

LAW AND PRACTICE REGARDING COIN FINDS

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THE LAW AND PRACTICE REGARDING COIN FINDS: NORWAY

The Heritage Conservation Act in Norway was introduced as late as 1905. The law had been in preparation for years, but was first statutory by Parliament after Norway became independent from Sweden earlier that year. The history of the heritage administration in Norway was to a large degree determined by political unions with Denmark from 1397 to 1814 and Sweden from 1814 to 1905. Even though a Norwegian Constitution was introduced in 1814 and the interest in heritage issues was prolific in the beginning of the nineteenth century, laws and regulation of antiquarian issues did not become statutory before the early 20th century.

Cultural heritage in the form of precious metal and coins buried in the ground has long been a feature of Norwegian society. The earliest references to such treasures are found within saga literature. The most famous example is from *Egilsoga* (*Egil's Saga*), in which the archetypal Viking Egil is shown as an old man burying the treasure of coins that he had received from King Athelstan many years earlier after the battle of Brunanburh in 937.^[1] We know also that hoards of Roman coins were discovered in the Viking or early medieval period as these Roman coins were then reused as currency, and we have found them with Viking and medieval currency and other objects in different contexts.

The earliest Norwegian laws on buried treasure can be seen in the Gulating of Western Norway's Landscape Law. The Law was written down in the late twelfth century and stated that buried treasure belonged to the owner of the land (NGL I, 58). A hundred years later the Land Law of 1274 stated that the rights to buried treasure were split equally between the king, the landowner, and the finder.^[2]

[1] *Egilsoga*, ed. Leif HEGGSTAD, *Norrøne bokverk*, 9. ed., Samlaget: Oslo 1994, ch. 55. See also Svein H. GULLBEKK, 'Keiser Claudius i Gokstadhaugen - romerske mynter i viking-tidskontekst [Claudius in the Gokstad burial mound - Roman coins in Viking contexts]', *Viking* 2009, pp. 169-182.

[2] 'Om jordgravet gods [On buried treasures]. 1. Om nogen finder jordgravet gods da skal kongen ha en tredjedel, men den en tredjedel, som er nærmeste haugodelsmand, og den en tredjedel som finder, om han lyser [sit fund] efter loven. Men om der ikke er nogen haugodelsmand til, da tilfalder den tredjedelen jordeieren. Men om en mand finder gods i sin jord, som han ikke er haugodelsmand til, da ha han halvdelen og kongen halvdelen' (Magnus Lagabøters landslov, Absalon Taranger (ed.), Oslo 1962 (third edition), part VI, ch. 16).

From 1524 to 1815 Norway was under Danish rule and Christian V's law of 1687 and the revised law introduced in 1752 concerning heritage issues, including coin finds, was applicable to both Denmark and Norway. However, by the early nineteenth century Norway was beginning to assert its national identity and heritage was seen as an important element of state formation.

Consequently, when the Royal Commission for Antiquities was established in Copenhagen on 22 May 1807 and a circular was distributed to public officials and members of the Church in Norway stipulating that all antiquities found in Norwegian soil should be sent to 'the King's city', i.e. Copenhagen, the Norwegian response was a firm refusal. And, when the Royal Norwegian Society for Development (Selskapet for Norges Vel) was established on 6 October 1809 with the primary purpose of creating a Norwegian university, the creation of a collection of antiquities was defined as a specific concern. The following year the Society sent a petition to its members across the country, urging them to send antiquities and finds to the Society so that it could build a national museum for antiquities. A separate Antiquities commission was established on 13 April 1811.

The first Norwegian university was founded in 1811, and a few years later a collection of antiquities, coins and minerals were transferred from the Cathedral school in Christiania (Oslo) to the University premises where the Academic Collegium decided to dedicate a room for that purpose. The process was, however, delayed until 1828, when plans were revitalised and the director Rudolf Keyser could finally open exhibitions 30 November the following year.^[3]

In these years the national sentiments were strong. The establishment of a University and a museum of antiquities was considered of outmost importance for the formation of a nation. During this process the need for a classical study collection became a priority for the University. The choice was made to buy a collection of ancient Greek and Roman coins from the Royal Collection of Coins and Medals in Copenhagen. The University was granted up to 2,000 speciesthalers by Royal decree passed by the Parliament, and 6,500 coins were bought for the sum of 1,500 speciesthalers in 1817. That became the start for a Norwegian Coin and Medal Collection in Christiania, celebrating its bicentenary this year.^[4]

[3] Egil MIKKELSEN, *Før Historisk Museum – Universitetsmuseenes eldste historie* [Before Museum of History – The University museums' in the making], in: Jostein BERGSTØL *et al.*, *Kulturhistorier i sentrum. Historisk museum 100 år*, Kulturhistorisk museum: Oslo 2004, pp. 38–9.

[4] Kolbjørn SKAARE, *Norges Mynthistorie [History of Norwegian Coinage]*, vol. 1, Oslo 1995, 1995, pp. 296–97. For a more general discussion of the legislation around coin finds in Norway, see Skaare, 1995, pp. 283–292.

From Heritage Laws to Cultural Heritage Act

Norway broke away from its 91-year-old union with Sweden in 1905, and the first specifically Norwegian cultural heritage law, the Law on Protection and Preservation of Ancient Monuments, was passed on 13 July the same year. Over the subsequent years the law was amended and other laws introduced until, in 1978, a new Cultural Heritage Act that provided more comprehensive protection for all cultural property replaced the laws around heritage and building protection.

The 1978 Act made a profound change with regard to coins. Until then, all coins predating 1537 were, like all archaeological artifacts, considered protected property. However, Professor Kolbjørn Skaare, the Keeper of the University Coin and Medal Collection in Oslo, argued for the need to include coins from 1543–1546 and 1574–1578, which were particularly interesting periods for minting in Norway, and the significant finds of foreign thalers that formed an important part of Norwegian coin circulation in the sixteenth and seventeenth centuries.^[5] Consequently, the Act provided protection for all coins pre-dating 1650.

Norwegian Cultural Heritage Law Today

Today, Norwegian law expressly identifies the State as the legal owner of cultural objects that are excavated, or found randomly on the surface.^[6] All archaeological sites, monuments and objects predating 1537, coins predating 1650, Sami sites, monuments and objects, and shipwrecks older than 100 years are automatically protected. The protection is comprehensive, prohibiting all activity ‘which is liable to damage, destroy, dig up, move, change, cover, conceal or in any other way unduly disfigure any monument or site that is automatically protected by law or to create a risk of this happening’.^[7] A license is mandatory for exporting objects as mentioned above, however with a 1537-limit for numismatic objects.

Cultural Heritage Management

In Norway the Directorate for Cultural Heritage Management is responsible for the management of all archaeological sites and monuments on the national level and its duties include: giving permission for the disturbance or removal of sites; and publishing guidelines and policy documents

[5] For a statement on the Cultural Heritage Act of 1978, see Kolbjørn SKAARE, ‘Bestemmelserne om mynter og myntfunn i den nye norske kulturminneloven’ [Coins and Coin finds in the new Cultural Heritage Act], *NNUM* 1979, pp. 2–4.

[6] Cultural Heritage Act sections 1, 2 and 12.

[7] Act of 9 June 1978, No. 50. Concerning the Cultural Heritage Act, see May-Liss Bøe SOLLUND & Inger Marie HOLM-OLSEN, ‘Monitoring Cultural Heritage in a Long-Term Project: The Norwegian Sequential Monitoring Programme’, *Conservation and Management of Archaeological Sites*, vol. 15, no. 2, May 2013, pp. 137–51, att. 138.

concerning the management of archaeological sites and monuments at all levels.^[8]

The management of cultural heritage is challenged by the delegation of responsibility between several different institutions. The Act is owned by the Ministry of Climate and Environment, and is enforced by the Directorate of Cultural Heritage. However, parts of the Act have been put under the auspices of the Ministry of Culture, and the Arts Council. To complicate things further, all finds of movable cultural heritage is the responsibility of the University Museums, and the Museum of Cultural History, University of Oslo has national responsibility for approving the export of coins, archaeological and ethnographical objects.^[9] The university museums are under the Ministry of Education and Research. The situation is, then, that three Ministries are presently committed to different parts of the Heritage Act.

At the regional level, the nineteen county municipalities are responsible for the management in their county, while the Sami Parliament is responsible for the management of Sámi heritage, and the resident Governor is responsible for management on the island of Svalbard. All have their own archaeologists who are the first point of contact for private metal detectorists. Any objects mentioned in sections 12 and 13 of the Cultural Heritage Act must be reported to these regional archaeologists. The heritage officers at the local County Administrative Board (Fylkesarkeologen) provide a vital link with the general public. This local level is then responsible for registering the finds and site locations in the national database for archaeological sites and monuments before handling the objects over to the regional university museum.^[10] There are five such chartered archaeological museums – in Oslo, Stavanger, Bergen, Trondheim and Tromsø – which are responsible for heritage management in their respective regions. Objects are transferred to these museums for conservation, cataloguing and permanent inclusion in the collections. There are currently numismatists in office in the Museum of Cultural History at the University of Oslo, where a survey of finds on national level is maintained (from 1877 onwards), and the NTNU University Museum (Norwegian University of Science and Technology).

[8] For a general account and discussion of metal detecting and archaeology in Norway, see Jostein GUNDERSEN, Josephine M. RASMUSSEN, Ragnar ORTEN LIE, 'Private Metal Detecting and Archaeology in Norway', *Open Archaeology*, 2016, 2, pp. 160-170.

[9] For Acts and practices regarding import and export of coins in Norway, see Håkon INGVALDSEN, 'Archaeological Artefacts and Illegal Trade: A Museum Perspective'. *Legal and Illicit Trade with Cultural Heritage* (eds A. CHABIERA et al.). Ministerstwo Kultury i Dziedzictwa Narodowego. Warsaw 2011, pp. 21-29.

[10] For webresources see: <http://www.riksantikvaren.no/en/Topics/International-activities/International-Project-News/Exhibition-People-and-possibilities>.

Shipwreck – revised Act on issues concerning artefacts

The Dutch trade-ship *Akerendam* was shipwrecked in 1725 outside the coast of the island Runde on the West Coast of Norway. The discovery of the wreck in 1972 disclosed a flaw in the Norwegian Heritage Act. The divers that made the discovery found more than 56,000 silver and gold coins, 6,624 Dutch gold ducats, 9,183 Dutch thalers and 8,142 Spanish-American reales.^[11] According to the law the ownership of the shipwreck, which had limited value as cultural heritage in itself, belonged to the state. Soon a controversy arose regarding the valuable treasures of coins, which were accrued by both the Norwegian and Dutch State. However, the lion's share ended up with the finders who sold the lot at auction in Zürich, Switzerland 13 November 1978. Altogether 35,529 coins from the Runde treasure were sold for CHF 882,000.^[12]

As a consequence of this major treasure find and the uncertainties regarding ownership the Cultural Heritage Act of 1978 states that all artefacts found in the sea older than 100 years are defined as state property, not only the ship as was the case before.^[13]

The Sámi Culture

The Sámi is defined as an indigenous people with its own Parliament in the municipality of Karasjok (Kárášjohka) in Finmark from 1989. The responsibilities of the Sámi Parliament in Norway are to serve as the Sámis' elected political body to promote political initiatives and to carry out the administrative tasks delegated from national authorities or by law to the Sámi Parliament. The Cultural Heritage Act of 1978 procured the Sami situation with particular care. All Sami artifacts older than 100 years are protected. However, since the Sámi never issued coins or money in any official form, coin finds in the Sámi region are defined by the Cultural Heritage Act laws in general.

Modern state borders do not define the Sámi culture as such, a fact that is observable in coin finds from Northern Sweden where significant numbers of Norwegian eleventh-century coins have been found at Sámi offering sites.^[14]

[11] Bjørn R. RØNNING, *Akerendam – Historien om Rundeskatten*, Oslo 1979; English translation by Elizabeth SEEBERG, *Akerendam: The story of the Runde treasure*, Oslo 1979.

[12] Rønning 1979, p. 14.

[13] Another interesting shipwreck-case including coins is provided by the discovery of the *Samson* that foundered off the coast of Kristiansand in Southern Norway in December 1786: 3,807 coins were found by divers. They reported the find, and became part of the underwater excavation and salvage conducted by The Norwegian Maritime Museum. The divers were rewarded with 85% of the coins due to good conduct. See Håkon INGVALDSEN, *The Coins from Samson – a 200 year-old shipwreck*, *NMÅ* 1991, pp. 171–189.

[14] For a discussion of the coin finds from these Sámi sites, see Brita MALMER, A contribution to the numismatic history of Norway during the 11th century, *Commentationes* I, Lund 1961, pp. 283–285.

Metal Detecting

The use of metal detectors is legal as long as the landowner has given permission and the detectorist complies with the Norwegian Cultural Heritage Act. There are currently nearly 1,000 members of metal detecting societies in Norway. Metal detecting activity is reported from all corners of the country. Medieval coins have been found as far north as Finmark, some 300 kilometres north of the Arctic Circle. The number of coins pre-dating 1650 found with metal detecting has increased steadily since the 1990s.

As in many other places in Northern Europe, metal detectorists in Norway are providing empirical evidence in higher numbers and with a wider distribution of single finds than ever before. Our understanding of monetization and coin use has developed significantly as a consequence of these new finds.

At the same time there is a spectrum of issues that is part of an ongoing debate concerning metal detecting, regarding theoretical, methodological, administrative, practical as well as ethical matters.^[15]

^[15] A useful discussion on metal detecting and plough soil as context is found in a collected volume devoted to the subject, with several contributions in English: Jes MARTENS & Mads RAVN (eds.), *Pløyejord som kontekst. Nye utfordringer for forskning, forvaltning og formidling*, Portal forlag 2016. For a discussion of practical and legal aspects of heritage administration in Norway in general and metal detecting in particular, see Norwegian Archaeological Review special edition: Josephine Munch RASMUSSEN, 'Securing Cultural Heritage Objects and Fencing Stolen Goods? A Case Study on Museums and Metal Detecting in Norway', *Norwegian Archaeological Review*, vol. 47, 2014, pp. 1-25 and Josephine Munch Rasmussen, 'Securing cultural heritage objects and fencing stolen goods? A case study on museums and metal detecting in Norway', *Norwegian Archaeological Review*, vol. 47, 2014, no. 1, pp. 83-107. Responses by Suzie THOMAS, 'Comments on Josephine Munch Rasmussen: "Securing cultural heritage objects and fencing stolen goods? A case study on museums and metal detecting in Norway"; metal detecting in Norway receives long overdue attention', *Norwegian Archaeological Review*, 2014, Vol. 47, no. 2, pp. 196-199; Martin MESICEK, 'On absence of evidence and evidence of absence', *Norwegian Archaeological Review*, vol. 47, 2014, no. 2, pp. 199-202; Raimund KARL, 'Holy cow! Hawks, wolves, sheep and the archaeological animal farm', *Norwegian Archaeological Review*, Vol. 47, 2014, no. 2, pp. 202-205; Mads RAVN, 'In defence of small things forgotten', *Norwegian Archaeological Review*, vol. 47, 2014, no. 2, pp. 205-209; Maria LINGSTRÖM, 'From passive artefact receiver to active metal detectorist', *Norwegian Archaeological Review*, vol. 47, 2014, no. 2, pp. 209-212; Josephine Munch RASMUSSEN, 'Reply to comments from Suzie Thomas, Martin Mesicek, Raimund Karl, Mads Ravn, Maria Lingström', *Norwegian Archaeological Review*, vol. 47, 2014, no. 2, pp. 212-217; Jostein GUNDERSEN, Josephine M. RASMUSSEN & Ragnar Orten LIE, 'Private Metal Detecting and Archaeology in Norway', *Open Archaeology*, 10/14/2016, Vol. 2(1).