

*Treasure Trove.***No. 17 of 1887.***(As amended by No. 3 of 1891.)***An Ordinance relating to Treasure Trove.**

Preamble.

WHEREAS it is expedient to provide against the concealment of treasure trove found in this island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Interpretation clause:

"Treasure trove."
"Chief headman."

[§ 2, 3 of 1891]

1 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, manikar, or adigár.

All treasure trove to be the absolute property of Her Majesty.

2 All treasure trove shall be the absolute property of Her Majesty and her successors, and the person finding the same shall not, as of right, be entitled to any portion thereof, any law or custom to the contrary notwithstanding.

Duty of finder, and of person who acquires possession of, treasure trove.

[§ 3, 3 of 1891]

3 (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—

- (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.

Treasure Trove.

4 The police magistrate when holding such inquiry as aforesaid shall have the same power of issuing any summons, warrant, or search warrant, and of examining witnesses on oath or affirmation, and of enforcing the production of any documents, goods, articles, or things as he has when dealing with cases in his ordinary criminal jurisdiction; and any person wilfully giving false evidence at any such inquiry shall be liable to the pains and penalties prescribed in section 179 of the Ceylon Penal Code.

Powers of magistrate in respect of inquiries under this Ordinance.

5 The record and detailed report of such inquiry when made shall be forwarded by such magistrate, together with his finding on the evidence adduced before him, to the Attorney-General, who may in respect thereof exercise any of the powers conferred on him by chapters XVI. and XX. of the Criminal Procedure Code, the proceedings at such inquiry being treated in all respects as the proceedings referred to in the said chapters.

Record of inquiry to be forwarded to the Attorney-General, who shall deal with same under chapters XVI. and XX. of the Criminal Procedure Code.

6 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.

Reward to finder or possessor.
[§ 5, 3 of 1891]

7 When the finder or possessor of treasure trove does not voluntarily surrender the same in manner hereinbefore provided, and any other person shall give information which shall lead to the recovery thereof, such person shall, instead of such finder or possessor, become entitled to receive the afore-mentioned reward.

Reward to informer.

Provided that if at any time a conflict of claim should arise in respect of such reward, as between the finder and possessor or either of them and an informer, or as between two or more of any finders, possessors, and informers, the decision of the Governor, in Executive Council, thereon shall be final and conclusive.

Proviso.

8 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.

Penalty for concealment.
[§ 6, 3 of 1891]

Regulation No. 15 of
1823 not to apply to
treasure trove.

Commencement.

10 Nothing contained in the Regulation No. 15 of 1823 shall in any manner apply to treasure trove.

11 This Ordinance shall not come into operation until such time as Her Majesty's gracious allowance and confirmation* of the same shall be notified by Proclamation in the *Government Gazette*.

15th November, 1887.
