


## TREASURE TROVE, THE TREASURY AND THE TRUSTEES OF THE BRITISH MUSEUM.

BY P. W. P. CARLYON-BRITTON, F.S.A., *President.*

HE subject of treasure trove is one that has an interest for a large section of the public, and especially is this the case for those who are antiquaries or numismatologists. The last case of importance which has come before the Courts is that of the Attorney-General *v.* the Trustees of the British Museum, heard in June, 1903, (reported Law Reports, Chancery Division, 1903, 2,) when the Attorney-General, on behalf of the Crown, successfully established its title to certain valuable Celtic gold ornaments ploughed up on a farm at Broighter, on Lough Foyle in the north of Ireland in the year 1896. They had been purchased by the Museum authorities in the following year and the dreams of Alnaschar to which this grave body resorted in order to, if possible, retain these valuable gold objects in the face of plain facts, are perhaps as enigmatical as any hitherto disclosed by the records of the Courts. Before further considering the facts in this particular case it may be useful to shortly review the general law and position as regards treasure trove.

The earliest direct provisions on the subject that have come to our notice are contained in the Laws of Edward the Confessor. The following two versions are given in Liebermann's *Die Gesetze der Angelsachsen*, published last year :—

- (a) "Thesauri de terra regis sunt, nisi in ecclesia vel in cimeterio inveniantur. Et si ibi inveniantur, aurum regis

est et dimidium argenti, et dimidium ecclesie, ubi inventum fuerit quicumque sit, dives vel pauper."

- (b) "De thesauris (in terra absconditis et) inventis. Thesauri de terra regis sunt, nisi in ecclesia vel in cemeterio inveniantur. Et licet ibi inveniantur, aurum regis est et medietas argenti, et (altera) medietas ecclesie, ubi inventum fuerit, quecunque ipsa fuerit vel dives vel pauper."

The meaning of both versions is in substance the same, namely :

- "Treasures from the earth belong to the King, unless they be found in a church or graveyard. And if found there the gold and half the silver belong to the King and the other half of the silver to the church where the find took place whether it be rich or poor."

Lord Coke, 3rd Inst., p. 132, defines treasure trove as follows :—

- "Treasure trove is when any gold or silver, in coin, plate or bullion, hath been of ancient time hidden, wheresoever it be found, whereof no person can prove any property, it doth belong to the King, or to some lord or other by the King's grant, or prescription. The reason wherefore it belongeth to the King, is a rule of the common law, that such goods no man can claim property, belong to the King, as wrecks, strays, etc., *Quod non capit Christus, capit fiscus*. It is anciently called *fyndaringa*, of finding the treasure."

Another definition of treasure trove is given by Blackstone (I. Bl. Com., p. 285) where he says :

- "Treasure trove, called in Latin *thesaurus inventus*, which is where any money or coin, gold, silver, plate, or bullion, is found hidden in the earth, or other private place, the owner thereof being unknown ; in which case the treasure belongs to the King, but if he that hid it be known, or afterwards found out, the owner and not the King, is entitled to it. Also if it be found in the *sea*, or *upon* the earth, it doth not belong to the King, but the finder, if no owner appears. So that it seems it is the *hiding*, not the

*abandoning* of it, that gives the King a property : Bracton defining it, in the words of the civilians, to be *vetus depositio pecuniæ*. This difference clearly arises from the different intentions which the law implies in the owner. A man, that hides his treasure in a secret place, evidently does not mean to relinquish his property ; but reserves a right of claiming it again, when he sees occasion ; and, if he dies and the secret also dies with him, the law gives it to the King, in part of his royal revenue. But *a man that scatters his treasure into the sea*, or upon the public surface of the earth, is construed to have absolutely abandoned his property and returned it to the common stock, without any intention of reclaiming it ; and therefore it belongs, as in a state of nature, to the first occupant, or finder ; unless the owner appear and assert his right."

A third definition is given in Chitty on Prerogatives, p. 152 :—

"Treasure trove is where any gold or silver in coin, plate, or bullion, is found concealed in a house, or in the earth, or other private place, the owner thereof being unknown, in which case the treasure belongs to the King or his grantee, having the franchise of treasure trove ; but if he that laid it be known or afterwards discovered, the owner and not the King is entitled to it ; this prerogative right only applying in the absence of an owner to claim the property. If the owner, instead of hiding the treasure, casually lost it, or purposely parted with it, in such a manner that it is evident he intended to abandon the property altogether, and did not purpose to resume it on another occasion, as if he threw it on the ground, or other public place, or in the sea, the first finder is entitled to the property, as against every one but the owner, and the King's prerogative does not in this respect obtain. So that it is the *hiding*, and not the *abandonment* of the property that entitles the King to it."

From these three definitions it is clear that the following requirements to constitute treasure trove are essential :—

1. That the objects must be *intentionally concealed* in the earth or other private place.
2. That such objects must be either of *gold* or *silver*.
3. That the owner, viz., the depositor or his legal representative, shall be unknown.

The cases where the law of nature, generally expressed as "Findings are keepings," has not been displaced by the law of might, more euphemistically described as the Royal Prerogative and "the flowers of the Crown," are :—

1. When the objects are not *intentionally concealed*, e.g., a gold or silver coin or ring found alone in a field or river, or a hoard of bullion recovered from beneath the sea.
2. When the objects are not of either *gold* or *silver*, e.g., unmounted precious stones, objects of bronze, copper, iron, lead or stone, pottery or glass.
3. When the objects, even if of *gold* or *silver*, are laid in a place of sepulture for the supposed use of the dead or as a customary mark of respect to the departed.

In reference to exception No. 3 it is right to point out that the Attorney-General, in the course of his argument in reply, in the Irish gold ornaments case referred to above, submitted that "treasure deposited as a votive offering or placed in a grave" would be held to be treasure trove, "because it is treasure which has been concealed." Mr. Justice Farwell, in giving judgment, said that it was unnecessary for him to express any opinion on this point and so the matter was left; but as votive offerings to a pagan deity would be offered in such a way as to make the most display, and as objects in ancient graves were publicly placed there and without any intention of reclaiming them the essential element of "concealment in a secret place" coupled with the *animus recuperandi* on the part of the original depositor (see Blackstone's definition above) would appear to exclude the possibility of such objects being judicially held to be treasure trove.

It will be noticed that in Blackstone's definition of treasure trove

he makes use of the phrase, "But a man that scatters his treasure into the sea . . . is construed to have absolutely abandoned his property, and returned it to the common stock, without any intention of reclaiming it; and therefore, it belongs as in a state of nature, to the first occupant, or finder; unless the owner appear and assert his right."

It was to bring the Irish treasure within this state of circumstances, that the evidence of the witnesses on behalf of the defendant Trustees was adduced in the form of a theory which the Judge did not consider to be even plausible. He said, "I must express my opinion that the Court has been occupied for a considerable time in listening to fanciful suggestions more suited to the poem of a Celtic bard than the prose of an English law reporter. The defendants' suggestion is that the articles were thrown into the sea, which, they suggest, then covered the spot in question, as a votive offering by some Irish sea king or chief, to some Irish sea god at some period between 300 B.C. and 700 A.D.; and for this purpose they ask the Court to infer the existence of the sea on the spot in question, the existence of an Irish sea god, the existence of a custom to make votive offerings in Ireland during the period suggested, and the existence of kings or chiefs who would be likely to make such votive offerings. The whole of their *evidence* on these points (if I may so describe it) is of the vaguest description." The Judge having in judicial language reduced all these flights of fancy to the level of legal logic, proceeded to enquire again, "by virtue of what process have all these articles of such different sizes, weights, and shapes, been kept together during all these years under the whelming tide? What magic bag had the Irish sea king which would withstand the action of the waves, until the ornaments confided to its care found a safe resting place, formed on the surface of the beach when the sea receded?" After some further remarks, he continues, "It is really little short of extravagant to ask the Court to assume the existence of a votive offering of a sort hitherto unknown, in a land where such offerings are hitherto unknown, in a sea not known to have existed for 2,000 and possibly 4,000 years, to a sea god by a chieftain both

equally unknown, and to prefer this to the commonplace, but natural inference that these articles were a hoard hidden for safety in a land disturbed by frequent raids and forgotten by reason of the death or slavery of the depositor."

The report states that the articles in question were purchased in good faith by the defendant Trustees, and the Judge intimated that he desired to speak with all respect of the gentlemen who had been called as witnesses for the defence, and to add that it was perhaps natural that the defendants should grasp at theories which, in justice to them, he might say were not invented for the purposes of that defence.

The second line of defence was that the franchise of treasure trove had been granted by a predecessor of his present Majesty to a third party, from or through whose assignees the defendants could or would claim, but as the franchise of treasure trove, or anything like it, was not mentioned in the Charter relied upon, this contention also failed, and the result was that the judge made a declaration that the articles in question were treasure trove belonging to His Majesty by virtue of the prerogative royal, and ordered the delivery up of the same accordingly. The most satisfactory part of this narrative is the concluding episode, for His Majesty, with that tact and fine sense of justice for which he is so deservedly famed, presented these Celtic articles to the Royal Irish Academy, to which they should originally have gone.

Having shortly discussed the law of treasure trove, and having considered a particular instance which was decided at great expense to the nation as a result of questions in the House of Commons, proceedings in His Majesty's High Court of Justice and ultimately of the graceful exercise by His Majesty in person of his royal prerogative, it is instructive to turn to and consider the ordinary methods adopted when the purchasers of ancient treasure do not happen to be Trustees of the British Museum.

The statute *De Officio Coronatoris*, 4th Edward I. (1276), confirmed in part by Section 36, of the Coroners' Act, 1887, enacts that "A coroner if he be certified by the King's bailiffs or other honest men of the county, shall go to the place where the treasure is



said to be found; that he ought to enquire who were the finders and likewise who is suspected thereof, and that may be well perceived where one liveth riotously, haunting taverns, and hath done so of long time; hereupon he may be attached for this suspicion by four, five, or six more pledges if he can be found;" Mr. Grueber, of the Museum, in quoting this Statute in an article entitled, "Treasure Trove, its ancient and modern laws," *Num. Chron.*, 1902, p. 162, adds the following direction from another part of the Statute relating to persons suspected of *Murder*, "and how many soever be found culpable by inquisition in manner aforesaid, they shall be taken and delivered to the Sheriff and shall be committed to gaol." This method of "quoting" a Statute is very misleading when the probable intention of the paper was to induce persons having articles supposed to be treasure trove, to deliver them up to the Treasury or to part with them to the Trustees of the British Museum direct, the more so as it is not easy for, say a working man, to refer to so ancient a Statute as one dated 1276. Too much care cannot be taken by a public official that his facts are accurate when he is writing upon matters of an official character, and which materially affect the rights of the general public.

The Coroners' Act, 1887, as one would naturally expect, merely provides that "a coroner shall continue as heretofore to have jurisdiction to *enquire* of treasure that is found, who were the finders and who is suspected thereof." It is obvious from the wording of the Statute which, dealing with an offence regarded as "criminal" must be construed strictly, that it is aimed at the actual men who unearth the treasure. As regards any question of title between the Crown and a subject the Coroner and his jury have no jurisdiction, as this is confined to an enquiry and verdict as to who were the finders and who were suspected thereof. It is of course open to the owner or holder of articles claimed as treasure trove to show that they are not such even after an enquiry of the kind above mentioned. Indeed, if this were not the case the position of the Museum authorities after the judgment in the above trial would have been extremely awkward. The difficulty of obtaining information and evidence as to discovery

and title, particularly in the case of minor deposits of gold and silver objects, has led the Treasury to adopt methods far removed from legal proceedings, either criminal or civil, to ensure the preservation of objects of general interest coming, or alleged to come, within the definition of treasure trove. The Treasury minute embodying the methods alluded to, is contained in a letter circulated by the Secretary of State for the Home Department to the police in or about the year 1886.

The substance of this circular is stated in the article above cited to have been as follows :—

“The Lords Commissioners of the Treasury being desirous to render as effective as possible the assistance which is given to the efforts of antiquarian societies for the preservation of objects of general interest, by the assertion of the claim of the Crown to coins and antiquities coming under the description of treasure trove, have reconsidered their practice, as intimated to you in the circular of July 11, 1871, of paying to the finder of articles of treasure trove on behalf of the Crown the *full bullion value* of such articles.

“Their Lordships, with a view to encourage the finders of coins and ornaments to notify the fact of their discovery to the Government, are ready to modify their existing regulations, and to return to the finders, who fully and promptly report their discoveries and hand over the same to the authorities, the coins and objects which are not actually required for National Institutions, and the sums received from such Institutions as the *antiquarian* value of such of the coins or objects as are retained and sold to them, subject to the deduction of a percentage at the rate either :—

“1. Of 20 per cent. from the *antiquarian* value of the coins or objects returned ; or,

“2. A sum of 10 per cent. from the *value* of all the objects discovered, as may hereafter be determined.

“This arrangement is tentative in character, and the complete



right of the Crown, as established by law, to all articles of treasure trove is preserved."

In the recent instance of the great Colchester hoard of 1902, which comprised 12,000 silver pennies of the period of Henry II. to Henry III., so "tentative was this arrangement in character" that the finders were remunerated at the rate of fifty shillings each.

It will be noted that in the above circular no mention is made of the fact that to come, even *prima facie*, within the definition of "treasure trove," the "coins, ornaments or objects" must be of either gold or silver and that such coins, ornaments or objects, when of another metal or material, or when found singly, or in a place of sepulture, are not the subject of treasure trove. This omission may, perhaps, be excusable having regard to the object which the Lords of the Treasury had in view, and if the circular had been widely made known by sending prints to the clerks of all local municipal bodies, the secretaries of local Antiquarian Societies, the keepers of all licensed houses (hotel keepers and publicans), pawnbrokers and jewellers as well as to the police, much good might have resulted. Prints of the circular might also, with advantage, have been placed on the doors of all places of public worship, and on the notice boards of public libraries and other local institutions, and have been renewed from time to time.

As a matter of fact, however, and it is most unfortunate, there are no persons more often "suspected of treasure trove" than are the authorities of the British Museum themselves. At page 170 of the article in the *Numismatic Chronicle* above mentioned, one of the writers, Mr. Grueber, refers to "a recent find of Anglo-Saxon coins, which was obtained by the British Museum in its entirety."

To ascertain how it was "obtained" we have only to refer to the *Numismatic Chronicle*, 1894, p. 29, where Mr. Grueber says:—

"Through the liberality of Mr. Franks the British Museum has lately acquired a very interesting find of Anglo-Saxon coins, . . . Mr. Franks is unable to furnish me with any information respecting the locality where the coins

were discovered, and I can only say that when they came into my hands for examination, they were so thickly coated with dirt, and in such a condition of oxidization, that it was almost impossible at first sight to identify a single piece."

This hoard, fresh from the soil and uncleaned, consisted of 241 exceptionally valuable silver coins and some fragments, and these were probably of the "antiquarian value" of at least £1,500.

What is not disclosed is that Mr. Franks was able to acquire these coins for £15 or thereabouts, and, as they were intended for the British Museum the inference is obvious that no very searching enquiry would be made either by him or Mr. Grueber as to whence they came. Mr. Franks, who in the same year became Sir A. W. Franks, K.C.B., did much for the benefit of the Museum, and this transaction is recorded in letters of gold on a mahogany shield of honour suspended in the Coin and Medal Department.

A second and very recent instance will serve to illustrate the position in reference to treasure trove taken by the officials in that department. At a meeting of the Numismatic Society of London, held on the 21st January, 1904, Mr. Grueber read an account of the finding at Awbridge, near Romsey in Hampshire, of some 180 silver coins of Stephen and Henry II. He mentioned that they were found in a garden under a laurel hedge about  $2\frac{1}{2}$  feet below the surface of the ground. Of these 138 were sent to the British Museum, who selected 58 of the best. It appears that of the 138, 34 were of Stephen and 104 of the first type of Henry II. Of the 58 selected by the British Museum nearly 30 were of a rare type of Stephen and the remainder consisted of the best specimens of the coins of Henry II. The coins retained were probably of the antiquarian or market value of £150. Mr. Grueber selected the 58 specimens, the Trustees paid the finder of the coins, "an old labouring man in poor circumstances," £13 for them, and returned the remaining 80 to the sender.

From these two instances, which are only quoted as examples of many others of a similar character in which the Museum Authorities

have directly acquired treasure trove, or to use the wording of the Statute, "are suspected thereof," it will be seen that the Statute is looked upon as a dead letter by that body, and that from their point of view the "antiquarian" value does not apply to objects acquired by the Museum without the aid of the Treasury.

Whatever may be said in favour of the Jesuitical doctrine, that the end justifies the means, and the Museum as a National Institution naturally has all our sympathies, it ought not to be necessary that there should be one law for the Museum and another for the public. The Museum is not the Treasury and has no more authority in these matters than the humblest amongst us, as the Irish Gold Ornaments case has so clearly decided. Under the existing law therefore it is most unfortunate that it should ever devolve upon the Museum to take the initiative in moving the machinery of the Treasury against the finder or purchaser of coins or other objects of antiquity which he desires to present to a local museum, or even is selfish enough to wish to retain for his own collection or study. To a man likely to be impressed the mere mention of "treasure trove" or "the police" is usually sufficient for the purpose, but in the case of another, not likely to be so easily influenced, the Treasury has to be urged to threaten prosecution. Compare a recent case in which a well known antiquary, who throughout his life has endeavoured to preserve from destruction objects of great antiquarian interest, with the sole object of preserving them in the museum of one of our most ancient municipal towns, with that of the donor of the mysterious hoard of Saxon coins to the British Museum. The one is threatened with proceedings, the other commemorated by a laudatory shield! This is manifestly as unjust to the Museum as it is to the public. The Museum cannot be expected on the one hand to accept these gifts without inquiry and an inquest, and on the other to instigate the Treasury to act as prosecutors of the public for doing precisely the same thing, yet that is what has been the condition of affairs for a long time past, and therefore it is quite time that some fundamental change in the law should relieve the Museum from so hypocritical a position. It is only right to assume that the Trustees themselves leave these matters entirely to their

officials to transact, without making inquiry as to what is done and the manner of doing it.

Perhaps at this juncture it may be well to refer to other matters of importance to the general public in relation to the Coin and Medal Department at the British Museum. There are only five *employés* there, and it is quite evident that extra help should be allowed it to deal with the important and valuable section relating to the coins and medals of the British Empire. As regards the *coins*, two parts of a catalogue have been issued, Vol. I. in 1887, and Vol. II. in 1893, and these comprise Anglo-Saxon coins only down to and including those of Harold II. There is no catalogue of Ancient British coins, nor of any of the series subsequent to Harold II. Not even a manuscript catalogue exists, so that a new Keeper has no means and the Trustees have no means of telling whether the collection, which is daily open to public inspection, remains intact or not. Quite apart from the obvious precaution demanded by ordinary prudence on the part of the Trustees of valuable property belonging to the nation, it must be apparent that the absence of printed and descriptive catalogues of nearly the whole series of British coins is a circumstance much to be deplored, and one which renders it almost impossible for anyone resident out of London to make a study of the coins of the Empire of which he is, or may be, a citizen. Even to a London resident, the necessity of attending at the Museum between certain limited hours and making his notes there coin by coin, is a needless waste of time and irksome by contrast, for example, with the delightful catalogues of the Wallace Collection, which has but comparatively recently become the property of the Nation. As a matter of fact, the Museum coins are not in all instances as yet properly arranged in the cabinets, and some obviously false pieces are included with the genuine examples.

The absence of a catalogue also means that time after time the same coins are noted and catalogued by private individuals for their own purposes. This entails the attendance of one of the officials in charge of the coins. It may be a question of hours, but often it is of days and sometimes of weeks, until probably the student and the official grow mutually tired of each other. The knowledge that a

public official's time and attention are being usurped is sufficient, on the one hand, to chill enthusiasm, and on the other to disturb the even placidity of official routine and so induce a depressing influence which seems to have found the light in Mr. R. Whiteing's novel, "*No. 5 John St.*," in which one of his characters is made to remark :—

For an outsider, though I say it, I have a fair knowledge of the Greek coins of Asia Minor. My cabinet of the same has been examined with an interest, *perhaps not altogether free from condescension*, by experts from the British Museum.

In connexion with the present lack of attention to the various series of British and Colonial coins and the want of initiative on the part of the officials at the British Museum to popularise the historical study of these important national monuments of past and present times, a step in the required direction would be to exhibit in cases, for the inspection of all visitors to the Museum, typical specimens of the most interesting classes, chronologically and geographically arranged.

At the present time there are only electrotypes of certain Greek coins on view, and these doubtless pass for *originals* in the eyes of the general public, who are supposed to be satisfied with the inspection of these imitations, for if they ask for admission to the somewhat carefully guarded chamber, in which the property of the Nation is entrusted, for inspection of the originals, they are met with the enquiry, "Which gentleman of the staff do you wish to see?"

With further assistance another defect might also be remedied. One would have thought that if from no feeling of respect and gratitude, at least for the encouragement of imitation, some acknowledgment of the many gifts and bequests which the Museum has received from public benefactors would have been the invariable rule. But although hundreds of the most valuable Anglo-Saxon coins in the collection have been given or bequeathed by private munificence not one acknowledgment is made, not one name is printed, and not one source of acquisition is mentioned in the Catalogue of the Anglo-Saxon series, the only catalogue of any English coins in the British Museum.

It seems to be a recognised tenet that the British Museum numismatic officials should be encouraged to do a certain amount of literary, or quasi-literary work, such as the writing of reviews or even anonymous criticisms on the works of learned or scientific societies and cataloguing private collections of coins and medals or other objects of antiquity, but this should not be allowed to take precedence of the arrangement and cataloguing of the British Museum collections. The fact that no catalogue of British coins has been issued since 1893 proves how desirable it is that additional help should be given to this very necessary work in the Coin Department. With it the Department would be enabled to add a British section to the staff which could devote its attention to the coins and medals of our own Empire. As at present constituted, the authorities, actuated no doubt by a desire to compete with the Continental museums in their own sections, seem to have allowed the coinage of our own country to fall quite into the background.

On the other hand, the public naturally expect the British Museum to give preference to British Numismatics, but of late years such has not been the case. From 1875 to 1903 inclusive, 52,629 coins have been added to the national collection, and of these no fewer than 47 per cent. are Oriental, and 31 per cent. Greek and Roman, whilst even inclusive of the exceptional windfalls of the Bank Collection (1,195 pieces), the Colchester Find (1,300 pieces), and the special grant for purchases at the Montagu Sales, less than 14 per cent. are British and Colonial. The following table extracted by one of our members, Mr. E. B. Harris, from the Blue Books, shows the figures in detail.

ACQUISITIONS OF THE BRITISH MUSEUM COIN AND MEDAL  
DEPARTMENT, 1875 TO 1903 INCLUSIVE.

| Section.                                   | Number of Coins. | Percentage. |
|--|------------------|-------------|
| Oriental ... ..                            | 24,345           | 46·2        |
| Greek (13,373) and Roman (2,978) ... ..    | 16,350           | 31·1        |
| British and Colonial ... ..                | 7,253            | 13·8        |
| Miscellaneous (mediæval and modern) ... .. | 4,681            | 8·9         |
|  | 52,629           | 100·0       |



A British section dealing with the coinage of the Empire in every continent would be a natural attraction, and one would think a necessary adjunct to the great Institution, and the cost of the necessary addition to the staff in the Coin and Medal Department for its maintenance would be little in comparison with its importance. Surely this can be provided? If the Trustees cannot afford the additional expense out of their present grant, will not some one of our readers who is a member of one or other of the Houses of Parliament, ask the requisite questions and move for the appointment of such a section, which would undoubtedly be of lasting and substantial benefit to the nation at large, and to numismatologists in particular.

Having now commented upon the law of treasure trove, the practice of the Treasury, the false position in which the British Museum is placed, and having also suggested incidentally, that a British section be added to the Department of Coins and Medals at that National Institution, it remains to humbly but hopefully suggest some method by which coins, ornaments and other objects of antiquity discovered may be preserved from destruction for the use and instruction of the nation. It is therefore suggested that in lieu of the present law of treasure trove, which, as shown above, is of uncertain application and very difficult to properly administer in practice, a carefully considered Act of Parliament should be passed making it compulsory for all objects of antiquity discovered within the British Isles to be offered at their fair market value to the Government. The objects would of course have to be defined, but might, with advantage, include pre-historic relics of flint, bone, bronze, ancient pottery, and glass, and coins, vessels, ornaments, weapons and armour of gold, silver, bronze, iron, or other metal, whether found in bulk or singly. A Department of Antiquities would probably be created with an advisory board of experts as to genuineness and value. To prevent unfairness of treatment, the finder of any such objects of antiquity should have the right to require the same to be valued by an independent valuer or valuers, and in the event of such independent valuers being unable to agree with the Government experts, either the Government or the vendor should be at liberty to submit the question

to arbitration, the arbitrator having a wide discretion as to ordering the costs of the proceedings to be borne by the party in fault or error. Particulars of the articles purchased, the prices offered and paid, together with the decisions and awards in cases of arbitration should be published. Any articles purchased by the Government should, after being carefully catalogued and photographed, be offered at the fair market value to the Trustees of the chief museum in the county or place where they were found, and if not there wanted, be returned to the finder. In modern times the Crown is not in need of assistance or support from the proceeds of treasure trove, and it is freely stated that the main reason for upholding the right, is to preserve gold and silver objects of antiquity from the melting pot. If this be so, why not, with the consent of the Crown, initiate an effective system to carry out the objects in view in their entirety and in a manner calculated to give those who are most likely to discover articles of antiquity an interest in their finding and preservation suitable to an enlightened age, instead of treating such persons on the footing of the besotted tavern-haunters contemplated by the statute of Edward I.

When the new conditions had become law, and had been widely and effectively published there would be little chance of anything of great interest being destroyed by ignorant workmen for fear of action on the part of equally un-informed policemen, and, most desirable attainment of all, the present unjust system of there being one law for the British Museum and its authorities, and another for the other Museums and their curators and the private individual, would be abolished.