

is found in the reports of more modern times the writer in the above journal deals with it, with especial reference to the American authorities, as follows:—

"We may say then that lost property includes things of value found upon the surface of the earth, while treasure trove is property found hid in the earth or some other place of concealment. It is not 'material whether it be of ancient time hidden in the ground, or in the roof, or walls, or other part of a castle, house, building, ruins, or otherwise.' (3 Inst. 132). The elements constituting lost property are a thing of value, an unintentional loss or actual abandonment, and an unknown owner; those constituting treasure trove are a particular thing of value, a hiding or secreting, and an unknown owner. In using the adjective 'particular' in the latter clause, we speak advisedly. For not every chattel or thing of value belonging to a person unknown and hidden away in the ground or elsewhere is treasure trove. We see that Blackstone limits treasure trove to 'money or coin, gold, silver, plate or bullion.' In *Livermore v. White*, 74 Me. 452, it is said that treasure trove is 'where any money is found hid in the earth, but not lying upon the ground, and no man knows to whom it belongs. Nothing is treasure trove but gold or silver.'" Gold rings and ornaments have been held to be treasure trove (*Queen v. Thomas*, 33 L.J. N.S. 22; *Atty.-Gen. v. British Museum*, [1903] 2 Ch. 598), as have silver cups, a chalice, pyxes, and a paten (*Atty.-Gen. v. Moore*, L.R. 1 Ch. D. 676.) In *Huthmacher v. Harris*, 38 Pa. St. 499, it is said: 'Treasure trove, though commonly defined as gold or silver hidden in the ground, may, in our commercial day, be taken to include the paper representatives of gold and silver, especially when they are found hidden with both of these precious metals.' In *Elwes v. Brigg Gas Co.*, 33 Ch. D., at p. 567, Chitty, J., says that Roman coins, not of gold or of silver, apparently forming the small change of the treasure of a Roman legion, do not fall 'within the royal prerogative of treasure trove.' This seems to be the extent to which the authorities have gone in defining what is embraced by the term treasure trove. And that brings us to another class of cases which have reference to things embedded in the soil and their owners un-