

sufficient to shew ownership in the decedent. The Court did not discuss the subject of treasure trove nor make any distinction between treasure trove and lost property, merely saying: 'The finder of money has title to it against all the world except the true owner.' In *Danielson v. Roberts*, 44 Oregon 114, the plaintiffs found some gold coin in a chicken house situated on premises occupied by the defendants. The defendants proved no ownership, and it was held that the plaintiffs were entitled to the money. This was clearly a case of treasure trove, and the Court cites the old common-law doctrine as to the ownership of both lost property and treasure trove. But the following significant statement was made: 'In this country the law relating to treasure trove has generally been merged into the law of the finder of lost property, and it is said that the question as to whether the English law of treasure trove obtains in any state has never been decided in America: 2 Kent *357; 26 Am. & Eng. Encyc. of Law (1st ed.) 538. But at the present stage of the controversy it is immaterial whether the money discovered by plaintiffs was technically lost property or treasure trove, or, if treasure trove, whether it belongs to the State or to the finder, or should be disposed of as lost property if no owner is discovered. In either event the plaintiffs are entitled to the possession of the money as against the defendants, unless the latter can shew a better title.' None of these cases can be regarded as absolute authority upon the question of the ownership of treasure trove, and, unless we accept the dictum of the Oregon Court in the case last cited, we must decide either that the question is an open one in this country, or else that the common-law rule obtains, and that treasure trove belongs to the sovereign State. In Louisiana, it may be noted, the code provides for an equal division of hidden treasures discovered between the finder and the owner of the land. (Civ. Code La., s. 3423.) As to the third class of discovered treasures, namely, property embedded in the soil, the authorities are uniform to the effect that such property belongs to the owner of the soil. It was so held in the cases of the prehistoric boat, the aerolite, the ancient dishes, and the gold-bearing quartz rock mentioned above. To the same effect is the case of *Reg. v. Rowe*, Bell's Crown Cas. 93, where a quantity of iron found in the bed