

# WRECK

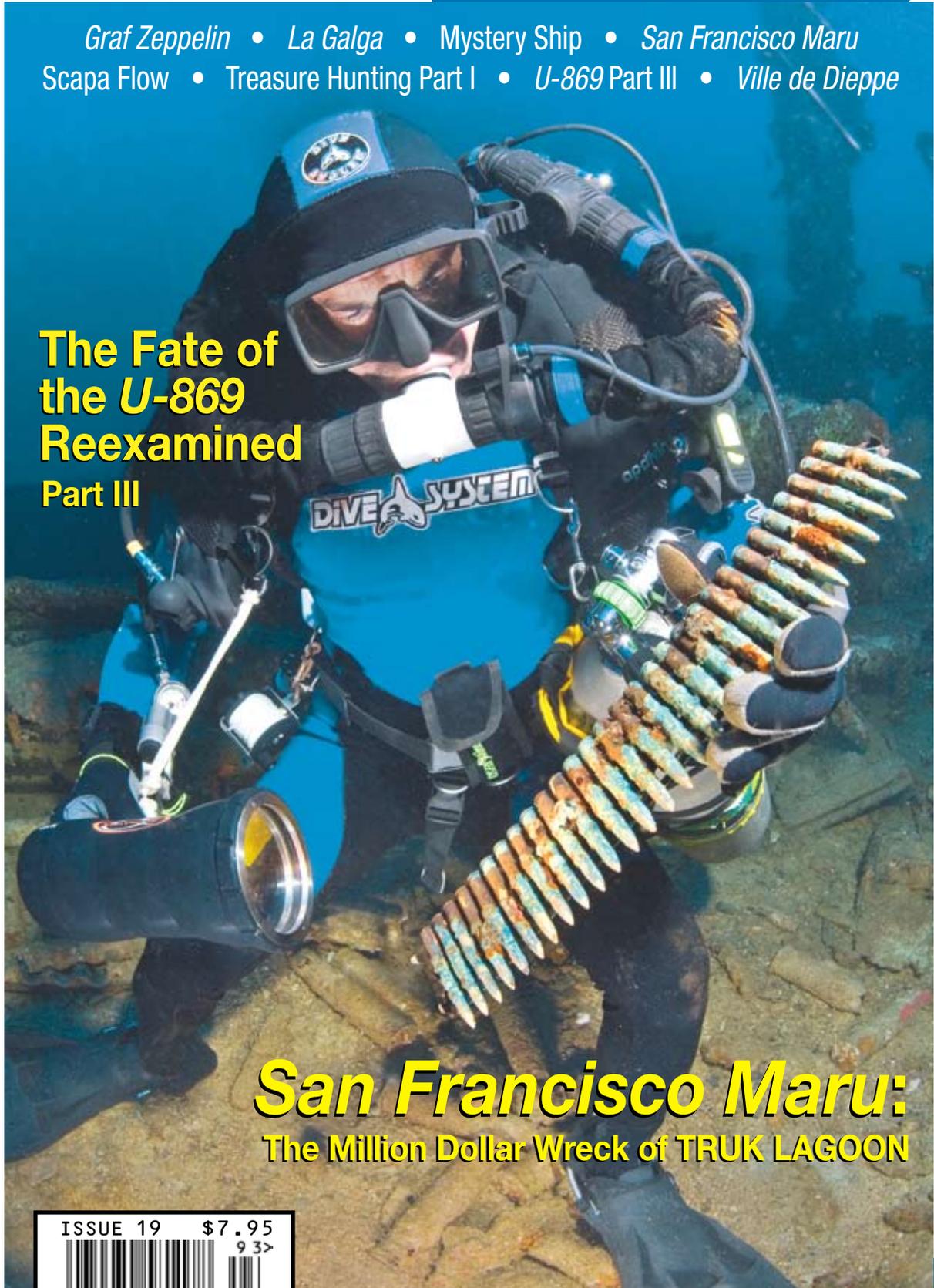
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## The Fate of the U-869 Reexamined Part III



## **San Francisco Maru:** The Million Dollar Wreck of TRUK LAGOON

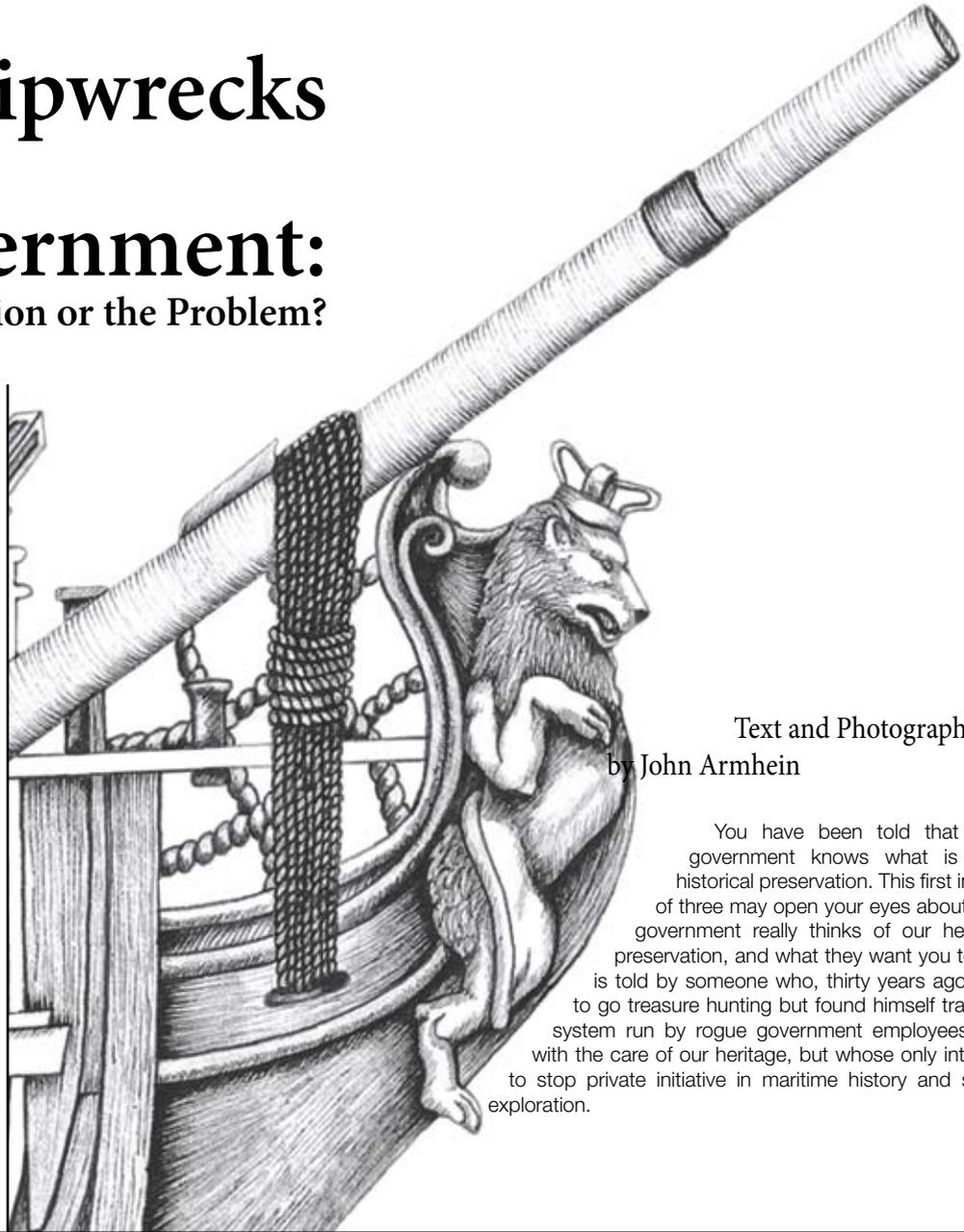
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# & Shipwrecks Government: The Solution or the Problem?



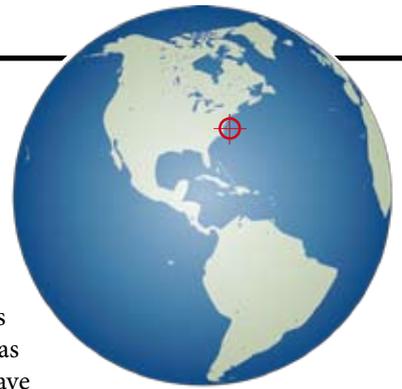
Text and Photographs  
by John Armhein

You have been told that only the government knows what is best for historical preservation. This first installment of three may open your eyes about what the government really thinks of our heritage, its preservation, and what they want you to know. It is told by someone who, thirty years ago, decided to go treasure hunting but found himself trapped in a system run by rogue government employees charged with the care of our heritage, but whose only interest was to stop private initiative in maritime history and shipwreck exploration.

**Above Top:** *La Galga* figurehead.

**Right:** Author on right in gear, Chip Bane on left. Taken in 1982 while we still thought wreck was in the ocean.





## The Bait

*By a late experiment of an East line drawn (to know the bounds) it's found, she lies within twice her length of it in Maryland.*—Don Daniel Huony, Captain of the Spanish warship, *La Galga*. November, 1750.

So, you think you would like to go treasure hunting? I did. It happened nearly thirty years ago, when I decided to search for a Spanish warship lost on the coast of Virginia in 1750. It was in the spring of 1978 when I stumbled on a letter written by the captain of *La Galga* which gave precise directions to locating the Spanish wreck. This letter, found in a book of Maryland archival documents, described the wreck as having run ashore two ship lengths north of the Maryland-Virginia boundary line on Assateague Island. I was convinced that even if the boundary line had changed, this would be an easy shipwreck to find. I soon read accounts of the shipwreck's location in local histories and even tourist literature. These publications relied on the same letter found in the Maryland Archives and made public in 1913 when they were published in book form. I did wonder, though, if it was so easy to locate, why hadn't anybody found the wreck yet? I dismissed that thought believing that nobody had taken the time to look for it and began planning my expedition to the Atlantic Ocean.

In early 1980, I hired Victoria Stapells Johnston, a researcher in Spain, to find the manifest for *La Galga* and hopefully more accounts of the loss which would help in locating the wreck. When the manifest arrived, I found that there was not much treasure registered in Havana where the fleet had departed on August 18, 1750. There were some parcels of silver coins and a chest of gold doubloons registered to a priest. After discussing this with my diving partner and high school buddy, Greg Sutliff, we decided that we would still go after it since it would be easy to find. If we were lucky, the chest of doubloons could be located making it all worthwhile.

At the same time we were setting up our boat and equipment at Chincoteague Island, I found out we had some serious competition from an Ocean City, Maryland, treasure hunting company called SEA, Ltd., which was getting ready to search for, not only *La Galga*, but other treasure ships as well. Greg and I were determined to beat them to the wreck. What I didn't know at the time was that Donald Stewart, the founder of SEA, Ltd. was a con man.

Through my research, I was able to establish that the Colonial boundary between Maryland and Virginia was at latitude 38°, two miles south of the present boundary. But my research findings were put in doubt when, after spying on my competitors, I found that they would be searching for the wreck at the present boundary line two miles north of my targeted area. This notion was supported by their claims of Spanish artifact recoveries on the beach at this location. My partner and I redirected our search away from where I first believed the wreck to be to this location hoping to beat SEA to the wreck.

The summer of 1980 came and went with no success in locating *La Galga*. We had suffered setbacks of bad weather and problems with our boat and detection equipment. When we did get out in the ocean the diving was easy as we were working in only twenty feet of water or less. But the visibility was very poor. The last setback for me was when my partner pulled out of the search. He was married with two kids and was not willing to keep up with my growing obsession.

Rather than quit, I chose to contact SEA, Ltd. and tell them what I had been doing. It was a fateful day in late August, 1980, that I fell into the trap laid for me by the con man. He not only convinced me that there was a huge treasure on *La Galga*, but SEA was also looking for a treasure ship called the *San Lorenzo*. He told me that this ship was carrying a valuable treasure and small horses which were the forefathers of the wild horses that run on Assateague today. He showed me the Assateague Island Handbook recently published by the U.S. Department of Interior that gave a full account of the *San Lorenzo* and credited Stewart on his research. I wanted in. I invested \$2,500 that night. I had no idea that he had lied to me and that he had previously conned the National Park Service with his *San Lorenzo* story. My life was about to take a turn that would change the course of my life.

I soon joined the search team as the primary diver and Stewart's assistant. I was in charge of the magnetometer surveys as well. SEA spent little time searching for *La Galga* but instead was in hot pursuit of the *San Lorenzo* which Stewart said had wrecked in 1820 at present day 14<sup>th</sup> Street in Ocean City. His "research" was corroborated by the Spanish coins that were on display in the Live Saving Museum that he frequently pointed to. None of the investors that had put up a total of \$250,000 realized that Spanish coins could come from any shipwreck of this period as they were accepted as

“You have been told that only the government knows what is best for historical preservation...”



**Above Top:** 1840 plat of Assateague Island. This plat documented the later outgrowth of Assateague Island and the early 19th century boundary line. At the bottom of Wear (Weir) Bay is the wreck of *La Galga*. Weir means "an obstruction placed in a stream to divert its course"

legal tender in the United States until 1857. The Spanish piece of eight was the foundation of the American silver dollar.

To facilitate the sale of additional stock, Stewart convinced the board of SEA to file admiralty claims to not only the *San Lorenzo*, but three other shipwrecks as well. He said each was loaded with treasure. However, all four were fabrications.

On January 19, 1981, these four claims were filed in the United States District Court for Maryland located in Baltimore. Affidavits were filed claiming the four wrecks had been found. The truth was that nothing had been found. But the Attorney General of Maryland stepped in and said that these wrecks belonged to the state. The investors were told that Stewart's research alone was enough to make the claim and that actual discovery was eminent. Months went by with no luck in the ocean while the attorneys fought in court over the make-believe shipwrecks. As time went on, I began to see the pattern to Stewart's madness. With the help of my researcher in Spain, I proved that the *San Lorenzo* was a hoax, and later, the other three as well. Two years had now gone by and the federal admiralty court had not reached a decision. By now, SEA was out of money and I had formed a new group to go look for *La Galga*. Five of us were SEA investors along with Albert Alberi, a lawyer and diver from Virginia Beach.

With our new group, our ocean searches began anew and after months of searching, we had no luck in locating *La Galga*. I found new documents on the boundary line which supported my original hypothesis on the wreck's location. But one was a plat of Assateague dated 1840 which documented that the beach today had migrated eastward over the centuries. I realized that *La Galga* was buried inland inside the Chincoteague National Wildlife Refuge. After notifying my partners of this, I regrettedly explained to them that the hunt was over. Albert Alberi said that we should continue our search on land as land searches had been done before. He related the story of the steamboat *Bertrand* which sank in the Missouri River in 1865. It was located by treasure hunters in 1968 in the Desoto National Wildlife Refuge. There is a museum there today displaying the ships' artifacts.

At this same time, I had met some residents of Chincoteague whose ancestors reached back to the eighteenth century. They told me of the legendary shipwreck that left the wild horses on Assateague that roam free there today. They also told me of Spanish artifact finds in an area that they had been told since childhood was an old inlet that contained the shipwreck, now disguised by the shifting sands of time. I then realized that *La Galga* was the legendary shipwreck made famous by the children's classic, *Misty of Chincoteague*, published in 1947 by Marguerite Henry. Our vision of gold doubloons and pieces of eight were forgotten, but the idea of a museum dedicated to the shipwreck became our guiding motivation.

Our team then began searches on land using a portable magnetometer. We searched above and below the believed boundary line and had no luck. We kept moving west away from the ocean front. After several months, we zeroed in on the location with the aid of aerial photos, old maps and plats, and the reported finds of artifacts over the years. The magnetometer then verified the location of *La Galga*. It was as much a process of elimination as it was of location as we searched several square miles. In hindsight, finding the wreck buried beneath Assateague was no surprise. The same documents found in the Maryland Archives that described *La Galga's* precise location predicted the inland location. The sheriff of neighboring Worcester County, Maryland, had reported to the governor about the mahogany trapped in the galleon's hold. He said that "there is many thousands of pounds worth if it could be got before the Ship bursts with the sea and *Sinks into the Land*." And before the captain left Assateague he proclaimed, "The Owner of the Land owns the wreck." Every treasure hunter who has looked for *La Galga* has had this information. They, like me in the beginning, attributed that statement as a peculiarity of eighteen century expression.

While I was hunting for *La Galga*, I became embroiled in the courtroom controversy over the fictitious ship that Donald Stewart had called the *San Lorenzo*. I had organized a group of investors to sue him for fraud, but the ongoing admiralty action had to be dealt with first. After being instructed by my partner, Albert Alberi, a Virginia attorney, on the procedure to file a motion to intervene, I alerted the federal court of the fraud. We were all convinced that the federal court would immediately call an evidentiary hearing and come down hard on Stewart. The controversy reached the front pages of the *Baltimore Sun*. The story described an investor revolt and a demand for Stewart to produce his research since nothing had been found and I had made a credible case that his shipwrecks were fabrications. The president of SEA weighed in for himself and the board of directors. By letter, he told the judge that nothing had been found and recommended an evidentiary hearing be called. Later, with no evidence of any shipwreck being discovered, the federal court awarded the fraudulent vessels to the State of Maryland. The court even went so far as to say that the shipwrecks were carrying a



**Top:** Map drawn in 1751 by Joshua Fry & Peter Jefferson of the boundary line between Maryland and Virginia. Amrhein used this map to validate his research into the 1750 boundary line determination that would lead him to the wreck of *La Galga*. Map courtesy of the Library of Congress.

**Above Left:** King Ferdinand VI.

**Above Right:** Aerial view of wreck area.



“king’s ransom” in treasure. The court denied my motion to intervene. (See *Subaqueous Exploration and Archaeology, Ltd., v The Unidentified Vessels*, 577 F SUPP, 597) I then appealed but found I was a day late. The federal court had not properly notified me of its decision so there was little time to prepare the notice.

Months later, the Society for Historical Archaeology touted Maryland’s so-called victory in the SEA Ltd. case as a win for historical preservation. But remember, it is the archaeologist who bemoans the treasure hunter when a single artifact is removed from a shipwreck. They say it destroys the artifact’s provenance. Maryland now had four complete shipwrecks whose identities were a fabrication inserted into the maritime history of their state. The archaeologists were indifferent to this. All that mattered to them was that another treasure hunter had been defeated.

I would later find that SEA and the Attorney General of Maryland had agreed to a stipulation that the wrecks had been found even though they had not. This was totally inappropriate as this type of admiralty case assumes jurisdiction *in rem*. An artifact from the shipwreck in question needs to be recovered, symbolically arrested, and brought into the jurisdiction of the court.

The officers of SEA had no knowledge of Stewart’s fraud. They were victims. They did what Stewart told them to. That is why SEA’s attorney agreed to the stipulation. But the State of Maryland claimed they had expertise in maritime history and archaeology. J. Rodney Little, the director of the Maryland Historical Trust said in his affidavit that “if the Plaintiff’s beliefs concerning the identity of the vessels are correct, the vessel may be of great historic significance...which should be preserved for the benefit of the people of Maryland and the United States.” The Maryland Historical Trust was charged with “Listing and documenting all of Maryland’s historic properties.” Since I wanted to find out as much as I could about these “shipwrecks” I paid a visit to the Maryland Historical Trust. I asked for the archaeological site inventory maps for Ocean City, MD area. I noted some submerged sites in the bay area. There were no notations for the shipwrecks claimed by SEA on the map. When I asked the assistant about the shipwrecks he casually said, “They aren’t really there.”

Judith Arnold, the Assistant Attorney General, told the *Baltimore Sun* before the court had rendered its decision that “I guess it was not believed that if anything was down there it would be worth a lot.” The question that I was left with was *when did the State of Maryland acquire this valuable and dispositive information?* They had known about the *San Lorenzo* story since 1977 when it was published in the *Baltimore Sun*. If the Maryland Historical Trust had believed in its existence, the *San Lorenzo* should have been at least listed as a potential archaeological site. Before the court had ruled, Ms. Arnold had dismissed the credibility of the *San Lorenzo* story with her comment to the *Sun*.

Even though I was denied an appeal, I pursued other post judgment motions for two years. I was surprised to find that I was not up against the con man, who remained silent throughout the process, but the Attorney General of Maryland. His office fought viciously to keep me out of court and to suppress the issue of fraud. They did not want the legal precedent against treasure hunters to be disturbed, no matter what the cost.

In the end, the 4<sup>th</sup> Circuit Court of Appeals ruled that the district court had acted improperly with my motion to intervene. I was given the chance to file another appeal. I chose not to file since I knew the Attorney General of Maryland would go all out once again to suppress the fraud and in effect come down on the side of Stewart. A renewed fight in federal court would jeopardize our fraud suit in state court. This proved to be a wise decision as we ultimately settled out of court with Stewart, the con man. He never produced any evidence to support his fraudulent shipwrecks. In federal court, I had submitted overwhelming evidence that exposed the *San Lorenzo* hoax. It even included a letter from the National Park Service Historian who realized that they had been bamboozled as well. Today, that evidence cannot be found in the court record. First it was misfiled and later it was removed.

At the end of 1983, I filed a report on our field work and historical research on *La Galga*. It went to several federal and state agencies including the U.S. Fish and Wildlife Service who had custody of the shipwreck. The media also were informed and news of the discovery went across the country.

During this time, the federal government had been fighting with Mel Fisher over the *Nuestra Señora de Atocha*. That case had gone all the way to the Supreme Court and the federal government lost. With *La Galga*, the federal government now had a Spanish ship that already belonged to them and was buried on their property. I fully expected, and hoped, that they would take up this project since this shipwreck was of great historical and archaeological significance because of its connection to the world famous horses that run wild on Assateague Island. By letter, I offered to take them to the site with the magnetometer and map the area. They refused. National Geographic offered some financial support for the project but it was predicated on federal government cooperation which never came.

The federal government did nothing about *La Galga* even though the National Historic Preservation Act of 1966 required them to verify such historical sites and include them in their inventory. *La Galga* was soon forgotten by the federal authorities. But 13 years later *La Galga* would sail again, this time head on into the treacherous shoals of a federal admiralty court, brought there by an overanxious treasure hunter and then scuttled by the federal government.

In the next installment you will read about *La Galga* and the role she played in the *Sea Hunt* case decided in 2000 and touted by Spain today as its leading precedent to gain custody of 17 tons of Spanish treasure found by Odyssey Marine Exploration of Tampa, Florida.

The historic roundup of the wild ponies goes back to the early 1800s. From Scribner's Monthly, Vol. 13, April, 1877. Courtesy of the Library of Congress.

**About the Author:** John Amrhein, Jr. made his first dive at 14 where he became enchanted with the underwater world. It was his interest in diving and shipwreck exploration that led him to the Library of Congress and other archives in pursuit of history. In 1980, he began pursuing the location of the Spanish warship, *La Galga*, lost on Assateague Island, Virginia, in 1750. After reporting on her discovery to the federal government in 1983, he returned to the business world. It was in 2001 that he decided to resume his research and write *The Hidden Galleon* which was published in October of 2007. Since then, many things have happened and the federal government is currently blocking any attempt to verify the wreck site situated on government lands.



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