

of a canal was held to belong to the company operating the canal in the absence of proof as to the true owner. In *Ferguson v. Ray*, the Court cites the case of *Waterworks v. Sharman*, 65 L.J. (N.S.) 460, in support of the proposition that the possession of the article found is in the owner of the locus in quo. If this case turned merely on the right of possession as between the owner of the land and a labourer who found valuables therein, it is undoubtedly sound in deciding that the owner was entitled to possession. But if it attempted to determine the ultimate ownership of the articles in question, it is difficult to reconcile the decision with the common-law rules as to treasure trove, for the articles found were gold rings, and were hidden beneath the surface of the earth, and it does not appear that the original owner was known, all of which elements combined make a clear case of treasure trove. In France, it seems, an aerolite has been held to be the property of the finder. (See 20 Alb. L.J. 229). To recapitulate: Lost property, which includes property unintentionally lost or intentionally abandoned by the owner and found above ground, belongs to the finder if the owner is not known; treasure trove, which includes gold and silver in some form or other hidden underneath the ground or in some part of a building by an unknown owner, belongs, by the common-law rule, to the sovereign, and possibly, in the country, to the finder; property embedded in the soil, and not of such a character as to constitute treasure trove, belongs to the owner of the land."

The litigation concerning Stonehenge and the rights of the public in connection therewith bring to remembrance the Giant Causeway case tried in Ireland in 1897. It will be remembered that a company was formed which acquired a lease of the place and then closed it, charging a fee to the public for admission. The people of the neighbourhood and their friends claimed the right to the use of the Causeway as a place of public resort; but the case was found against them. The Courts held that a public right of way could only arise by statute or by dedication, and that there was not sufficient evidence of dedication. The "ancient custom" that was relied upon was held to be unreasonable and uncertain, and therefore unenforceable.