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May 13, 1986

The Honorable Caleb M. Wright
U.S. District Court
6124 Federal Bldg.
Box 34
Wilmington, Del. 19801

Re: Indian River Recovery Co. v.
Faithful Steward - C. A. 85-310
Three Brothers - C. A. 85-311
Santa Rosea Lea - C. A. 85-312
Adeline - C. A. 85-313
Cornelia - C. A. 85-314

Dear Judge Wright:

My immediate reaction to the recent motions filed by IRRRC was that the plaintiff is admitting to some deficiency in its claims as originally filed. Upon closer examination I become deeply concerned.

It appears that the plaintiff's goal is to acquire rights to certain areas of the bay and ocean as opposed to salvaging the named wrecked vessels. It seems to be saying that regardless of the identity of the ship remains so broadly described as "18th or 19th century", it is laying claim to the certain areas specified in the arrest affidavits, and not necessarily to the particular vessels originally sued and in peril.

One question that seems to be on the minds of many familiar with these cases is why someone who believes he has found the HMS DeBraak and says publicly that the wreck has from 5-500 million in treasure would want to spend the time and money to go looking for something so obscure or possibly non-existent.

My real concern over Federal Court's accepting jurisdiction in cases such as these is that it sets a dangerous precedent. A hypothetical example of my point is this: A person may file an admiralty claim for salvage rights by merely looking at a navigation chart, note a wreck symbol, and then file a claim on it without even getting wet. Or for another example, a salvor may find out the position of a wreck discovered by someone else and for a few dollars can go into Federal Court, file a claim over it, and in the end may prevail. But what is lacking in these cases as well as in my hypothetical examples, is lack of service and success. The plaintiff in these cases has been unsuccessful in recovering any item from these "ship wrecks" and unsuccessful in its archaeological identification of these "ship wrecks".

As I demonstrated in my last letter to you on April 13, 1986 there are so many wrecks in the areas claimed by the plaintiff that the Court should be careful to restrict salvage claims as tightly as possible, as to identity and period of the shipwreck, as well as amount of geographic area affected. I refer you again to page 5 of my first brief (Memorandum In Support Of Motion To Intervene) concerning the need for elaborating on "reasonable inquiry" and how it applies to salvage cases.

Another thing which concerns me is that the statement included in the revised captions which says "tentatively identified as the [vessel]" is nothing less than a reaffirmation that the plaintiff has legitimate historical documentation to support its representation. I know without a doubt that two of the shipwrecks, the Santa Rosea Lea (Santa Rosalia) and the Cornelia are non-existent. If the plaintiff contends that the correct spelling for C.A. 85-312 is "Santa Rosea Lea" and that this ship is different from the Santa Rosalia wrecked in 1788 at Cape Charles, Virginia, then I can surely say that there is no such ship named Santa Rosea Lea wrecked in 1788 or any other year. I also doubt the plaintiff possesses any legitimate information for such a shipwreck. If the plaintiff now contends that "Santa Rosea Lea" is a misspelling, then why did it not change the spelling when the last motion was filed? Note it did change "Faithful Stewart" to "Faithful Steward".

As I pointed out in my supplemental brief, Exhibit D, the Cornelia did not sink in Delaware Bay as suggested by Robert Marx who reiterated Lloyd's List of 1757. As I pointed out the Cornelia had gotten off after running ashore on the Cross Ledge and then proceeded on to Gibraltar. From Gibraltar the Cornelia proceeded to Halifax, Nova Scotia where a new captain was placed on board, one Robert Patton. He successfully returned the brig, Cornelia, to Philadelphia the first week of September, 1757 and sailed again three weeks later for Jamaica and returned in the spring of 1758 to Philadelphia and sailed again for Jamaica at the end of May, 1758. Robert Smith, the original captain of the Cornelia, returned to Philadelphia from Halifax in the last week of September, 1757 as captain of the Earl of Loudon. There is absolutely no doubt this ship did not sink. I would like to point out that this information only took several hours to obtain from the Pennsylvania Gazette 1756 - 1758 at The Library of Congress. Apparently the plaintiff has not taken the time to check, which means it made no inquiry, reasonable or otherwise, before or after filing its claim.

Because these cases are troubling me more and more, I would like to quote from 12 RCL FRAUD AND DECEIT S94 (1916) "If one asserts that a thing is true within his personal knowledge, or makes a statement as of his own knowledge, or makes such an absolute, unqualified positive statement as implies knowledge on his part when in fact he has no knowledge, whether his assertion is true or false, and his statement proves to be false, he is as culpable as if he has wilfully asserted that to be true which he absolutely knew to be false and he is equally guilty of fraud." The

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plaintiff, by asserting even a tentative identification, is representing that it has knowledge of these shipwrecks, where at least in the case of the Cornelia and the Santa Rosea Lea (Santa Rosalia) it has no verifiable proof of the existence of these wrecks and/or have made no reasonable inquiry into the truth. I hope that these claims will be dismissed with prejudice. Something must be done to discourage such frivolous use of the Federal Courts.

I would like to add that I am following with interest the "China Wreck" case. You may find it interesting that another "salvor" had attempted salvage in early 1982. The group, called SEA, Ltd., out of Ocean City, Maryland attempted to rip the wreck open to get to the china because the founder of the group was convinced that salvaging china was a good way to attract investors to help finance other salvage targets. The present situation has a similar ring to it.

I hope my comments are of some help and I appreciate your invitation to make them.

Very truly yours,



John L. Amrhein, Jr.

JLAjr/da

CC: Clerk of the Court
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