

Finders keepers?

Legitimacy and law when taking possession of unattended goods

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Chapter 1

Lost, mislaid, and abandoned property

Lost, mislaid, and abandoned property are categories of the common law of property which deals with personal property or chattel which has left the possession of its rightful owner without having directly entered the possession of another person. Property can be considered lost, mislaid or abandoned depending on the circumstances under which it is found by the next party who obtains its possession.

There is an old saying that *possession is nine-tenths of the law*, perhaps dating back centuries. This means that in most cases, the possessor of a piece of property is its rightful owner without evidence to the contrary. More colloquially, this may be called **finders, keepers**. The contradiction to this principle is **theft by finding**, which may occur if **conversion** occurs after finding someone else's property.

The rights of a finder of such property are determined in part by the status in which it is found. Because these classifications have developed under the common law of England, they turn on nuanced distinctions. The general rule attaching to the three types of property may be summarized as: *A finder of property acquires no rights in mislaid property, is entitled to possession of lost property against everyone except the true owner, and is entitled to keep abandoned property.*^[1] This rule varies by jurisdiction.^[2]

1.1 Lost property

Property is generally deemed to have been **lost** if it is found in a place where the true owner likely did not intend to set it down, and where it is not likely to be found by the true owner. At common law, the finder of a lost item could claim the right to possess the item against any person except the true owner or any previous possessors.^{[3][2]}

The underlying policy goals to these distinctions are to (hopefully) see that the property is returned to its true original owner, or "title owner." Most jurisdictions have now enacted statutes requiring that the finder of lost property turn it in to the proper authorities; if the true owner does not arrive to claim the property within a certain period of time, the property is returned to the finder as

his own, or is disposed of.^[4] In Britain, many public businesses have a dedicated Lost Property Office (LPO), which in the United States would be called a lost and found.

Many exceptions may be applied at common law to the rule that the first finder of lost property has a superior claim of right over any other person except the previous owner. For example, a trespasser's claim to lost property which he finds while trespassing is generally inferior to the claim of the respective landowner. As a corollary to this exception, a landowner has superior claim over a find made within the non-public areas of his property, so if a customer finds lost property in the public area of a store, the customer has superior claim to the lost property over that of the store-owner, but if the customer finds the lost property in the non-public area of that store, such as an area marked "Employees Only," the store-owner will have superior claim, as the customer was trespassing when he found it.^[5]

The status of finders as employees or tenants of the landowner complicates matters, because employees and tenants have legitimate access to non-public areas of a landowner's property that others would not, without trespassing. Employees and tenants, however, still usually lose superior claim over lost property to their employers or landlords if the property is found within the scope of their employment, or outside the actual leased area, respectively.^[6]

For example, if the lost property is found by a tenant inside the walls of his leasehold, or by an employee embedded within the soil of an estate owned by his employer, the landowner (as employer or landlord) of the property where it was found usually has a superior claim of right over that of the finder. However, this is not always the case, as a long-term tenant who finds lost property within the leased area of his leasehold may have a superior claim over that of his landlord (especially if the landlord has never been to the property). While employers usually have a superior claim over lost property found by their employees, exceptions to this exist as well, as modern law sometimes grants the employee superior claim if turning over lost property to his employer is not part of his job description (such as if the employee is an interior decorator).^[7]

1.1.1 Animals

Since animals are mobile and are thus capable of becoming lost on their own, the loss of property that is a valuable animal has its own set of rules. A valuable animal that becomes lost usually does so by leaving its owner's real property and arriving on another property owner's land; such an animal is legally termed an *estrays*. Estrays are normally confined to *domesticated animals*, like livestock, and not wild animals. Since common pets are not considered valuable animals, *dogs* and *cats* are never considered estrays.

In many jurisdictions of the U.S., a person who discovers an estray will be required to file an affidavit of estray, along with its description, and potentially impound that animal in some way for a period of time. If the estray is *branded*, the owner can often be identified immediately. The owner of the estray will generally have a limited time frame in which to reclaim his property after a Notice of Estray is published, but on the expiration of such time another person or entity will be designated the new title owner of the property. Fees for impounding the estray will often accumulate which the property owner will be responsible for paying.

The status of a stray *domestic animal* is highly dependent on local jurisdictions. See *Feral cat*, *Free-ranging dog*. Given the significant number of feral dogs and cats, the finder of a lost dog or cat may have little or no restrictions to claiming the animal as his own property.^[8]

1.1.2 Slaves

Like animals, *fugitive slaves in the United States* (runaway slaves) were a type of property that was capable of relocating to other places. Slave owners depended on others to identify and return their property; some slaves would be *branded* if a slave was known to run away. Numerous laws in the U.S., like the *Fugitive Slave Clause* of the Constitution of 1789, the *Fugitive Slave Act* of 1793, and the *Fugitive Slave Act* of 1850 all stipulated that the slaves be captured and returned to their owner. These laws, now superseded by *Thirteenth Amendment* to the Constitution of 1865, were demanded by the *Southern States of the U.S.* but were actively opposed in most Northern states. Activists against slavery and the fugitive slave laws, such as members of the *Underground Railroad*, routinely violated the laws and refused to return slaves to their owners.

Of the 5 laws agreed upon in the *Compromise of 1850*, the fugitive slave laws were by far the most contentious, although many of the issues were split along regional lines with Northerners and Southerners diametrically opposed. In *Harriet Beecher Stowe's 1852 novel Uncle Tom's Cabin*, the issue of runaway slaves was a central theme. These property and fugitive slave issues, along with other events related to slavery, would propel the U.S.

into civil war.

1.1.3 Unclaimed property

Unclaimed Property laws in the United States provide for two reporting periods each year whereby unclaimed bank accounts, stocks, insurance proceeds, utility deposits, uncashed checks and other forms of "personal property" are reported first to the individual state's Unclaimed Property Office, then published in a local newspaper and then finally the property is turned over to the State for safe keeping until its rightful owner makes a claim. The states sponsor a free public site that reports only a portion of the unclaimed property available in the United States. There are commercial sites as well that provide the same information or portions of the information for a fee. Some consumer reporting sites that conduct the research and assist consumers will do so without charge or expense to the consumers.

1.2 Mislaid property

Property is generally deemed to have been *mislaid* or *misplaced* if it is found in a place where the true owner likely *did* intend to set it, but then simply forgot to pick it up again. For example, a wallet found in a shop lying on a counter near a cash register will likely be deemed *misplaced* rather than *lost*. Under common law principles, the finder of a misplaced object has a duty to turn it over to the owner of the premises, on the theory that the true owner is likely to return to that location to search for his misplaced item. If the true owner does not return within a reasonable time (which varies considerably depending on the circumstances), the property becomes that of the owner of the premises.^[9]

1.3 Abandoned property



Maui Police Department sticker affixed to abandoned cars.

Main article: [Abandonment \(legal\)](#)

Property is generally deemed to have been abandoned if it is found in a place where the true owner likely intended to leave it, but is in such a condition that it is apparent that he or she has no intention of returning to claim it. Abandoned property generally becomes the property of whoever should find it and take possession of it first, although some states have enacted statutes under which certain kinds of abandoned property – usually cars, wrecked ships and wrecked aircraft – **escheat**, meaning that they become the property of the state.^[10]

1.3.1 Treasure trove

Main article: [Treasure trove](#)

Treasure trove is property that consists of coins or currency hidden by the owner. To be considered *treasure trove* and not *misplaced property*, the property must have been deliberately hidden or concealed, and sufficiently long ago that the original owner can be considered dead or not discoverable. For example, under English law, one hundred Roman coins found buried in a chest would be treasure trove; however, one hundred Roman coins which were lost over time in a marketplace would not be treasure trove, as they were not deliberately hidden as a single hoard.

Under American common law, treasure trove belongs to the finder unless the original owner reclaims. Some states have rejected the American common law and hold that treasure trove belongs to the owner of the property in which the treasure trove was found. These courts reason that the American common law rule encourages trespass.

Under the traditional English common law, treasure trove belongs to the Crown, though the finder may be paid a reward.

1.4 Recent developments

In the United States, the National Conference of Commissioners on Uniform State Laws sought to address the problems arising from these types of property through provisions of the Uniform Unclaimed Property Act. The act was first drafted and promulgated in 1981 and a revised version, the Revised Uniform Unclaimed Property Act was introduced in 1995. The act specifically focuses on the problem of unclaimed money in bank accounts and corporate coffers, and the corresponding escheatment.

As a result of the Act, each state that has adopted the act, operates an Unclaimed Property fund in which the proceeds from abandoned bank accounts, unrepresented checks, etc. are to be turned over to the state after a specified period of time. Depending on state law, the

money may be held either in perpetuity (i.e., the funds *never* escheat to the state; an example would be Texas^[11]), or after a long period of time (whereby it is presumed that the owner is deceased with no heirs) the funds will escheat to the state. Due to the increasing mobility of the population, 39 states have joined together to operate [MissingMoney.com](#),^[12] a searchable database which lists unclaimed funds in these states. Another website at [Unclaimed.org](#) allows searches without charge for the remaining 11 states.^[12] Many commercial websites also offer this service at a charge. A searchable database for unclaimed money and property is available in Canada from the [Bank of Canada](#).

A similar problem has developed with respect to orphan works, artistic or literary works for which a copyright is in effect, but for whom the copyright owner cannot be found.^[13]

1.5 See also

- [Squatting](#)
- [Marine salvage](#)
- [Adverse possession](#)
- [Escheat – forfeit of property to the state](#)
- [Bona vacantia – precedent of escheat](#)
- [Probate – settling an estate after death](#)
- [Trover](#)
- [Old field \(ecology\)](#)

1.6 References

- [1] *Michael v. First Chicago Corp.*, 139 Ill. App. 3d 374, 382, 487 N.E.2d 403, 409 (1985)
- [2] Jesse Dukeminier and James E. Krier, *Property, Fifth Edition*, Aspen Law & Business (New York, 2002), p. 120. ISBN 0-7355-2437-8
- [3] *Armory v. Delamirie*, 1 Strange 505 (King's Bench, 1722)
- [4] Jesse Dukeminier and James E. Krier, *Property, Fifth Edition*, Aspen Law & Business (New York, 2002), p. 123-24. ISBN 0-7355-2437-8
- [5] *Bridges v. Hawkesworth*, (1851)
- [6] Jesse Dukeminier and James E. Krier, *Property, Fifth Edition*, Aspen Law & Business (New York, 2002), p. 120-123. ISBN 0-7355-2437-8
- [7] *Erickson v. Sinykin*, 26 N.W.2d 172 (Minn. 1947)
- [8] "Lost Dogs". *animallaw.info*.
- [9] *McAvoy v. Medina*, 93 Mass. (11 Allen) 548, (1866)

- [10] *Eads v. Brazelton*, 22 Ark. 499 (Ark. 1861)
- [11] Texas Comptroller of Public Accounts general information on unclaimed money.
- [12] Leamy, Elisabeth; Leamy, Elisabeth (22 December 2016). "How to find and claim cash you didn't know you had" – via washingtonpost.com.
- [13] Jon W. Bruce and James W. Ely Jr., *Cases and Materials on Modern Property Law*, West Group (St. Paul MN, 2003) p. 152. ISBN 0-314-26032-3

1.7 External links

- Unclaimed Property Professionals Organization

Chapter 2

Theft by finding

Theft by finding occurs when someone who chances upon an object which seems abandoned takes possession of the object but fails to take steps to establish whether the object is abandoned and not merely lost or unattended.*^[1] In some jurisdictions the crime is called “larceny by finding” or “stealing by finding”.^{[2][3]}

If the owner has renounced all property rights in the object, then the property is abandoned.^[1] Since theft is the unlawful taking of another person’s property, an essential element of the *actus reus* of theft is absent.^[2]

The finder of lost property acquires a possessory right by taking physical control of the property, but does not necessarily have ownership of the property. The finder must take reasonable steps to locate the owner.^[1] If the finder shows that reasonable steps to find the owner have been taken then the finder may establish that the required *mens rea* for theft, the intention to deprive the owner permanently, is absent.^[2]

In discussing the history of finding, Alice Tay^[2] collected some cases (at footnote 36) where a finder raised an unsuccessful defence to larceny on the grounds that the circumstances of finding were such that no inquiry as to the true owner was required:

- *Lamb’s Case* (1694) 2 East, P. C. (London, 1803) 664 (driver of hackney carriage keeping articles and cases left behind by passengers)
- *Wynne’s Case* (1786) 1 Leach 413, 168 E. R. 308, 2 East, P. C. 664 (facts as in *Lamb’s Case*)
- *R. v. Pope* (1834) 6 C. & P. 346, 172 E. R. 1270 (prisoner picking up hat after brawl in passage of public house)
- *R. v. Kerr* (1837) 8 C. & P. 176, 173 E. R. 449 (servant keeping money picked up in passage of master’s dwelling-house)
- *R. v. Peters* (1843) 1 C. & K. 245, 174 E. R. 795 (prisoner ‘finding’ valuable ornaments in garden of one who had employed him to do some work)
- *R. v. West* (1854) 6 Cox C. C. 417 (stall-keeper appropriating purse left on stall by customer)

- *R. v. Moore* (1861) L. & C. 1, 169 E. R. 1278 (barber-shop keeper converting banknote picked up on floor after a customer had purchased some hair oil)

and cases where the circumstances were held to show no larceny:

- *R. v. Wood* (1848) 3 Cox C. C. 277 (banknote found on open land)
- *R. v. Dixon* (1855) 7 Cox C. C. 35, 25 L. J. M. C. 39 (lost note without mark)
- *R. v. Shea* (1856) 7 Cox C. C. 147; *R. v. Christopher* (1858) Bell C. C. 27, 169 E. R. 1153 (unmarked notes and purse found in public place)
- *R. v. Glyde* (1868) 11 Cox C. C. 103 (sovereign found in high road)
- *R. v. Deavis* (1869) 11 Cox C. C. 227 (prisoner’s child found six sovereigns in public place)

An issue may arise when a person takes possession of lost property with the intention of returning it to the owner after inquiry but later converts the property to the finder’s use. This is illustrated by *Thompson v. Nixon* [1965] 3 W.L.R. 501: an off duty police constable found a bag of rabbit food lying by the roadside, took it home intending to hand it in as lost property but some time after decided to keep it for his own use. He was found guilty at first instance but his ultimate appeal to the Divisional Court was upheld. The appellate court held that, at the time of finding, there was no *mens rea* to support a conviction of larceny.^[4] In some jurisdictions this has been addressed by statute; see, for example, s. 124, *Crimes Act 1900* (NSW) allowing a jury to reach an alternative verdict of “fraudulent appropriation”.

Some have argued that finding should not be a province for the criminal law system but that any dispute as to ownership be left to resolution via a civil suit.^[3] Others have argued that the jurisprudence gives rise to legal fictions and strained reasoning which has attracted divergent statutory law reform in different jurisdictions.^{[4][5]}

2.1 References

- [1] Tooher, Joyce. “finding of property”. In Peter Cane and Joanne Conaghan. *The New Oxford Companion to Law*. (Oxford Reference Online. ed.). Oxford University Press Inc. Retrieved 8 August 2011.
- [2] A. E. S. Tay (Jul 1964). "Bridges v. Hawkesworth and the Early History of Finding". *The American Journal of Legal History*. Temple University. **8** (3): 224–237. JSTOR 844171.
- [3] “Larceny by Finding (reprinted from the *Law Times* (London))”. *The American Law Register (1852-1891)*. The University of Pennsylvania Law Review. **7** (6): 381–383. Apr 1859. JSTOR 3302356.
- [4] T. Hadden (Nov 1965). “Larceny by Finding. How Not to Reform the Law”. *The Cambridge Law Journal*. Cambridge University Press on behalf of Editorial Committee of the Cambridge Law Journal. **23** (2): 173–175. doi:10.1017/s0008197300082635. JSTOR 4505022.
- [5] Bernard J. Davies (Apr 1967). “Larcenous Mistake in England and the United States of America”. *The International and Comparative Law Quarterly*. Cambridge University Press on behalf of the British Institute of International and Comparative Law. **16** (2): 491–521. doi:10.1093/iclqaj/16.2.491. JSTOR 757387.

Chapter 3

One Ring

“Ring-bearer” and “The One Ring” redirect here. For the attendant in a wedding ceremony, see [Page boy](#) (wedding attendant). For the role-playing game, see [The One Ring Roleplaying Game](#).

The **One Ring** is an artefact that appears as the central plot element in J. R. R. Tolkien's *The Lord of the Rings* (1954–55). It is described in an earlier story, *The Hobbit* (1937), as a [magic ring of invisibility](#). In the sequel, *The Lord of the Rings*, Tolkien ascribes to the Ring a darker character, with malevolent power going far beyond conferring invisibility: it was created by [Sauron](#) the Dark Lord as part of his design to win domination over [Middle-earth](#). *The Lord of the Rings* concerns the quest to destroy the Ring to keep Sauron from fulfilling his design.

3.1 Literature

In *The Lord of the Rings* and the posthumously published *The Silmarillion*, Tolkien provides a detailed internal development from the forging of the Ring to its destruction. In the fictional context of Middle-earth, these events take place during several thousand years in the Second and Third Age of Arda.

3.1.1 Description

The One Ring was forged by the Dark Lord Sauron during the [Second Age](#) to gain dominion over the free peoples of Middle-earth. In disguise as *Annatar*, or “Lord of Gifts”, he aided the Elven smiths of Eregion and their leader [Celebrimbor](#) in the making of the [Rings of Power](#). He then forged the One Ring himself in the fires of Mount Doom.^[1]

Sauron intended it to be the most powerful of all Rings, able to rule and control those who wore the others. Since the other Rings were themselves powerful, Sauron was obliged to place much of his own power into the One to achieve his purpose.^[2]

Creating the Ring simultaneously strengthened and weakened Sauron's power. On the one hand, as long as Sauron

had the Ring, he could control the power of all the other Rings, and thus he was significantly more powerful after its creation than before;^[3] and putting such a great portion of his own power into the Ring ensured Sauron's continued existence so long as the Ring existed. On the other hand, by binding his power within the Ring, Sauron became dependent on it—without it his power was significantly diminished.^{[1][3]}

3.1.2 Appearance

The Ring seemed to be made simply of gold, but it was impervious to damage. It could be destroyed only by throwing it into the pit of the volcanic Mount Doom where it was originally forged. Unlike other rings, the One Ring was not susceptible to dragon fire.^[4] Like some lesser rings forged by the Elves as “essays in the craft”—but unlike the other Rings of Power—the One Ring bore no gem. Its identity could be determined by a little-known but simple test: when placed in a fire, it displayed a fiery [Tengwar](#) inscription in the [Black Speech](#) of Mordor, with two lines from a rhyme of lore describing the Rings:

Three Rings for the Elven-kings under the sky,
Seven for the Dwarf-lords in their halls of stone,
Nine for Mortal Men doomed to die,
One for the Dark Lord on his dark throne
In the Land of Mordor where the Shadows lie.
**One Ring to rule them all, One Ring to find them,
One Ring to bring them all and in the darkness bind them**
In the Land of Mordor where the Shadows lie.

The lines inscribed on the Ring (in boldface above) were pronounced by Sauron when he forged the Ring. The Elven smiths heard him chanting them, and thereupon became aware of his purpose and took off their own Rings to foil his plan.

A person wearing the Ring would enter a shadowy world revealing the physical world from a different aspect, from which physical objects were harder to see. The wearer

was mostly invisible to ordinary beings, such as **Men**, but highly visible to the **Nazgûl**. The Ring dimmed the wearer's sight, while at the same time sharpening the other senses.

The enigmatic **Tom Bombadil** appeared to be unaffected by the Ring and to have some power over it; when he wore the Ring, it did not make him invisible, and Frodo could not become invisible to him by wearing the Ring. Also, Tom played with the Ring like a conjurer borrowing someone's watch for a trick, seemingly making it disappear and reappear.

The Ring slowly but inevitably corrupted its bearer, regardless of the bearer's initial intent. For this reason the Wise, including **Gandalf**, **Elrond**, and **Galadriel**, refused to wield it themselves, but determined instead that it should be destroyed. The corrupting power of the ring was apparently stronger on individuals more inclined to evil and selfishness: it took almost immediate hold of the greedy **Sméagol** as soon as he saw it, and corrupted **Boromir** after a few months of near proximity, while its effects were only starting to be seen in the well-meaning **Bilbo** after his sixty years' possession.

The Ring had the ability to change size. As well as adapting to fingers of varying size, from Sauron's to Frodo's, it sometimes suddenly expanded to escape from its wearer.^[5]

Inscription

The words of the ring-inscription are in **Black Speech**, a language devised by **Sauron** and used in the land of **Mordor**. The inscription reflects the One Ring's power to control the other **Rings of Power**. The writing uses **Elvish** letters (**tengwar**), in a mode (i.e. orthography) adapted to the **Black Speech**.

Normally the One Ring appeared perfectly plain and featureless, but when heated its inscription appeared in fiery letters. A drawing of the inscription and a translation provided by **Gandalf** appears in **Book I**, **Chapter 2** of *The Fellowship of the Ring*, "The Shadow of the Past".



Gandalf speaks the words in **Black Speech** in **Book II**, **Chapter 2**, "The Council of Elrond":

*Ash nazg durbatulûk, ash nazg gimbatul,
Ash nazg thrakatulûk agh burzum-ishi krim-
patul.*

Translated, the words mean:

*One ring to rule them all, one ring to find
them,
One ring to bring them all and in the darkness
bind them.*

When **Isildur** took the Ring from **Sauron's** hand, it was burning hot, so the letters were legible. **Isildur** was able to transcribe the inscription before it faded as the Ring cooled. This transcription survived in a document **Isildur** left in **Gondor** before marching north to the **Gladden Fields**, where he was killed and the Ring lost.

Gandalf learned of the Ring's inscription when he read **Isildur's** account. When **Gandalf** subsequently heated the ring that **Bilbo Baggins** had left to **Frodo**, the inscription reappeared. The wizard then had no doubt that **Frodo's** ring was the One Ring. When **Gandalf** recited the inscription in **Black Speech** at the **Council of Elrond**, everyone trembled:

*The change in the wizard's voice was as-
tounding. Suddenly it became menacing, pow-
erful, harsh as stone. A shadow seemed to pass
over the high sun, and the porch for a moment
grew dark. All trembled, and the Elves stopped
their ears.*

The first **Ballantine** paperback edition of *The Fellowship of the Ring* printed the inscription upside-down. Some recent editions^[6] accidentally omit the first half of the translation in **Book I**, **Chapter 2**. This error was corrected in the 50th Anniversary edition.

3.1.3 Ring-bearers

The term **Ring-bearer** is used in *The Lord of the Rings* to describe a person who has possessed the One Ring. The term is also used to refer to bearers of other **Rings of Power**.

In *The Lord of the Rings*, **Frodo Baggins** was appointed **Ring-bearer** by the **Council of Elrond** in **Rivendell**. His task was to carry the One Ring from **Rivendell** to the **Crack of Doom** in **Mordor** and to destroy it before **Sauron** or his servants could recover it. During this journey, **Frodo's** companion **Samwise Gamgee** also carried the ring briefly while **Frodo** was held captive in the **Tower of Cirith Ungol**. Near the onset of this journey the Ring was handled also by **Tom Bombadil**, upon whom the Ring had no apparent effect, and by **Gandalf**, who cast it into **Frodo's** fireplace to verify that it was the One Ring.

Frodo inherited the Ring from his uncle **Bilbo Baggins**. In **Tolkien's** earlier novel, *The Hobbit*, **Bilbo** found the Ring in the caverns beneath the **Misty Mountains**. It had been lost in the caverns by **Gollum**, who used the invisibility it conferred to hunt orcs to eat. **Gollum**, a hobbit previously known as **Sméagol**, had kept the Ring for hundreds of years. He had murdered his cousin **Déagol** to get the Ring

shortly after Déagol found it in the river *Anduin*. Many centuries earlier the Ring had betrayed Isildur and fallen from his finger into the *Anduin* as he was eluding orcs—who killed him when he became visible. Isildur in turn had cut the Ring from the hand of *Sauron*, who had made the Ring and let much of his power flow into it. *Sauron* was the Ring's true master, and the only being who could bend it completely to his will.

Though Déagol and Gandalf had handled the Ring, the only individuals ever to wear it were *Sauron*, Isildur, Sméagol/Gollum, Bilbo, Frodo, Tom Bombadil, and Samwise. None but Bilbo, Frodo, and Samwise are actually called “Ring-bearers” in any of Tolkien's works. As Ring-bearers, they were granted passage to the *Undying Lands*, though Sam lived in the *Shire* for many years after the departure of Bilbo and Frodo before making the journey himself.

3.1.4 Internal history

Further information: *Timeline of Arda*

After its original forging (about S.A. 1600) *Sauron* waged the *War of the Elves and Sauron* against the *Elves* and all who opposed him. *Sauron* invaded and destroyed *Eregion*, and killed *Celebrimbor*, the maker of the three rings of the *Elves*. However, King *Tar-Minastir* of *Númenor* sent a great fleet to *Middle-earth*, and with this aid *Gil-galad* destroyed *Sauron's* army and forced *Sauron* to return to *Mordor*.

In S.A. 3261, *Ar-Pharazôn*, the last and most powerful king of *Númenor*, landed at *Umbar* at the head of an immense army to do battle with *Sauron*. The sheer size and might of the *Númenórean* army was enough to force *Sauron's* armies to flee. *Sauron* surrendered to *Ar-Pharazôn* and was taken back to *Númenor* as a prisoner. Tolkien, in a letter written in 1958 (#211) wrote that the surrender was both “voluntary and cunning” so he could gain access to *Númenor*. *Sauron* was able to use the *Númenóreans'* fear of death as a way to turn them against the *Valar*, and manipulate them into worshipping his master, *Morgoth*, and performing *human sacrifice*.

Although *Sauron's* body was destroyed in the *Fall of Númenor*, his spirit was able to travel back to *Middle-earth* and wield the *One Ring* in his renewed war against the *Last Alliance of Elves and Men* between S.A. 3429 and 3441. Tolkien emphasized that *Sauron* used his ring in *Númenor* to gain complete control over its people; and while *Sauron's* body perished in the *Fall*, the Ring somehow made it back to *Middle-earth*. Tolkien wrote, “I do not think one need boggle at this spirit carrying off the *One Ring*, upon which his power of dominating minds now largely depended.” (letter #211).

Sauron was killed again by *Gil-galad* and *Elendil* at the end of the *Last Alliance*. The Ring was cut from *Sauron's*

hand by *Elendil's* son, *Isildur*, on the slopes of *Mount Doom*. Though counselled to destroy the Ring, he was swayed by its power and kept it safe instead, “as *weregild* for my father, and my brother”. A few years later, *Isildur* was ambushed by orcs by the *River Anduin* near the *Gladden Fields*; he put on the Ring to escape, but it slipped from his finger as he swam across the river, and, suddenly visible, he was killed by the orcs. Since the Ring indirectly caused *Isildur's* death, it was known in *Gondorian* lore as “*Isildur's Bane*”.

The Ring remained hidden on the river bed for almost two and a half millennia, until it was discovered on a fishing trip by a *Stoor* hobbit named Déagol. His friend and relative Sméagol, who had gone fishing with him, was immediately ensnared by the Ring's power and demanded that Déagol give it to him as a “birthday present”; when Déagol refused, Sméagol strangled him and took it for himself. The Ring corrupted his body and mind, turning him into the creature known as *Gollum*. The Ring, which *Sauron* had endowed with a will of its own, manipulated *Gollum* into hiding in a cave under the *Misty Mountains* near *Mirkwood*, where *Sauron* was beginning to resurface. There *Gollum* remained for nearly 500 years, until the Ring tired of him and fell off his finger as he was hunting an orc.

As is told in *The Hobbit*, Bilbo found the Ring shortly afterward while lost in the tunnels near *Gollum's* lair. When *The Hobbit* was written, Tolkien had not yet conceived of the Ring's sinister history. Thus, in the first edition of *The Hobbit*, *Gollum* surrenders the Ring to Bilbo as a reward for winning the *Riddle Game*. When Tolkien revised the nature of the Ring for *The Lord of the Rings*, he realized that the Ring's grip on *Gollum* would never permit him to give it up willingly. Tolkien therefore revised the second edition of *The Hobbit*: after losing the *Riddle Game* to Bilbo, *Gollum* went to get his “Precious” (as he always called it) so he could kill and eat Bilbo, but flew into a rage when he found the Ring missing. Deducing from Bilbo's last question—“What have I got in my pocket?”—that Bilbo had found the Ring, *Gollum* chased him through the caves, not realizing that the hobbit had discovered the Ring's powers of invisibility and was following him to the cave's exit. Bilbo escaped *Gollum* and the goblins by remaining invisible, but when he rejoined Gandalf and the *dwarves* he was travelling with, he decided not to tell them that the Ring had made him invisible. In fact he told them a story that closely followed the first edition of *The Hobbit*: that *Gollum* had given him the Ring and showed him the way out. Gandalf was not convinced and later forced the real story from Bilbo; he was thus immediately suspicious of the Ring.

Gollum eventually left the *Misty Mountains* to track down and reclaim the Ring. He wandered for decades, and was drawn to *Mordor*, where he was captured by *Sauron's* forces. He was interrogated by *Sauron* himself, who learned that the Ring had been found and was currently held by one “*Baggins*” in the land of “*Shire*”.

In T.A. 3001, the Ring was beginning to strain Bilbo, leaving him feeling “stretched-out and thin”, and so he decided to leave the Shire, intending to pass the Ring to his adopted heir **Frodo Baggins**. He briefly gave in to the Ring’s power, even calling it “my precious”; alarmed, Gandalf spoke harshly to his old friend to persuade him to give it up, which Bilbo eventually did, becoming the first Ringbearer to surrender it willingly.

By this time Sauron had regained much of his power, and the **Dark Tower** in Mordor had been rebuilt. Gollum, released from Mordor, was captured by Gandalf and **Aragorn**, and from him Gandalf learned that Sauron now knew where to find the Ring. To prevent Sauron from reclaiming his Ring, Frodo and eight other companions set out from **Rivendell** for Mordor in an attempt to destroy the Ring in the fires of **Mount Doom**. During the quest, Frodo gradually became more and more susceptible to the Ring’s power, and feared that it was going to corrupt him. When he and his faithful companion **Samwise Gamgee** discovered Gollum on their trail and “tamed” him into guiding them to Mordor, Frodo began to feel a strange bond with the wretched, treacherous creature, while Gollum warmed to Frodo’s kindness and made at least some effort to keep his promise. Gollum eventually gave in to the Ring’s temptation, however, and betrayed them to the spider **Shelob**. Believing Frodo to be dead, Sam bore the Ring himself for a short time and experienced the temptation it induced; he wore it briefly twice, but never succumbed to it.

Sam rescued Frodo from a band of orcs at the Tower of **Cirith Ungol**. The hobbits, followed by Gollum, eventually arrived at **Mount Doom**, where Frodo was overcome by the Ring’s power and claimed it for himself. At that moment, however, Gollum attacked him and bit off his finger, taking back the Ring. Gollum was too close to the edge: as he gloated over his prize he fell into the fires of **Mount Doom**, taking the Ring with him, thus destroying it and Sauron’s power.

3.1.5 Powers

The Ring’s primary power was control of the other Rings of Power and domination of the wills of their users.^[7] The Ring also conferred power to dominate the wills of other beings whether they were wearing Rings or not—but only in proportion to the user’s native capacity. In the same way, it amplified any inherent power its owner possessed.^[7]

A mortal wearing the Ring became effectively invisible except to those able to perceive the non-physical world, with only a thin, shaky shadow discernible in the brightest sunlight.^[7] The Ring would also extend the life of a mortal possessor indefinitely by preventing natural aging. Gandalf explained that it does not “grant new life”, but that the possessor merely “continues” until life becomes unbearably wearisome. However, the Ring could not protect its

bearer from destruction; Gollum perished in the Crack of Doom while in possession of the Ring, and even Sauron himself could not preserve his body from destruction during the downfall of Númenor. Likewise, the Ring could not protect its bearer from physical harm; Frodo was seriously injured by the **Witch-king** on **Weathertop**, and lost a finger when Gollum bit it off—on both occasions while wearing the Ring. Sauron himself suffered the death of his physical body at the hands of **Gil-galad** and **Elendil** while wearing the Ring. Like the Nine Rings, the One Ring could physically corrupt mortals who wear it for extended periods of time, eventually transforming them into wraiths. Hobbits were more resistant to this process than **Men**: Gollum, who possessed the ring for five-hundred years did not become wraith-like because he did not wear the ring often after taking it to the tunnels of the **Misty Mountains**.^[8]

The Ring might also have given its wielder the ability to read minds, as Galadriel suggested to Frodo when he wondered why he could not read the thoughts of others as she did.

Within the land of Mordor where it was forged, the Ring’s power increased so significantly that even without wearing it the bearer could draw upon it, and could acquire an aura of terrible power. When Sam encountered an orc in the Tower of **Cirith Ungol** while holding the Ring, he appeared to the orc as a powerful warrior cloaked in shadow “[holding] some nameless menace of power and doom.” The orc was so terrified that it fled. Similarly at **Mount Doom**, when Frodo and Sam were attacked by Gollum, Frodo grabbed the Ring and appeared as “a figure robed in white... [that] held a wheel of fire.” Frodo told Gollum “in a commanding voice” that “If you touch me ever again, you shall be cast yourself into the Fire of Doom,” a statement fulfilled when Gollum fell into **Mount Doom** with the Ring. Although the Ring was certainly invoked with this statement, it is unclear whether Frodo was prophesying (Frodo had previously seen less sinister visions while in possession of the Ring), or if Frodo was actively laying a curse upon Gollum.

As the Ring contained a large part of Sauron’s power, it was endowed with a malevolent sentience of sorts. While separated from Sauron, the Ring would strive to return to him by manipulating its bearer to claim ownership of it, or by abandoning the bearer at an opportune moment.^[9] For example, it slipped from **Isildur**’s finger during the ambush at **Gladden Fields**; moments later he was killed by orcs, leaving the Ring’s whereabouts unknown to Sauron’s enemies. It also slipped off Gollum’s finger when the time was right for it to be brought back into the world at large. Warned by Bilbo of the Ring’s tendency to slip off, Frodo carried the Ring on a chain.

To master all of the Ring’s capabilities, a Ring wielder would need a disciplined and well-trained mind, a strong will, and great native power. Those with weaker minds, such as Hobbits and lesser Men, would gain little benefit

from the Ring, let alone realize its full potential. Even for someone with the necessary strength, it would have taken time to master the Ring's power to the point where he was strong enough to overthrow Sauron.^[9] The prospect of mastery is the main appeal that the Ring holds for those who come in contact with it. The Ring appears as a symbol of hope, offering the power to defeat Sauron and bring peace to the world. Yet in the end, its inherent malevolence would twist its bearer into another Dark Lord as evil as Sauron, regardless of one's intentions at the outset.

Despite its power, the Ring did not render its bearer omnipotent. Three times Sauron suffered military defeat while bearing the Ring, first by Gil-galad in the War of Sauron and the Elves, again by Ar-Pharazôn when Númenórean power so overawed his armies that they deserted him, and again at the end of the Second Age with his personal defeat by Gil-galad and Elendil. Tolkien indicates, however, that such a defeat would not have been possible in the waning years of the **Third Age**, when the strength of the free peoples was greatly diminished. There were no remaining heroes of the stature of Gil-galad, Elendil, or Isildur; the strength of the Elves was fading and they were departing to the **Blessed Realm**; the Dwarves had been driven out of **Moria** and would have been unwilling to concentrate their strength in any event; and the Númenórean kingdoms had either declined or been destroyed, and had few allies.

3.1.6 Fate of the Ring-bearers

Of the several bearers of the One Ring, three were still alive following the Ring's destruction, the hobbits **Bilbo Baggins**, **Frodo Baggins**, and **Samwise Gamgee**. Bilbo, having borne the Ring longest of the three, had reached a very advanced age for a hobbit. Frodo suffered both physical and psychological scars from his strenuous quest to destroy the Ring. Samwise, having only briefly kept the Ring, was affected the least and simply carried on a normal life following the Ring's destruction.

In consideration of the trials the Ring-bearers had endured, special dispensation was granted them by the Valar to travel to the **Undying Lands**, where it was hoped they could find rest and healing. At the close of *The Return of the King*, Bilbo and Frodo embark for the voyage to the West along with **Galadriel**, **Elrond**, and many of their folk, as well as **Gandalf**. Near the end of his life, Samwise is also said to have been taken to the Undying Lands, after living in the Shire for many years and raising a large family.

Tolkien emphasized that the restorative sojourn of the Ring-bearers in the Undying Lands would not have been permanent. As mortals, subject to the **Gift of Men**, they would eventually die and leave the world of Eä.^[10]

3.2 Symbolism

Tolkien wrote the following about the idea behind the One Ring: "I should say that it was a mythical way of representing the truth that potency (or perhaps potentiality) if it is to be exercised, and produce results, has to be externalized and so as it were passes, to a greater or lesser degree, out of one's direct control." (Letter #211, 1958).

Tolkien always strongly held that *The Lord of the Rings* was not allegorical, particularly in reference to political events of his time such as World War II or the Cold War. At the same time he conceded "applicability" as being within the "freedom" of the reader,^[11] and indeed many people have been inclined to view the One Ring as a symbol or metaphor. The notion of a power too great for humans to safely possess is an evocative one, and already in the 1930s there were technologies available to suggest the idea. By the time the work was published, though not when most of it was written, the existence of nuclear power and nuclear weapons were common knowledge, and the Ring was often taken as symbolic of them.^[12] The effect of the Ring and its physical and spiritual after-effects on Bilbo and Frodo are obsessions that have been compared with drug addiction; actor **Andy Serkis** who played **Gollum** in the film trilogy cited drug addiction as an inspiration for his performance.^[13]

Parallels have been drawn between the literary device of Tolkien's Cursed Ring and the titular ring in **Richard Wagner's *Der Ring des Nibelungen***.^[14] Tolkien dismissed critics' direct comparisons to Wagner, telling his publisher, "Both rings were round, and there the resemblance ceases."^[15] According to **Humphrey Carpenter's** biography of Tolkien, the author held Wagner's interpretation of the relevant Germanic myths in contempt.^[16] In the contrary sense, some critics hold that Tolkien's work borrows so liberally from Wagner that Tolkien's work exists in the shadow of Wagner's.^[14] Others, such as **Tom Shippey**^[17] and **Gloriana St. Clair**,^[18] attribute the resemblances to the fact that Tolkien and Wagner have created homologue works based in the same sources. However, Shippey and other researchers have written on an intermediary position, stating that both the authors, indeed, *used* the same source materials but that Tolkien was, in fact, indebted to some of the original developments, insights and artistic uses made upon those sources that first appeared in Wagner, and sought to improve upon them.^{[19][20]}

3.3 Adaptations

In the 1981 BBC Radio serial of *The Lord of the Rings*, the Nazgûl chant the Ring-inscription.

In *The Lord of the Rings* film trilogy, the wearer of the Ring is always portrayed as moving through a shadowy realm where everything is distorted. In the book, neither **Bilbo Baggins** nor **Frodo Baggins** ever mentioned any-



The One Ring in Peter Jackson's films.

thing about this while using the Ring, but when Sam puts on the Ring at the end of *The Two Towers* he does experience something similar to this. Sam never wore the Ring on screen in Jackson's films. The actual Ring for the movies was designed and created by Jens Hansen Gold & Silversmith in Nelson, New Zealand, and was based on a simple wedding band.

3.4 See also

- Ring of Gyges
- Ring of the Nibelung

3.5 Notes

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- [3] Carpenter, Humphrey, ed. (1981), *The Letters of J. R. R. Tolkien*, Boston: Houghton Mifflin, "Letter 131", p. 153, ISBN 0-395-31555-7
- [4] J.R.R. Tolkien, *The Lord of the Rings*, "The Shadow of the Past", p. 61 (Houghton Mifflin, 50th Anniversary Edition, Boston & New York, 2004).

- [5] J R R Tolkien: *The Lord of the Rings*. George Allen & Unwin, London, 1968. ISBN 0-04-823087-1. Page 60.
- [6] For example, *The Fellowship of the Ring*, ISBN 0-618-00222-7, from the Houghton-Mifflin boxed paperback set of 1999.
- [7] Carpenter 1981, #131 pg 152
- [8] Tolkien, J.R.R. *The Lord of the Rings*. p. 57.
- [9] Carpenter 1981, #246 pg 332
- [10] *Letters*, Number 246, p. 328.
- [11] Carpenter 1981, #203
- [12] Carpenter 1981, #226
- [13] "Andy Serkis BBC interview". *BBC News*. March 21, 2003. Retrieved January 6, 2010
- [14] Alex Ross, "The Ring and the Rings> Wagner vs Tolkien", *The New Yorker*, December 22, 2003
- [15] Carpenter 1981, #229
- [16] Carpenter, Humphrey (1977), *Tolkien: A Biography*, New York: Ballantine Books, ISBN 0-04-928037-6
- [17] Tom Shippey, *The Road to Middle-earth*, page 296
- [18] "CMU Libraries: Book: Tolkien's Cauldron". Shelf1.library.cmu.edu. 2001-10-11. Retrieved 2011-11-16.
- [19] "Project MUSE - Tolkien Studies - Roots and Branches: Selected Papers on Tolkien (review)". Muse.jhu.edu. Retrieved 2011-11-16.
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