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FINDING LOST GOODS-ANCIENT INDIAN CANOE

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FINDING LOST GOODS—ANCIENT INDIAN CANOE—As a result of a river's change in course, an old Indian canoe buried on certain land was exposed. While swimming in the river, plaintiffs discovered the canoe and told defendant about it. The

latter excavated and removed it. The land had been owned by *H*, who had died many years ago, devising it to his wife for life and then in fee to his daughter. Plaintiffs, intending to exhibit the canoe, paid the wife and her sons (who had been farming the land) a sum of money for it. In a replevin action, the daughter intervened. *Held*, the daughter as owner of the fee is entitled to the canoe. *Allred v. Biegel*, (Mo. App. 1949) 219 S.W. (2d) 665.

Plaintiffs' claim was based on two grounds: (1) as finder, (2) as purchaser from the life tenant and her sons. The court concluded that the canoe, embedded as it was in the land, had become part of it, relying largely on *Elwes v. Brigg Gas Co.*,¹ where a similar conclusion was reached as to a buried prehistoric boat, and *Goddard v. Winchell*.² This conclusion also negated any rights claimed through the life tenant.³

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¹ 33 Ch.D. 562 (1886).

² 86 Iowa 71, 52 N.W. 1124 (1892).

³ See generally on Finders Rights, comment, p. 352, *supra*.

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