

Chance v. Certain Artifacts Found & Salvaged from The Nashville, [606 F.Supp. 801 \(S.D. Ga. 1984\)](#), *aff'd mem.*, [775 F.2d 302 \(11th Cir. 1985\)](#).

Location: State property - submerged lands of the Ogeechee River, Georgia.

Applicable Laws: [Admiralty jurisdiction](#) (salvage law and law of finds)

Where Laws Apply: Exception to the law of finds (as opposed to salvage law) applies when a state claims title to a wrecked vessel embedded in its submerged lands.

Holding: Salvage law does not apply to a wrecked vessel embedded in the submerged lands of a state; the law of finds applies to vessels embedded in state submerged lands.

Overview:

The *Nashville*, a sidewheel steamer built in 1853, was sunk in 1863 and came to rest on a sandbar in the Ogeechee River, Georgia. In the 1970s, Georgia's Department of Natural Resources denied plaintiffs' application for permits to begin excavating the *Nashville*. Despite the denial, plaintiffs started diving operations on the wreck in 1979. The State discovered the diving operations in 1983 and immediately ordered the plaintiffs to stop diving on the wreck. Plaintiffs then filed an action for title to the vessel or an award for salvage.

The Federal court was allowed to adjudicate the State's interest in the claim because Georgia had consented. The issue in the case was whether to apply the law of finds or the law of salvage. Salvage law assumes that title to a vessel rests with the owner, even though the hope of recovery may be lost. Many courts have rejected the law of salvage and instead applied the law of finds when the owner has no intention of returning. However, under an exception to the law of finds, title to an object found embedded in land rests with the owner of the land.

Applying the embeddedness exception, the court granted title to the State of Georgia. The court's decision is supported by the public policies that a trespasser should not benefit from his wrongdoing and that courts should protect against the spoil and waste of an owner's property interest. The court also found that the plaintiffs were not entitled to a salvage award because Georgia asserted an Eleventh Amendment defense (the State did not waive its sovereign immunity) and because the requirements for a salvage award were not met. Salvage requires there to be a marine peril and the court found that the plaintiffs had actually created the peril when they attempted to salvage the vessel.