting archaeologist for the National Park Service, and the archaeologist for the State of Maryland. I heard no response, so eight months later, I wrote to Mr. Robert Jentzen, director of the U.S. Fish and Wildlife Service. I reminded them of the significance of the wreck and asked them if they intended to evaluate the site. I again offered our group's assistance in any contemplated evaluation.

On September 28, Mr. Walter Stieglitz, historic preservation officer for the Wildlife Service, informed me that they "had no plans to pursue investigation of possible shipwreck sites" and that the area of the suspect site was "closed to the public." This was not entirely true as hunting is allowed in this area every year. (The only thing we ever killed in there were flies and mosquitoes.) He did say that if there were any future land-altering activities in this area, he would keep the possibility of a wreck site in mind. The historic preservation officer had forgotten about the requirements of the National Historic Preservation Act of 1966 and President Nixon's Executive Order No. 11593, Protection and



Wreck-hunters, from left, are Chip Bane, Amrhein, and Bill Bane.

Photo from the *Wilmington News Journal*, January 1, 1984. Courtesy of the *Wilmington News Journal*. Left to right: Chip Bane, the author, and Bill Bane.

Enhancement of the Cultural Environment, which he signed in 1971. The order clearly stated that agencies should administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, and ensure that sites and objects of historical or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people. The order also stated that such sites be located and inventoried for consideration for the National Register of Historic Places. The *San Jose y las Animas*, one of the ships that sailed with Captain Huony in 1733 and was lost in the Florida Keys, was placed on the register in 1975. I was hopeful that *La Galga* would soon get the same recognition.

But the historic preservation officer told me that if I wanted the site verified I would have to do it myself and I would have to get the necessary permits. The requirements of the permits dictated financial resources we did not have.

When I had first filed the report, I expected the federal authorities to swoop down on the wreck and run with it. In 1975, the federal government, in a very open and underhanded fashion, had attempted to seize the *Nuestra Señora de Atocha* from Mel Fisher after significant treasure was recovered and positive identification was made. They spent a small fortune fighting Fisher all of the way to the Supreme Court, ultimately losing. But they failed to show up this time. They knew there was no treasure involved.

Inside the Wildlife Service they were scratching their heads. First I was talking about Wilson's treasure with no supporting historical data, and now I was talking about *La Galga* and giving them all of the details and references to documents in Spain and survey information showing the all-important boundary, and a survey showing changes in the island itself. Ed Moses, director of District 5 and overseer of the Chincoteague refuge, wrote a memo to Walter Stieglitz:

At the risk of sounding like I distrust everyone, I seriously believe the switch from Pirate Wilson's treasure to the *La Galga* by Amrhein is a subterfuge to get permission to use his 'Geometrics 856 portable magnetometer' on the refuge under

the guise 'preparing a detailed magnetic map necessary to evaluate possible test excavation sites' of La Galga. In reality, I believe he'll be trying to locate the pirate treasure he alleges to be there!! He's been totally thwarted in his efforts to get a contract with GSA on Wilson's treasure. Now he's generating all kinds of publicity and credible agency interest in the La Galga, a wreck that has been recorded as being 'extensively salvaged in the 18th century (from Smithsonian letter)

Guess we'll have to wait & see what develops.

Apparently, it was beyond the government's comprehension that a group of dedicated people would commit themselves to locating a shipwreck that had only historic value, was clearly in the public domain, and had no promise of financial reward.

The government took no steps toward verification of the site. It would have only cost the government several thousand dollars to do a magnetic verification, even factoring in bureaucratic inefficiency. I offered to make the demonstration for free. This is something they should have pursued. After all, the government has been claiming all ancient shipwrecks for themselves. This potential site was sitting under their own land and was going to be kept from public view. They ignored the literature which described the legend of a Spanish ship being responsible for the wild horses on the refuge. Instead, they would stick to their official position that the horses descended from abandoned stock of the colonists. The National Park Service historian, who had prepared the historical background report on Assateague Island, acknowledged the existence of *La Galga* in his report, but refused to entertain any connection of the famous legend with this shipwreck.

The summer of 1983 was one of many changes. For me, the search was over. It would be the last time that I would dive for the next fifteen years. For others, the pursuit of treasure was not over. Rick Cook and Alpha Quest Corporation were still looking for *La Galga*, the *San*

Lorenzo, and the other Ocean City wrecks. They hired archaeologist Daniel Koski-Karell to help them in their search.

By then I knew that Stewart's *Santa Clara* was in fact the American schooner called the *Hawk* that wrecked January 5, 1799. I would soon find the real origin of the *San Lorenzo* coins. It wasn't a Spanish ship, but an American brig called the *Samaritan* that wrecked in 1830.

The Spanish coins that were housed in the Ocean City Lifesaving Museum, and that were often referred to by Stewart, were real and certainly pointed to a shipwreck. But it was not Spanish. Later discoveries of coins on the beach pushed the date beyond 1820, the date Stewart attributed to his *San Lorenzo*. Some coins dated 1821 and 1822 came to light in 1981. By 1985, that date had gone to 1826 when Richard Cook had told me of other coin finds. To demonstrate the popularity of these coins in American commerce, an article in the *Baltimore Clipper* of October 31, 1839, said that around 1820, Spanish dollars were as common as American half-dollars were in 1839. Spanish coins passed as legal tender in the U.S. until 1857.

While at the Worcester County Library researching land and genealogical records for a reproduction sea chart I was working on, I had an unnerving experience. Before me were the field notes and survey transcriptions of a Mr. William Pitts, who had died only a few years before at the age of ninety-three. I had met Mr. Pitts back in 1981 and interviewed him for his local knowledge of coin finds and shipwreck legends. Pitts' notes included the transcription of John Henry's survey notes from the mid-eighteenth century for Worcester County. I had used these records before in analyzing the boundary line question. I had previously seen a roll of microfilm in the cabinet for the *Snow Hill Messenger and Worcester County Advertiser* for the 1830s and thought that it might be interesting to review for shipwrecks, but I was there for other research. As I studied Pitts' notes, something kept telling me to get up and get the microfilm. Finally, I gave in and put Pitts' notes on hold. I loaded the film, and within minutes, I found reference to a shipwreck. Just below the article was more news, news of the accidental death of William Pitts, the great-great-grandfather of William Pitts the surveyor:

DISPRESSING.

Was wrecked about five or six days ago, on the beach near Phoenix's Island in Worcester county, Md the brig Samaritan of Newburyport, with a cargo of mahogany and die wood. Hands all lost Six of them were found along shore. She came on shore without masts or rigging.

William Pitts, son of Doctor John B. Pitts of Berlin, on Thursday last, whilst attempting to drive oxen to a cart, they became unruly, and upset the cart, and it unfortunately fell on him. He died about an hour after the occurrence, saying he was going to live with his pious mother who died a few days before.

From the Snow Hill Messenger and Worcester County Advertiser, December 6, 1830.
From microfilm at the Worcester County Library, Snow Hill, Maryland.

Just above the article on William Pitts was posted news of the loss of the *Samaritan*. The cargo of mahogany and logwood told me the ship had come out of the Caribbean.

In the *Boston Columbian Centinel* of December 15, 1830, more information was found:

Brig Samaritan from Honduras via Havana for New York was driven ashore on Sinepuxent Beach about December 1, 5-6 persons lost, said to be loaded with mahogany and hides.

This description was consistent with a ship that could be carrying money as cargo, possibly owned by a wealthy passenger leaving Mexico after their civil war in 1829, but not necessarily a large amount. Another demonstration of American ships carrying Mexican dollars or pieces of eight can be found in the *United States Gazette* of February 20, 1827, which described a land convoy carrying money from Mexico City to Veracruz that was to be loaded on board the *Eliza*, *Cato*, and *Rose* of Philadelphia, money that was destined for the Philadelphia mint. If one of these ships had been lost at Ocean City, Donald Stewart would have given it a Spanish name.

Although *La Galga's* discovery was behind us and her future uncertain, my adventure was by no means over. It was now up to me to finally expose the monumental fraud that had been perpetrated on the citizens and several governments of the United States related to the imaginary ship called the *San Lorenzo de Escorial* and her mythical connection to the wild horses of Assateague Island.