

# TRUE TREASURE BOOKS

DAVID VILLANUEVA

43 SANDPIPER ROAD WHITSTABLE KENT CT5 4DP UK

☎ 01227 274801 ☎ 07760 195883

📧 [David@truetreasurebooks.com](mailto:David@truetreasurebooks.com) 🌐 [www.truetreasurebooks.com](http://www.truetreasurebooks.com)

---

## PRESENTS

### CAUGHT IN THE ACT

Other than owning a good quality metal detector there are three factors that keep good finds coming my way: frequent searches, site research, and dowsing. The more times I use my metal detector the more I find; site research keeps me looking in productive areas; and dowsing helps me put my search coil in the right place more often. But it's not all beer and skittles - the snag is that I am frequently being caught up in the Treasure Act.

Just to emphasise the point I made in my article "Deserted Medieval Manors" (Treasure Hunting, December 2001) about manor sites being frequented by people with money and valuables to lose, I've just found a cracking medieval gold ring on a manor site. The ring is the fourth find I have had to report to the Coroner and, as some of you won't have had the pleasure of dealing with the Treasure Act 1996, it might be helpful if I tell you about my experiences.

At present, Treasure is defined, under the Act, as any object other than a coin, at least 300 years old when found, which has a metallic content, of which at least 10% by weight is gold or silver. And all coins that contain at least 10% by weight gold or silver that come from the same find consisting of at least two coins, at least 300 years old. And all coins that contain less than 10% by weight gold or silver that come from the same find consisting of at least 10 coins at least 300 years old. And any associated objects, except unworked natural objects (e.g. a pot or other container), found in the same place as Treasure objects. And any objects or coin hoards less than 300 years old, made substantially of gold and silver that have been deliberately hidden with the intention of recovery and for which the owner is unknown.

It is further planned to extend the definition of Treasure on prehistoric (i.e. up to the end of the Iron Age) finds to include all multiple artefacts found together and single artefacts deliberately buried containing any quantity of precious metal.

The Act applies to objects found anywhere in England, Wales and Northern Ireland, including in or on land, in buildings (whether occupied or ruined), in rivers and lakes, and on beaches above mean low water, providing the object does not come from a wreck. If the object has come from a wreck it will be subject to the salvage regime under the Merchant Shipping Act 1995 and must be reported to the Receiver of Wreck via Customs and Excise.

In my opinion there is little wrong with the Treasure Act itself, but problems can arise when the Code of Practice isn't followed. My major concern is the lack of confidentiality promised regarding the find spot, for it seems that a number of Coroners have given away fairly precise details of find spots to the press. For the benefit of novices the implication is that if thieves, usually called "nighthawks", learn the location of your site they may raid it in the hope of finding more treasure and may cause serious damage to the landowner's crops or other property in

the process. You wouldn't blame the landowner if he then banned you from his land with his neighbours probably following suit. Painting the blackest picture, you could lose access to vast tracts of land and countless other treasures.

You are probably thinking along the lines of: if that is what could happen when you comply with the law you'll keep quiet when you find Treasure. Unfortunately, the penalty for not reporting is far greater, for if you get caught you may be fined up to £5,000 and be imprisoned for three months. You are then branded a criminal, which could seriously ruin your life.

But things are not as bad as they may look; mostly good things come from your honesty, like access to the next site and your next treasure find. The problems can be overcome if you know how. And you will know how by the time you've finished reading this article.

*Front and reverse views of 13th-14th century gilt silver ring brooch (sword-shaped pin missing).*

### **Medieval Ring Brooch**

My first Treasure find, in February 1999, was a gilt silver medieval ring brooch (unfortunately missing its sword-shaped pin) inscribed with the letters IESVS (Jesus). It was found in close proximity to two contemporary silver coins. The find spot, on the site of a medieval Hundred Court, was near the boundary between two Coroners' provinces.

It took three weeks to get one of them to accept responsibility as the Coroner's Officers were out most of the time and didn't return my calls.

I was asked to deposit the find with a choice of three or four fairly local museums. I chose the most convenient to me, and I am pleased to say the curator was very helpful. The landowner was on holiday at the time of the find and I arranged to delay depositing the items with the museum until the landowner had the opportunity to view them. When I deposited the objects in April, the curator advised putting a four-figure OS reference on the Treasure Receipt and recorded the eight-figure reference separately.

The museum didn't want to acquire the finds and after reference was made to the landowner, they were disclaimed and returned to me without fuss or publicity on 17 September 1999.

### **Ambiani Gold Staters**

The second find began on the site of a Domesday water mill, in April 1999, with the recovery of a single Ambiani type E Iron Age gold stater by the landowner. This coin didn't qualify as Treasure by itself and wasn't reported. On 30 September 1999, I found two more Ambiani gold staters in the same place and reported all three to the Coroner about 12 days later. (I knew who it was this time.)

Because of the difficulties or my getting to a museum (at my own expense), we arranged for the finds to be deposited by the landowner at a different museum to the previous find. Based on advice previously received, I briefed the landowner on what information to put on the Treasure Receipt. With the agreement of the landowner, the curator filled in both the Treasure Receipt and the museum's standard receipt, recording eight-figure find spots together with the name of the





farm on both receipts. The landowner was given the museum receipt and we were both later sent copies of the official Treasure Receipt.

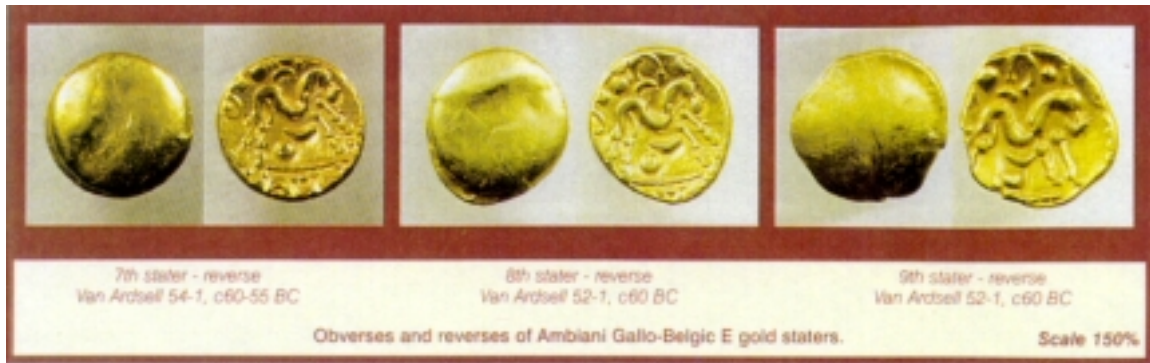
During December 1999 and early January 2000, I recovered four more Ambiani staters, one by one from the same place. I reported each one to the Coroner within 14 days of each find and the four were handed over to the museum on 10 January 2000 by the landowner. The dual receipting procedure was repeated although in answer to the landowner's comments about terms on the museum receipt, which couldn't be applied to potential Treasure finds, the curator crossed out the disagreeable parts.

The inquest was originally scheduled for late January but was postponed to 24 February as a result of the additional finds. The inquest was a quiet affair with only the landowner, the Coroner, two officers, and myself in attendance. The coins were inevitably declared "Treasure", the museum having an interest in acquiring them. Expenses were offered for attending court.

The Coroner's officer phoned the following day to tell me that the local press wanted to speak to me; he also told me that he was legally obliged to reveal details of the find to the press. I had discussions with the landowner who wanted no publicity. We decided that it would be better to speak to the press and appeal to them not to reveal sensitive information, rather than risk them making their own stories up from what they got from the Coroner's office. While one reporter made it clear that he knew the landowner's name and the name of the farm, he did act responsibly and complied with our wishes to publish neither.

The Curator took the coins to the British Museum. We (the landowner and myself) then received a letter from the Department of Culture Media and Sport (who administer the Treasure Act) saying the coins were being valued, the valuation would be sent to us, and we would have 28 days to comment and offer alternative valuations. I did actually attempt to obtain a couple of valuations but could only get ballpark figures without the valuers being able to view the actual coins. One dealer requested £50 for this service but subsequently gave me a free retail valuation.





On 11 May I received a letter from the Department of Culture Media and Sport with a valuation report from Sotheby's (£1,260-£1,400). The letter said that the valuation committee was sitting the following day and we were not going to be allowed to make representations on the provisional valuation owing to public holidays.

On 16 May the Department of Culture Media and Sport advised that the committee had valued the coins at £1,350 and we had one month to make representation if dissatisfied. The museum was also allowed to make representation on the valuation. The museum then had up to four months to settle, from the time this figure was accepted by all parties. We agreed to accept the valuation, which was close to the ballpark figures given by the dealers.

On discussing this case with Bob Whalley, Co-ordinator for Policy of the National Council for Metal Detecting, it came to light that the first coin found by the landowner should not have been declared Treasure as it was only a single find at the time. The Department of Culture Media and Sport agreed. The museum wanted all seven coins to maintain the integrity of the supposed hoard. However, by request the coin was returned to the landowner and an agreed pro rata award, split equally between the landowner and myself, was made for the other six coins during October 2000.

After the autumn ploughing the landowner and myself found a further Ambiani stater each on the same field. I reported these to the Coroner within the stipulated 14 days and suggested we delayed handing the coins over until I had carried out further searches. As it happened, I didn't find any more, so the landowner took the two coins to the museum in mid-January 2001.

The museum wanted these coins to add to the other six so they inevitably were going to be declared Treasure. I was quite puzzled why the museum even wanted the coins in the first place, as Ambiani staters must be the most common Iron Age gold coins. In answer to that question the curator told me that they needed to keep the coins together for posterity and future research, when improved analytical techniques might be able to provide more information.

Between January and the Inquest in May, the Coroner and his two officers all retired leaving a Deputy Coroner and a new officer to take charge of the case. As the inquest was suggested by the Coroner's officer to be just a brief formality, neither the landowner nor myself attended. The following day the Coroner's officer rang the landowner saying that the coins had been declared Treasure and the press had been given details, including the landowners telephone number. The Landowner was not happy, neither was I, and in the following week when a report on the find appeared in the local paper - giving the full name and address of the mixed arable and dairy farm in the midst of the Foot and Mouth crisis - we were livid.

Locally, there was not much that could be done other than to ask neighbours to look out for intruders; however, Bob Whalley and myself moved into written complaint mode. Bob wrote to the Deputy Coroner while I tackled Doctor Roger Bland, Adviser on Treasure. We eventually received replies from Doctor Bland, the Deputy Coroner and from two other Coroners who had each inherited part of the retired Coroner's area owing to a county reorganisation. The Deputy

Coroner said it wasn't anything to do with her anymore and couldn't comment, while one of the "new" Coroners said she only referred to find spots by map reference. The second "new" Coroner on the other hand, while suggesting that information was given to the press during the inquest, somewhat more encouragingly confirmed that her officers should not report find spots to the press. She also promised to check out other possible sources of "leaks", such as the Police Press Office.

Meanwhile the valuation was set at £440 for the two coins that the Deputy Coroner had determined had both been found by me; my attempts to rectify that verdict have fallen on deaf ears. The landowner and myself accepted the award, which was paid in January this year, split 75% in favour of the landowner (I couldn't really claim half the value of a coin I didn't find).

### **Iconographic Gold Finger Ring**

In June of this year I jumped at the opportunity of joining a club search in the grounds of a medieval manor house, and within 10 minutes had found a 15th century iconographic gold finger ring. This had figures of two saints engraved on the bezel (St Catherine and probably John the Baptist), and floral motifs around the hoop. It clearly had to be reported to the Coroner. Aware of the recent reorganisation in the county, I wrote to the most likely candidate from the Treasure Act Code of Practice book and asked that my letter be passed to the appropriate Coroner if that office no longer dealt with the parish where I had found the ring.

My letter was passed on to another Coroner, who turned out to be the lady who only refers to the find spot by map reference.

I was asked to take the ring to the museum, which had dealt with the stators. I don't know whether it was just for my benefit, but we went straight for the Treasure Receipt this time. I only gave a four-figure map reference for the find spot to be entered on the Treasure Receipt even though the curator wanted six. I explained why I didn't want the full find spot reference recorded on the receipt and offered it to be kept separately, although that was declined for the moment.



*Two views of 15th century iconographic gold finger ring.*

## **TREASURE ACT 1996**

### **Ways To Protect Yourself**

So while the museums are deciding whether they want the ring or not, [they did and paid £3750 for it] here are my unofficial suggestions for protecting yourself and your landowner friends when you find potential treasure:-

1. The National Council for Metal Detecting will willingly advise in the process of reporting treasure and it is well worth involving them from the start when you have possible Treasure to report.
2. Your only legal obligation is to report the finding of potential treasure to the Coroner within 14 days of becoming aware that it is possibly Treasure.
3. Discuss the matter with the landowner as soon as possible.
4. Do the reporting yourself. The legal responsibility for reporting rests with the finder and no one will look after your interests as well as you.
5. Bear in mind, especially if you want to keep the coin, that the first coin found of a scattered hoard may not be Treasure, if it was the only coin found on that occasion and there was sufficient time to sell the coin before the finding of the second coin.
6. Report your find to the Coroner in writing within 14 days and keep a copy of the letter. In the first instance only report the find spot as the name of the parish in which the find was made. If it is not clear which Coroner needs to be informed, write to the most likely and ask for your letter to be passed on, as necessary.

Always take photographs or have photographs taken of all possible views of all objects, before you hand the objects over. You will at least have something to show an independent valuer and, if you want to publish, you won't get stung with hefty copyright fees.

There is no time limit for handing over the find and you should be allowed a reasonable amount of time for such things as photographing, valuing, showing it to the landowner, displaying it at a club meeting etc. Bear in mind, however, that you are responsible for the security of the find until you hand it over.

You will probably be asked to take your find to a museum, at your own expense, to hand it in. If you can arrange this without too much inconvenience then in the interest of good relationships it is best to comply. However, you are under no legal obligation to take your find anywhere and perfectly within your rights to politely suggest the Coroner arrange collection from you.

Insist on being given the Treasure Receipt (filled out in your presence) in exchange for your find.

The Treasure Act Code of Practice requires that the precise find spot must be established and should be kept confidential. You can insist on the confidentiality requirement when the Treasure Receipt is completed and have the precise find spot kept separately.

The bottom box on page 1 of the Treasure Receipt is labelled "Location of Findspot". Only enter vague details of the find spot such as name of Parish, four-figure map reference or a nondescript name for the site such as "Field A". If a museum is interested in acquiring the find, a Coroner's Inquest will be arranged. You should be invited to attend the Inquest for which you can claim expenses and I suggest you should attend if you possibly can you will at least know who was there and what was said. The press may be there, so be careful not to reveal find spot information if they are.

7. Following an Inquest the press will probably want to speak to you. Whether you speak to them is up to you but you can at least appeal for some confidentiality and perhaps avoid them uncovering, or making up, more than you would like revealed.

8. The final, stumbling block is the valuation, which will be given via the Department for Culture Media and Sport some weeks after the Inquest. You need to know if the valuation given is indeed 'A Fair Market Value' so that you can decide whether to accept it. Fair market value is an attempt to arrive at the price you should expect to get if selling your find on the open market and the Treasure Valuation Committee try to arrive at the "ham. mer" price without auctioneer's deductions. I suggest that you look at the advertisements in Treasure Hunting and pick out a couple of dealers specialising in coins or objects similar to yours. Ask the dealers to give you their buying-in price for your find (you'll probably have to send photographs). I am sure they will oblige for little or no charge (I would not pay more than say £5-£10 unless there is a lot of work involved or the treasure is very valuable). You will find that they will only give you a ballpark figure without seeing the actual finds, which you don't have. If the treasure is very rare it should be possible to arrange viewing for independent appraisal. You should be offered two opportunities to contest the valuation, one before the valuation committee meets and one after. I would accept the valuation if it falls within or above your dealers' ballpark figures and contest it if it falls below. If you are going to contest the valuation, get in before the committee meets if you can.

There is a slight possibility that the museum involved may contest the valuation and succeed in getting it reduced - if this happens, unless there is clear justification, you could appeal against it all the way to the Secretary of State, if necessary.

Finally, I would like to thank Bob Whalley for his invaluable help and advice with my personal dealings with the Treasure Act and with this article.

**© DAVID VILLANUEVA 2002 ALL RIGHTS RESERVED**