

known, but not coming within the ancient definition of treasure trove, as gold or silver. Thus, a prehistoric boat embedded in the soil six feet below the surface (*Elwes v. Brigg Gas Co.*, 33 Ch. D. 562), an aerolite which has fallen to the earth (*Goddard v. Winchell*, 86 Iowa 71), ancient dishes buried in the ground (7 *Law Notes*, p. 160), and gold-bearing quartz rock found embedded in the soil, evidently once contained in a cloth bag (*Ferguson v. Ray*, 44 Oregon 557), have been directly or indirectly held not to be treasure trove, on account of the character of the articles so found, though in other respects, such as the place of finding, they might well be so classified. And it is evident that for such articles a different rule of ownership is necessary than that obtaining in the case either of lost property or of treasure trove.

The right of the finder of lost property to retain the same as against all persons save the true owner has been recognized since the early case of *Armory v. Delamirie*, 1 Strange 504. 'In that case a chimney sweeper's boy found a jewel, and carried it to a goldsmith to ascertain what it was. The goldsmith refused to return it, and it was held that the boy might maintain trover on the ground that by the finding he had acquired such a property in the jewel as would entitle him to keep it against all persons but the rightful owner. This case has been uniformly followed in England and America, and the law on this point is well settled.' (*Sovern v. Yoran*, 16 Oregon 269; 19 Am. and Eng. Encyc. of Law (2nd ed.) 579; *Danielson v. Roberts*, 44 Oregon 108). It seems that in Oregon a statute exists by virtue of which lost property must be divided between the finder and the country (*Sovern v. Yoran*, 16 Oregon 269), and similar statutes doubtless exist in some other jurisdictions, but the general rule is as above stated. The right of the finder of treasure trove is less well defined, in this country, at any rate. The common-law rule was, as stated by Blackstone, that treasure trove belonged to the king as the successor of the unknown owner. Whether this rule obtains in America is extremely doubtful. (See 2 Kent Com. *357). There are numerous American authorities which refer to the common law rule,