

*Treasure Trove.***No. 3 of 1891.****An Ordinance to amend the Law relating to Treasure Trove.***(See No. 17 of 1887.)*

Preamble.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 17 of 1887: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

To be read with principal Ordinance, No.17 of 1887.

1 This Ordinance and the Ordinance No. 17 of 1887, intituled "An Ordinance relating to Treasure Trove," hereinafter referred to as "the principal Ordinance," shall be read together as one Ordinance.

Section 1 of principal Ordinance amended.

2 For section 1 of the principal Ordinance the following section shall be substituted :

For the purposes of this Ordinance—

"Treasure trove" shall mean any money, coin, gold, silver, plate, bullion, precious stones, antiquities, or anything of any value found hidden in, or in anything affixed to, the earth, and the owner of which is unknown or cannot be found ; and

"Chief headman" shall include any mudaliyár, muhandiram, ratémahatmayá, kórála, arachchi, vanniya, udaiyár, maniakar, or adigár.

Section 3 amended.

3 For section 3 of the principal Ordinance the following section shall be substituted :

(1) From and after the coming into operation of this Ordinance it shall be the duty of every person finding treasure trove, and every person to whose knowledge the finding of treasure trove shall in any way come, and of every person to whose possession treasure trove shall in any way come, forthwith to report the fact of such finding and to surrender the treasure trove in his possession to the nearest police magistrate, if any such magistrate resides within a distance of ten miles from the place in which such finding shall have occurred, or in which such person shall be at the time he acquires possession of such treasure trove. But if no such magistrate resides within the distance aforesaid, such report and surrender shall be made to the nearest chief headman or to the nearest police officer not under the rank of sergeant, and it shall be the duty of such headman or police officer forthwith to give information of such report, and to deliver possession of any treasure trove which may have been surrendered to him to the nearest police magistrate.

(2) On the receipt of the report mentioned in the preceding sub-section, or on complaint being made by any person to a police court that an offence has been committed under this Ordinance, the police magistrate shall proceed to inquire into the matter of such report or complaint in order to ascertain—

Treasure Trove.

- (a) What was the treasure trove actually found ;
 (b) Who were the finders ;
 (c) Whether any offence has been committed under the Ordinance, and, if so, by whom.

If, however, such magistrate has no jurisdiction over the district or division in which the treasure trove has been found or may be reported to have been found, he shall forthwith transmit such information as he may have received, and any treasure trove which may have been delivered to him, to the police magistrate having such jurisdiction, and such magistrate shall thereupon proceed to hold the inquiry as above provided.

4 The words "or unofficial police magistrate" in the first line of section 4 of the principal Ordinance shall be and the same are hereby repealed. Section 4 amended.

5 For section 6 of the principal Ordinance the following section shall be substituted : Section 6 amended.

The finder or other person to whose possession treasure trove shall have come shall, on complying with the provisions of section 3, and on voluntarily surrendering such treasure trove to any chief headman, police officer, or police magistrate, as hereinbefore provided, and on such treasure trove being retained by the Ceylon Government, become entitled to receive from the said Government payment of a sum of money equivalent to the value of the material of such treasure trove, together with an additional one-fifth of such value. The value in each case shall be determined by the Governor in Executive Council.

6 For section 8 of the principal Ordinance the following section shall be substituted : Section 8 amended.

Every finder of treasure trove, and every person to whose knowledge the finding of treasure trove shall in any way come, and every person to whose possession treasure trove shall have come, who shall wilfully omit or neglect to report such finding, or to deliver possession of such treasure trove in manner in section 3 provided, and any person who conceals or does any act towards concealing treasure trove, or in any way alters or attempts to alter such treasure trove so as to conceal its identity, and any chief headman or police officer who wilfully neglects to perform the duty imposed on him by section 3, shall be guilty of an offence, and shall be liable on conviction to simple or rigorous imprisonment for a term not exceeding two years, or to a fine not exceeding one thousand rupees, or both.

7 Section 9 of the principal Ordinance shall be and the same is hereby repealed. Section 9 repealed.

21st September, 1891.