



Charrier v. Bell Case Brief Summary

496 So.2d 601 (La. Ct. App. 1986)

SYNOPSIS

Appellant an amateur archeologist sought review of a judgment from the Twentieth Judicial District Court, Parish of West Feliciana (Louisiana), which denied both claims against appellee Indian descendants as owner of Indian artifacts and the archeologist's request for compensation for his excavation work in uncovering those artifacts under the theory of unjust enrichment.

FACTS

The appellant archeologist alleged that he obtained the permission of a person, who he believed was the owner of the land, to survey the property with a metal detector for possible burial locations.

The appellant archeologist located and excavated about 30 to 40 burial plots, lying in a circular pattern.

Upon this discovery, the archeologist contended that he was then advised that the purported owner that gave him permission to dig was in fact not the owner but the caretaker.

PROCEDURAL HISTORY

The trial court denied both of the archeologist's claims as owner of Indian artifacts and his request for compensation for his excavation work in uncovering those artifacts under the theory of unjust enrichment.

DISCUSSION

- The court held that it would not uphold the transfer of ownership to some unrelated third party who uncovers burial goods.
- The court agreed with the trial court's conclusion that La. Civ. Code Ann. art. 3421 was not intended to require that objects buried with the dead were abandoned or that objects could be acquired by obtaining possession over the objections of the descendants.
- The court further noted that the ultimate owners of the artifacts presented substantial evidence that the excavation caused substantial upset over the ruin of "ancestral burial grounds," rather than any enrichment.

CONCLUSION

The court affirmed the decision denying both of the archeologist's claims against Indian descendants as owner of Indian artifacts and the archeologist's request for compensation for his excavation work in uncovering those artifacts under the theory of unjust enrichment.