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VERBAL NOTE

No. 49/98

The Embassy of Spain presents its compliments to the Department of State and, following its Verbal Note No. 43/98 and concerning the request made by the company Sea Hunt Inc. before the Federal Court of the State of Virginia with regard to the salvage of the vessels which are believed to be Juno and La Galga, has the honor to enclose the documents listed in the Annex to the present Note, which accredit the Ownership of the Crown of Spain over the above-referred vessels, and the investigations carried by the Spanish authorities overseas after receiving the news of the sinking of the Frigate Juno, as well as the certificate issued by the General Headquarters of the Spanish Navy, denying any action expressly or tacitly signifying the abandonment of the warships of His Majesty the King of Spain "La Galga" and "Juno".

The Embassy of Spain avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C., May 22, 1998.

DEPARTMENT OF STATE  
LEGAL BUREAU  
SPANISH DESK



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ANNEX

LIST OF DOCUMENTS  
CONCERNING THE FRIGATES  
JUNO AND LA GALGA

Index of the enclosed documents

A. - Documents concerning the sailing warship La Galga, officially denominated La Galga de Andalucia (A.K.A. Santo Domingo de la Calzada), Frigate type, built in 1732 and sunk in 1751.

DOCUMENT 1

14 photocopies obtained from originals belonging to File No. 8118 (112) of the Sunk Vessels Section, Cadiz Department, of the D. Alvaro de Bazán Museum Archives (Ciudad Real, Spain), consisting in "Ship Log and Cargo Manifesto", issued by the Commissariat of Orders and the Royal Paymaster's Office, and which include a complete list of Major Officers, Midshipmen, Navy Officers, Artillery Officers, Gunmen, Sailors, Shipboys and Cabin Boys serving His Majesty the King of Spain aboard the Frigate called La Galga" between 1736 and 1751, and particularly regarding the crew that boarded this Frigate to serve H.M. the King on the 16th of August of 1750 at the Port of Havana, before its sinking.

B. - Documents concerning the Spanish Crown's sailing warship called "Juno", a 34-gun Frigate type, built at El Ferrol (Coruña, Spain) in 1789, which was part of the Squadron of Lieutenant General Marqués de Socorro in 1790, commanded by Joaquín Valderrama, and which sank while sailing between Puerto Rico and Cádiz on the 25th of October of 1802, under the command of Major Juan Ignacio Bustillo.

Document 1. - 3 photocopies obtained from originals belonging to File No. 8118 (150) of the Sunk Vessels Section, Cadiz Department, of the Don Alvaro de Bazán Museum Archives (Ciudad Real, Spain), consisting in "Ship Log and Cargo Manifesto", issued by the Commissariat of Orders and the Royal Paymaster's Office of the Fort of Havana, and which account for the frigate's sinking.

Document 2. - 2 photocopies corresponding to the General List of the Spanish Navy Vessels.



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Document 3.- 74 copies obtained from originals belonging to the Sunk Vessels Section, Cadiz Department, of the Don Alvaro de Bazán Museum Archives -Ciudad Real, Spain-, consisting in information on the Frigate Juno, coming from her escort vessels, Asia, Anfitrite and Soledad. These documents include the transferring of the funds carried by Juno to the vessel Asia, which took place in Puerto Rico in March 1802.

Document 4.- 26 photocopies obtained from originals belonging to File No. 31 (150) of the Expeditions to the Indies Section of the D. Alvaro de Bazán Museum Archives (Ciudad Real, Spain), consisting in the records from the investigations developed by Spanish authorities after learning about the sinking of the Frigate Juno. These documents include the statements taken from the 7 survivors and the steps taken by the Consul General of Spain in Boston in order to locate the remains of the shipwreck and any possible survivors. Enclosed with these documents are a typed transcription and an unofficial English translation.

Documents 5 to 39.- Photocopies obtained from originals belonging to files No. 14, 15, 16, 17, 20, 21, 24, 27, 30, 31 and 32 of the Expeditions to the Indies Section of the D. Alvaro de Bazán Museum Archives -Ciudad Real, Spain-, regarding the various expeditions of the Frigate Juno under the service of His Majesty the King of Spain between 1789 and 1802, date of her sinking.

Document 40.- Service sheet of Commander Bustillo, who was the Frigate's Captain at the time of her sinking.

C. Certificate issued by the Admiral Director of the Institute of Naval History and Culture, General Headquarters of the Navy, Madrid

Certificate that accredits Spanish ownership over the vessels, as well as the absence of any act expressing or implying the abandonment thereof. Enclosed with this document is the corresponding unofficial English translation.



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T Y P E D    T R A N S C R I P T I O N    O F  
D O C U M E N T   4  
I N V E S T I G A T I O N S   F I L E

COMPILED BY THE SPANISH AUTHORITIES  
UPON LEARNING ABOUT THE SINKING OF THE  
FRIGATE JUNO IN 1802



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DOCUMENT 2

Page 1

From the Commissary General of Maritime Affairs at Havana

Informing the news he has received regarding the critical condition of the Frigate Juno and the loss of her masts, at the referred position



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Page 2 and 3

Margin

Forwarding the news received with regard to the critical condition of His Majesty's Frigate Juno after the loss of her masts, in the position referred below.

Your Excellency:

From the enclosed copy number 1 you will learn about the news which I have received regarding the critical condition, after the loss of her masts, of His Majesty's Frigate named Juno, commanded by Frigate Officer Juan Ignacio Bustillo, at a latitude of 36<sup>o</sup> 44' and a longitude of 76<sup>o</sup> 16' from London, on this past October 27. The Frigate had been dispatched from Vera Cruz on the 19th of January of the present year, in the company of the Frigate named Anpirize and with a cargo of money, by Brigadier Jose Juno Salcedo, Commander of the Argonauta, which had arrived to that port, and they subsequently reached Puerto Rico after losing their masts. They were repaired in Puerto Rico and sailed off to Cadiz on the 1st of that same month of October, carrying the 3rd Battalion of the Infantry Regiment of Africa, which was posted in Puerto Rico at the time. This news appeared in an article of an American Gazette and their veracity has been confirmed by a letter written by a First Lieutenant from the above-mentioned Regiment. According to the account of a declaration, ratified by a paragraph in another letter from the Consul of Spain in Boston, this Lieutenant, along with four individuals from his Unit and Navy Lieutenant Francisco Clemente y Miro, and following instructions by Burillo, transferred to the American Schooner La Favorita, which had been sailing in the same latitude accompanying the Frigate. Juno had been keeled and fixed in Veracruz and had been fully repaired, as stated her Commander in the Dispatches he sent to me, and which I enclose in copies number 2 and 3, and later in Puerto Rico, where the Frigate had to stop for having lost her masts, she was repaired again and left in excellent condition, which I learned from another Dispatch, copy number 4. Therefore, it seems clear that the excess of repeated bad weather that she suffered lately, and which has been commonplace this year, were the cause of her being in such condition. I inform Your Excellency thereof so that you may do the same with H.M. -His Majesty the King-. In the meantime, I expect to verify these news more precisely if the above-referred Navy Lieutenant, or any of the men who transferred to the Schooner in his company, write to me or visit this port, or through any other channel that might shed some light on the



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details of this unfortunate incident. I keep the vague hope that, having endured the second storm in a location very close to dry land, as may be deduced from the above-mentioned latitude and longitude, the Frigate might have reached the port of Chesapeake, escaping her total disgrace, because it seems that she was not near her end when the above-referred individuals transferred to the Schooner, leaving many women aboard the Frigate.

Signed by the Commissary General of Maritime Affairs in Havana.



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News concerning the loss of the Frigate Juno

On the 27th of November of 1802, the (illegible) Mr. Juan de Araoz was presented with a gazette from Charlestown, dated on the 13th of that month, containing article from Boston dated on the 2nd of that same month, that reads as follows

The Schooner Favorita, commanded by Captain Pourland, arrived from Madeira and Tenerife after sailing for 38 days. On the 24th of October, at the latitude 36 44 and longitude 76 16, she found the 38-gun Spanish Frigate Juno, commanded by Juan Ignacio Bustillo, in great trouble, with so much water leaking in that it could not be pumped out even with the greatest effort. The Spanish Captain asked Captain Pourland to remain nearby and to escort them until they could reach the first American port, transferring three officers and four sailors with provisions to his ship. Captain Pourland accompanied the Frigate for three days, and on the fourth, with a harsh wind blowing from the North West, he observed signals of major difficulties, as if the Frigate were in a helpless situation, and he rushed under the lee as fast as possible. The unfortunate Spaniards were shaking their kerchiefs and seemed close to the end, and the Frigate was rocking as if it were flooded with water. At 9 in the morning, her topsail mast fell, and soon followed her foretopsail. All efforts to rescue them were in vain. Captain Pourland then lost sight of her because of the fog, and when it cleared up a half hour later, the Frigate was nowhere to be seen. 413 souls, including women and children were aboard. She had been loaded in Puerto Rico and was off to Cadiz, and her cargo registered 700,000 pesos.

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Declaration by Mr. Juan Antonio Goya

In Havana, on the twenty-eighth day of the month of November of one thousand eight hundred and two, having presented himself before H.E. Mr. Juan de Araoz, Honorary Captain General from the Department and General Commander of this Fort, Mr. Juan Antonio de Goya, who arrived to this port travelling as a passenger aboard the Frigate Antilope, which left from Boston on the 10th of this month after anchoring at (illegible), confirmed the unfortunate news of the shipwreck of His Majesty's Frigate Juno. H.E. then instructed that Mr. de Goya be required to make a sworn deposition, expressing the news in detail, and so it was done. Right away, he was sworn in and requested to answer truthfully to the questions that he would be asked.





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Through what channel did he learn in his port of departure about the sad news he bore, and under what circumstances were they referred to him? He said that on Sunday, the thirty-first of the past month, an American Schooner anchored at that port. Aboard were an Officer named (illegible) from the Frigate Juno, whose last name he heard was Francia; an Army Officer; a Cadet and three soldiers. The first Officer explained that in the midst of a storm, and having become flooded with water, the Frigate disappeared from the sight of the Schooner, where the above-mentioned individuals had transferred with some provisions in order to eventually bring the entire crew aboard, which could not be done because of the bad weather. He said that he had a letter from the Army Officer who escaped, addressed to Mr. Mariano Cortes, Frigate Paymaster and Hospital Bookkeeper, in which he detailed the circumstances of the Frigate's unfortunate fate. That he heard that the Frigate had thrown its artillery overboard, and done everything possible within the circumstances to avoid the shipwreck. And this was all he had to say, confirming and ratifying his words by the oath he had taken, at forty-two years of age, and he signed =Pedro Azevedo= Juan Antonio de Goya.

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Presentation and copy of the letter referred in the deposition.

Afterward, the letter was presented to H.E. Mariano Cortes, Frigate Paymaster and Bookkeeper of Navy Hospitals, who opened and exposed the letter referred in the preceding statement, which was copied to the letter as follows:

# Boston, November 10, 1802  
 ; My dear Cousin: From Puerto Rico  
 # I wrote to you about my departure, now I write about my  
 # unhappy yet fortunate arrival to this Port, only

- One page of the letter seems to be missing-

# that I did not arrive here as I was supposed to. Seven of  
 # us were brought to this Port quite unhappily, since we had  
 # no other clothes than those that we had on us due to the  
 # unexpected course of events, but the Consul put us up in  
 # an Inn where we wait for the Envoy's resolution. Please  
 # do write to Puerto Rico with these news. We know nothing  
 # about the Frigate Anfitaitę, since it disappeared from our  
 # sight on the night of the 19th because of a storm. Do not  
 # forget to write to me with whatever you know about the  
 # Frigate, if you know anything, because I am really  
 # suffering over the fate of my companions, especially my  
 # Commander, Arencos, and a little cadet that had come  
 # recommended = Warmest regards from your loving cousin José  
 # María Zorrilla = P.S. You can also write to Spain about



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# these news, just in case my letters do not get there =  
# Regards to you, dear cousin Mariano Cortes

The above-referred Frigate Paymaster confirmed that he was the  
destinee of the letter written by the First Lieutenant of the  
Africa Infantry Regiment = Pedro Azevedo.

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Your Excellency: after departing from Puerto Rico on October 1st aboard the Frigate Juno, accompanied by Anfiriza, and carrying the Third Battalion of the Regiment of Africa, with cool breezes, we followed toward the N.E. until we nearly reached the latitude of Bermuda, and one night, under a storm with harsh wind, we were carried away from that island. When Commander Juan Ignacio Bustillo realized the persistence of bad weather, he decided to go on until we would meet the Generals. So we did, only about 13 inches of water per day leaking into the frigate, and this is the condition in which we left Puerto Rico, but on the 22nd in the morning the water increased, and by 10 o'clock we had 24 inches over the frame and we could not reduce it, even though we were pumping incessantly, with Spanish and English pumps, and at Prow and Poop the water was pumped out manually. In the midst of this situation, with a cold N.E. wind, at nine in the evening we had such a strong blow that the topsail took us to the reefs. The mainsail and the foretopsail were hauled down, and we had to speed up the mizzen mast because we were stuck in mid-sea, the Frigate unwilling to reach its destiny, waiting for a wave to swallow us. There were two others, not as harsh, although in the midst of one of them, the boat fell from its supports and it smashed a hole on the deck. On the 23rd, the weather was calm and we seized the opportunity to throw the cannons overboard to see if the Frigate could become steadier, and -illegible- the boatswain, using our best resources thereto, but to no effect. On the 24th we saw an American Schooner, and the Commander dispatched me over to fetch its Captain. As I found out later, the schooner had been fleted by -illegible- in order to assist us, and the Commander, although I had been the Second in command on Board, sent me over due to my knowledge, ever so small, of English, along with an Officer of Africa, a Cadet and four Grenadiers. The rest of the Frigate's passengers did not transfer aboard the Schooner, and I left the Frigate believing that it would reach, with the Schooner, some American port. The enclosed summary will inform you about everything that happened.

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Juno was not in an appropriate condition for me to embark, but the desire to return to my country, and the belief that sea air would contribute to my recovery, and thinking that if I missed that opportunity it would be long before there was another, I finally decided to embark. However, during the days that I spent in the schooner I could not maintain the diet I had aboard the Frigate: I had to eat salted meat, and to bear the extremely cold weather I had to drink strong liquor, which have

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caused me to fall back in my recovery. Now I must remain here and rest until I am fully well, as I have informed our Ministry, since it appears that the situation and climate of this country is appropriate for the cure of my illness, and so it is here that I will receive Your Excellency's orders.

On this same date, I am also writing to His Excellency Prince of La Paz, as well as to the Minister of the Navy, in the same terms.

May the Lord -illegible- Your Excellency. City of Washington, November 13, 1802 =His Excellency Mr. Francisco de Clemente y Miro= His Excellency Mr. Gabriel de Ariztizaval, Captain General of the Jurisdiction of Cadiz.



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I, JOSE IGNACIO GONZALEZ-ALLER HIERRO, Admiral Director of the Institute of Naval History and Culture and of the Navy Museum, General Headquarters of the Navy, Madrid,

HEREBY CERTIFY that in the documents available in the Navy's archive "Don Alvaro de Bazán" of El Viso del Marqués, and those available in the General Archives of Simancas e Indias, there is proof that the frigates "La Galga" and "Juno" were built to serve His Catholic Majesty as warships and that there has never been a tacit or express action signifying their abandonment. At the time of their respective sinking near the coast of the United States of America, they were under the command of Officers from the General Corps of the Spanish Navy.

And in testimony herewith, and for all necessary purposes, I sign the present Certificate in Madrid (Spain), on the fourteenth day of the month of May of nineteen thousand and ninety-eight.

(Signature)