

Book X.
Title XV.

Concerning treasure-trove.
(De thesauris.)

Bas. 56.7.13.

10.15.1. Emperors Leo and Zeno to Epinicus, Consular.

No one shall hereafter, by petition, dare to molest the benign ears of Our Piety concerning the search of a treasure, on his own or another's property, or concerning one found by himself or by another. 1. For we give full liberty to everyone to search for any treasure - that is to say, for movable property deposited by unknown owners in ancient times - on his own premises and enjoy it when it is found; provided it is searched for without criminal and punishable sacrifices, and without any (magic) arts forbidden by law, so that a gift of God may no longer be disturbed by any envious and malicious report, and it will, accordingly, be superfluous to petition for something which is already permitted by law; and the requisite bounty of imperial magnanimity, may seem to have been granted in advance. 2. No one, however, shall dare to search for hidden riches on his own account on the property of others against the consent or wish or without knowledge of the owners. 3. And if anyone shall petition us concerning such matter, or shall, contrary to the tenor of this law, search for and find a treasure on another's property, he shall turn it all over to the owner of the place, and shall be punished as a violator of a most just law. 4. But if anyone, either in plowing or otherwise cultivating another's ground, or by some accident, and not as a result of intentional search, perchance finds a treasure on another's property, he shall divide what he has found, retaining half of it himself, and giving the other half to the owner of the place. Thus each man may enjoy his own and not covet the property of another.

Given October 10 (474).

Note.

Inst. 2.1.39 states: "If a man found a treasure on his own land, the Emperor Hadrian, following natural equity, adjudged to him the ownership of it, as he also did to a man who found one by accident in soil which was sacred or religious. If he found it in another man's land by accident, and without specially searching for it, he gave half to the finder, half of it to the owner of the soil; and upon this principle, if a treasure were found in land belonging to the emperor, he decided, that half should belong to the latter, and half to the finder, and consistently with this, if a man finds one in land which belongs to the imperial treasury or the people, half belongs to him, and half to the treasury or the state." A treasure-trove was anything valuable, consisting of money, precious metals and stones and the like, and which had been deposited so long that all trace of the ownership thereof had been lost. A full history of the law relating thereto is given in Buckland, Roman Law 219-222.