

Sea Hunt, Inc. v. Unidentified, Shipwrecked Vessel or Vessels, [221 F.3d 634 \(4th Cir. 2000\)](#), *aff'g in part & rev'g in part* [47 F. Supp. 2d 678 \(E.D. Va. 1999\)](#).

Location: Virginia's submerged lands (territorial sea)

Applicable Laws: [Abandoned Shipwreck Act \(43 U.S.C. §§ 2101 et seq.\)](#)
1902 Treaty of Friendship and General Relations between U.S. and Spain
Principle of Sovereign Immunity
Law of Salvage

Where Laws Apply: *Abandoned Shipwreck Act:* Applies to abandoned shipwrecks that are embedded in the submerged lands of a state, embedded in coralline formations protected by a state on its submerged lands, or on the submerged lands of a state when the wreck is included in or determined to be eligible for the National Register.

1902 Treaty of Friendship: Provided that U.S. is to apply its laws and policies to Spanish sovereign wrecks in the same manner as the U.S. would treat one of its own sovereign vessels. The court therefore considered the Sunken Military Craft Act and other U.S. laws and policies regarding historic sunken military craft.

Holding: Spain retained title to two of its naval vessels lost off the shores of present-day Virginia since there was not clear and convincing evidence that Spain had expressly abandoned either vessel.

Overview:

Sea Hunt, Inc., a maritime salvage corporation, brought an *in rem* action against two Spanish naval vessels, *La Galga* and *Juno*, which sank off the coast of present-day Virginia in 1750 and 1802, respectively. The Commonwealth of Virginia asserted ownership over the shipwrecks pursuant to the Abandoned Shipwreck Act (ASA), which gives U.S. states title to shipwrecks that: (1) are abandoned and (2) are on or embedded in a state's submerged lands. The Virginia Marine Resources Commission subsequently issued salvage permits to Sea Hunt, Inc. Spain in turn filed its own claim asserting ownership over the shipwrecks.

The U.S. District Court for the Eastern District of Virginia (*see Sea Hunt, Inc. v. Unidentified, Shipwrecked Vessel or Vessels*, 47 F. Supp. 2d 678 (E.D. Va. 1999)) found that Spain had expressly abandoned *La Galga* under the Definitive Treaty of Peace, 1763, art. XX (between the U.S. and Spain), but retained title to the *Juno*. However, since both ships are sovereign vessels of Spain, they are covered by the 1902 Treaty of Friendship and General Relations between the U.S. and Spain. This treaty establishes reciprocal immunities for the U.S. and Spain so that their sovereign vessels may only be abandoned by express acts, as is required in the U.S. under the Abandoned Shipwreck Act. Sea Hunt failed to show by clear and convincing evidence that Spain expressly abandoned either ship. As such, the Fourth Circuit reversed the district court's

decision with regard to *La Galga*, and affirmed its judgment concerning the *Juno* and denial of a salvage award.