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Sharma

[Despatch Abstract.]

Treasure Trove Act

Issuing revised rules for regulating
proceedings under the — and directing
their publication in the Fort St. Geo. Gazette

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APPENDIX.

NOTIFICATION.

Under section 19 of "The Indian Treasure Trove Act, 1878," His Excellency the Governor in Council is pleased to make the following rules to regulate proceedings under the said Act, in supersession of all previous notifications on the subject:—

I. Section 4.—(1) When the finder of any treasure has deposited it in the nearest Government Treasury, the Collector may remove it to any other Government Treasury.

(2) When the finder of any treasure has not deposited it in any Government Treasury, or refuses or neglects to give the security required, the Collector may take possession of such treasure and remove it to the nearest, or any, Government Treasury.

II. Section 5.—The Collector's notification requiring claimants to appear shall be published by him in the English language in the *Fort St. George Gazette*. The notification shall be forwarded direct to the Superintendent, Government Press, Madras, for publication, and copy of the notification so published shall be inserted by the Collector in four consecutive issues of the "District Gazette" in English and the vernacular of the district.

Copies of the original notification shall also be forthwith forwarded by him to—

(1) The Publisher of the *Gazette of India*, for publication in that Gazette.

(2) The Superintendent of Government Printing, Bengal, for publication in the *Calcutta Gazette*.

(3) The Superintendent, Government Central Press, Bombay, for publication in the *Bombay Gazette*.

The date § on which the notification is first published in the *Fort St. George Gazette* shall be taken to be the date of publication for the purposes of section 5 (a).

III. Section 16.—(1) The Collector shall, whenever he has made a declaration under section 9 that any treasure is ownerless, and before delivering or dividing the treasure as provided by sections 10-15 of the Act, consult the Superintendent, Government Central Museum, as to whether he shall declare his intention to acquire such treasure, or any portion thereof, on behalf of the Government, and shall be guided by his advice.

(2) The Superintendent, Government Central Museum, shall, when necessary, consult the Government Epigraphist, Superintendent, Archaeological Survey, and other responsible officers of Government interested in the conservation of objects of historical and archaeological interest.

(3) The Collector shall, as a general rule, acquire under section 16 of the Act the whole of any coins found, whether gold, silver or copper, that appear to be old and not of British mintage.* If, however, exceptional cases should arise in which it is considered unnecessary for any sufficient reasons, such as the largeness of the

quantity found or the coins being known to be of merely metal value, to acquire the whole of the coins found, the Superintendent shall address the Government, which will pass such orders as may be deemed suitable. The coins so acquired shall be sent to the Superintendent, Government Central Museum, who will report to Government the number and nature of the coins and their probable numismatic value, and submit a distribution list presenting the following institutions with one specimen of each coin which may be deemed to be deserving of preservation, viz. —

The Government Central Museum, Madras.

The Asiatic Societies of the other presidencies in the following order:—

(i) Calcutta.

(ii) Bombay.

The Indian Museum.

The British Museum.

The Lahore Museum.

The Nagpur Museum.

Any other local museum.

§ Under section 5 (a) of Act VI of 1878, the date to be fixed by the Collector's notification shall be not earlier than four months or later than six months after the date of the publication (in the *Fort St. George Gazette*) of the notification.

(4) When only one specimen is found, it shall be sent to the Indian Museum. If more than one specimen, but not sufficient for all the institutions named, are found, they shall be distributed, as far as they will go, in the order laid down in the preceding paragraph. If a sufficient number of coins is found to leave a surplus after distribution to all the institutions named, such surplus shall be offered for sale to collectors of coins at their numismatic value for one year—notice of the fact being published in the journals of the Asiatic Societies *gratis*, as a return for obtaining their specimens free of cost. These sales shall be conducted by the Superintendent, Government Central Museum, who will, from time to time, advertise coins in the Government Gazette, Part II, and keep a register of numismatists who wish to have the opportunity of purchasing coins. Any coins not sold, and any coins worth sending, shall be forwarded to Government for transmission to the India Office for public sale.

(5) Collectors may purchase any coins of the age and description stated above, when they are less than Rs. 10 in value, from finders, on the terms laid down in section 16 of the Act. These coins should be also treated in the manner above described.

(6) The Collector shall put forward the claims of Government under the Act to all valuable * copper-plates, inscriptions, &c., in cases to which that Act applies †, and officers in all departments shall report § to the Collector any discoveries which may come under their notice.

* The Treasure Trove Act permits the Government to claim the possession of treasure of which, as laid down in section 4 of the Act, the amount or value is over 10 rupees. Such "value" is not, as in section 16, the price which the mere materials of the articles found would fetch, but the market value or the price which the discovered object might if offered for sale, reasonably be presumed to realise. The conditions under which the finder of treasure is to be compensated in cases where the claim of Government is asserted are described in section 16 of the Act. The value at which the treasure is to be assessed is there defined as the value of the materials only plus one-fifth of such value. The extra price which the discovered article might realise in virtue of its value as an object of archaeological interest need not enter into account.

† A material portion of discovered antiquities will be ascertained on enquiry to have been found in circumstances which would bring them under the provisions of Act VI of 1878. Such will be the case in respect to all ownerless antiquities of any value hidden in the soil, or in anything affixed thereto. Statuary and remains of buildings, as well as coins, would, if buried underground, usually satisfy the required conditions and could be classed as treasure under the definition of the Act, which was intended to apply to objects of antiquarian interest discovered below the surface of the soil.

‡ The rules apply to the preservation *in situ* of objects of archaeological interest which may be claimed and purchased under the Treasure Trove Act.

§ It is the duty of all servants of the State to protect national interests so far as to ascertain the particulars of any discovery which may be brought to their notice and to report the circumstances to the heads of their departments for communication to the Collector and the Superintendent, Central Museum.

No. 901, PUBLIC, 22ND AUGUST 1896.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—G.O., No. 142, Revenue, dated 24th March 1896.

ORDER—No. 901, Public, dated 22nd August 1896.

In supersession of all rules made heretofore under section 19 of the Treasure Trove Act, His Excellency the Governor in Council is pleased to direct that the rules printed in the appendix to this order shall, in future, regulate proceedings under that Act. They will be published in the *Fort St. George Gazette*.

2. The "Chief Controlling Revenue Authority," referred to in section 9 of Act VI of 1878, will be the Board of Revenue.

3. Collectors of districts will observe that they should in future fix the time and place and details of sales under section 12 (b) of the Act without reference to Government. Attention will be invited to Rule III (6) under which all officers should report to the Collector the discovery of any valuable copper plate, inscription, coin, &c., that may come under their notice.

(True Extract.)

Chief Secretary.

To the Revenue Department.

„ the Board of Revenue.
„ all Collectors.
„ the Judicial Department.
„ the Public Works Department.
„ the Marine Department.
„ the Educational Department.
„ the Local and Municipal Department.
„ the Ecclesiastical Department.
„ the Surgeon-General.
„ the Government Epigraphist.
„ the Superintendent, Archaeological Survey.

Gazette.

Ed. C. M. Theobaldswamy

[Appendix.]

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(True Extract.)
from order 2

—Chief Secretary.

- To the Board of Revenue
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- all Collectors.
- Gazette.
- the Judicial Dept.
- P. W. Dept.
- Marine Dept.
- Education Dept.
- Local Govt. Dept.
- Recd. Dept.
- Surg. Genl. & Co.
- Topographical
- Arch. Survey.

*Done
3/9/96*

*The Secy to Govt. Revenue Dept.
for forward of communication*

Mr. 8. 96

Ed. C. M. Thambuswamy.

[Appendix.