

Public (1398) Department.

ORDINARY PRINTED.

G.O., No. 1226

DATED 27-9-54

INDEXED.

[Despatch Abstract.]

Treasure Trove Act

Sansad, with remarks, the return of half of certain treasure found in the Trichinopoly district to the finder who, through ignorance of the law, failed to give notice under section 4 of the —, and delegating to the Board of Rs the power to deal with similar cases where the treasure ^{found} does not exceed Rs 200 in value.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government (1898) of Madras.
PUBLIC.

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., No. 1226, 27th September 1898.

SEPTEMBER.

Treasure Trove Act.

Sanctioning, with remarks, the return of half of certain treasure found in the Trichinopoly district to the finder who, through ignorance of the law, failed to give notice under section 4 of the —, and delegating to the Board of Revenue the power to deal with similar cases where the treasure found does not exceed Rs. 200 in value.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

Endorsement of the Revenue Department, No. 1194 R., dated 2nd August 1898.

ABSTRACT.—Transferring to the Public Department Proceedings of the Board of Revenue (Land Revenue), Ref. No. 766, dated 13th July 1898, recommending that the rights of Government to a treasure discovered in the village of Puttur, Kulittalai taluk, Trichinopoly district, may be waived in favour of the finder notwithstanding his omission to give the notice prescribed by the Treasure Trove Act, and soliciting orders as to whether the waiving of the rights of Government in such cases may be sanctioned by the Board itself in future.

ORDER—No. 1226, Public, dated 27th September 1898.

In its Proceedings read above the Board of Revenue recommends that Government should waive its right to certain treasure found in the Trichinopoly district, on the ground that the finder thereof, who failed to give notice under section 4 of Treasure Trove Act, did so (on) ignorance of the law. The Government observes that under section 20 of the Act the property has, by the failure of the finder to give notice, absolutely vested in Government; it is not therefore a question of waiving a right not yet asserted, but of returning to the finder, as a gift, property which already belongs to Government. The Government considers it inadvisable to overlook the disobedience of the provisions of the law so completely as to return the property to the finder without any penalty whatever. It accordingly sanctions the return of half the property found.

2. The Government accepts the Board's suggestion that power to deal with petty cases of this nature should be delegated to it, and accordingly authorises the Board, where the treasure found does not exceed Rs. 200 in value, to return either half of the property, or half of its value, to the finder, when the latter has through ignorance failed to comply with the provisions of the Treasure Trove Act, and has forfeited his right.

(True Extract.)

G. STOKES,
Chief Secretary.To the Revenue Department.
„ Board of Revenue (Land Revenue).

Ext C. M. Thombaswamy.

0
18 2,000- 3-08.Public
Revenue (1898) Department.

CURRENT No. 5045

Abstract

Current - P. 2442

From

Est. no. 1194 R.
OrderThe Board of Revenue,
Land Revenue.Transferred to the Public
Department.

Ref No. 766

(By order.)

W. Marjantun, Dated 13th July 1898.

As Under-Secy to Govt.

Received 18th

Cotacamund,
2nd August 1898.

Registered 19th

Enclosures 1

Spare copies

SUBJECT.

Recommending that the rights of Govt. to a treasure discovered in the village of Puttur, Kulittalai taluk, Trichinopoly dt. may be waived in favour of the finder notwithstanding his omission to give the notice prescribed in Section 54 of the Treasure Trove Act, and soliciting orders as to whether the waiving of the rights of Govt. in such cases may be sanctioned by the Board itself in future.

The Public Department.

Recd 4/8/98

Fig 5.8.98

Enclos: 1

BACK PAPERS.

G.O.	No.	Department.	Date.
✓	901	Pub:	22.8.96
✓	1350	"	7.9.78
✓	292	"	20.4.78
✓	172	"	14.5.78

pub 186 4.2.92
24.11.91

FURTHER PAPERS.

G.O.	No.	Department.	Date.
✓	668	Pub:	1.8.91
✓	2322	"	1.10.85
✓	2157	"	15.9.85
✓	1588	"	9.7.85
✓	1021	"	5.7.85
✓	459	"	28.3.79

1897

Muziri Deputy Collector's office

From

Shanmugasundaram Pillai

Deputy Collector of

Muziri District

The Collector of Trichinopoly

Dated 25

Sept 26 } November 1897

R.C. no 3687 of 97

Rev. 887

Enclosures - Records

Sir

In forwarding herewith the a/c, Ref

on C. no 672 797 from the Tehsildar of

Kulitalai reporting about the treasure

- trove at Puthur attached to the

Reddiapatti Devasthanam, I have

the honour to state that one Ramana

Swami Reddi of the village found,

about the middle of October last, while

digging his field (field no 169), and

got about the size of a wood-apple.

He is reported to have thrown it away

in the first instance with the earth

dug. But, a passer-by finding that

it contained something took and showed

to Kamaswami & his wife & son
-nation, found it contains jewels to
the value of Rs 46.14 --, as detailed in
the statement of one Saubulla Sauri,
a goldsmith who has estimated
their value. The finder is reported to
have showed the treasure in question
at once to the villagers, but he failed
to report the discovery to the Collector
as required by the Act, as he is an igno-
-rant ryot. He, however, produced
the treasure found before the Tahsil-
dar in the village at the time of his
enquiry. The Tahsildar therefore
recommends that he need not be
prosecuted for failure to report and
I agree with him.

3. Under the law, he has forfeited
the right to the treasure-trove by his
failure to report. But he readily pro-
duced it in the hope of getting them
back. If he had concealed it and de-
nied it, there would have been no
chance of recovering them. In order to
induce others who may similarly dis-
cover treasure to come forward and
report to the authorities, I beg to recommend
if

If you see no objection, the
treasure may be given to him after
necessary notification.

I have to

Sd/- A. Shanmugasundaram
Deputy Collector.

(True Copy)

H. Subramanian

Ag. Collector.

2/10/58

8/2633898

OFFICE OF THE BOARD OF REVENUE
(LAND REVENUE),

Madras, 13-7-1898.

READ— the following :—

1. Again Board's Proceedings No. 1586 Misc., dated 20th June 1898, passing orders on a letter from the Collector of Trichinopoly enquiring whether he has any option under section 20 of the Treasure Trove Act in the matter of confiscating the share which on due notice given would have gone to the finder.
2. Also letter from J.H. Robertson, Esqr. Ag. Collector of Trichinopoly, Ref. (e) on cur. No. 3741/Pev., d/ 25th June 1898.

Reference No. 766 dated 13th July 1898.

Submitted to Government.

2. In his letter disposed of in the first of the papers read above, the Collector of Trichinopoly enquired whether, in a case where the finder of certain treasure failed to give a notice of it under section 4 of the Treasure Trove Act VI of 1878 (India) through ignorance of the law, he had any option under section 20 in the matter of confiscating the share which would have gone to the finder if due notice had been given. The Board answered the query in the negative but at the same time informed the Collector that it was open to him to make a special recommendation suggesting the waiver by Government of its full rights in case the failure to report the discovery of the treasure was due solely to the finder's ignorance of the law. The Collector now submits a copy of the Deputy Collector's report on the facts of the case and recommends the waiver of its full rights by Government in consideration of the entire absence of dishonest intention on the part of the finder and the small value of the treasure discovered (Rs 46-14-0).

3. The Board observes from the Deputy Collector's report that the finder is also the owner of the field in which the treasure was discovered; and no other claimant appears

To be returned
to Revenue Board
with reply

have come forward in response to the notification of the discovery of the treasure which was published at page 7 of Part II of the Fort Saint George Gazette dated 4th January 1898. In these circumstances, the finder would, if he had presented the notice prescribed in section 4, have been entitled to the delivery of the entire treasure under section 11 of the Act; but owing to the failure on his part to do so, the whole of the treasure vests in Her Majesty under Sections 20 and 21 of the Act. The Board supports the Collector's recommendation that the entire treasure be handed over to the finder.

4. In this connection the Board submits that cases of waiver of the rights of Government to the whole or part of a treasure vested in Government under sections 20 and 21 were being submitted for its orders when the rules originally issued under the Treasure Trove Act (Vide Government Order No. 1350 Public dated 7th September 1878) were in force. But in the revised rules published under Government Order No. 901 Public, dated 22nd August 1896 the Chief controlling Revenue authority to which appeals should be presented under section 9 of the Act has been declared to be the Board and not the Local Government as theretofore. The Board is under the impression that under the spirit of the revised rules it has also the power to sanction the waiver of the rights of Government in cases like the one now under reference but thinks it better, ^{as} ~~on~~ this is the first occasion of exercising the power, to put the question on a safe footing by taking the orders of Government for future guidance.

Lonell Dockers
Ag. Secretary.

To

The Secretary to Government, Revenue Department, with the Deputy Collector's report in original to be returned.

d.P.H.

First copy sent to Press

[G. 25]

500-27-4-38.

Resubmitted to H.E. Bliss
Govt.

C. No. 2442

1898.

Public DEPARTMENT.

~~THE EXCELLENCY THE GOVERNOR.~~

~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~

~~THE HON'BLE MR. GROSE, C.M.E.~~

SUBJECT.

Recommendation of the Board of Rev. that the rights of Govt. to treasure discovered may be waived in favour of the finder although the notice required by the Treasure Trove Act has not been given.

Resubmitted to the Hon. Mr. Sir Henry Bliss, K.C.I.E.

FOR ORDERS.

19/8/98

Submitted to H.E. Bliss Govt.
as Hon. members are divided in opinion.

22/8/98

Submitted to H.E. Bliss
ref. to H.E. Bliss Govt.
referred 27/8/98

7/9/98

Secy - please see above
The law does not provide for this case because it would be a gift on the part of Govt. acting through the Bd. - The question is whether the whole or the half should be given. I say the former; the Hon. Mr. Arundel the latter.

7/9/98

H.E. & Mr. Bliss are Arundel of opinion

An illiterate land-owner in the Trichinopoly District while digging his land found a pot containing jewels worth Rs. 46-14-0. He failed to give the notice required by section 4 Act VI of 1878, and under section 20 of the same Act, loses his right to his share of the treasure. The Collector of Trichinopoly enquired of the Board if he had any option under section 20 of the Act in confiscating the share which would have gone to the owner, if not being illiterate, he had given the required notice. The Board informed the Collector that he had no option in the matter, but that he might make the representation which has resulted in the present current.

2. The Board supports the Collector's recommendation that Govt. should waive its full rights in the present case under section 20 of the Act because,

sent 17.9.98

(a) there was no dishonest intention on the part of the finder in not giving notice,

(b) the treasure discovered is of small value.

3. No other claimant to the treasure has appeared although the discovery has been duly notified. If notice had been given under sec.4 the finder would be entitled under section 11 to the whole treasure.

4. Under para.2 of G.O.No.901, Public, dated 22nd August 1896 (flag B) the Chief Controlling Revenue authority in section 9 of the Act is the Board of Revenue. This section refers to cases when the Collector declares the treasure to be ownerless. The Board doubts whether the revised rules(flag F) empower it to sanction the waiver of the rights of Govt. under section 20, and asks for orders.

It is submitted that the Board's recommendation may be approved. The property has however been vested in Govt. under sec 20. & therefore it is submitted that it is therefore not a question of waiving a right - but of handing the property over. A cont. of gift.

If this view is taken that may be decided accordingly.

+ Govt. has waived its rights in the following cases:-
S.P. No. 1009 P. 2. 26.3.79. D
" " " " 5-7-80. F

11/11/98

First copy sent to Press.

[G. 24.]

500-8-12-97

21/11/98

Public DEPARTMENT.

Papers to be read in Proceedings:-

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 2442 of 1898, dated 2/11/98, from the Bd of Rev. (Laid Rev.)

" " " 189 , " " "

" " " 189 , " " "

Re: Treasure Trove Act.

ORDER PS No. 1226, of 27th Sept 1898

Shri H. S. S. Henry
(Draft from order of the Secretary)

See
11/11/98

In its proceedings read above the Board of Revenue recommends that Govt. should waive its right to certain the treasure found in Trichinopoly District, on the ground that the finder thereof, who failed to give notice under sec.4 of Treasure Trove Act, did so in ignorance of the law. The Govt. observes that under sec.20 of the Act the property has by the failure of the finder to give notice, absolutely vested in Govt; it is not therefore a question of waiving a right not yet asserted, but of returning to the finder, as a gift, property which already belongs to Govt. The Govt. considers it inadvisable to overlook the disobedience of the provisions of the law so completely as to return the property to the finder without any penalty whatever. It accordingly sanctions the return of half the property found.

N.B.-
A = Print
B = Not
P = Print
Q = Print

2. The Govt. accepts the Board's suggestion that power to deal with petty cases of this ^{kind} should be delegated to it, and accordingly authorises the Board, where the ~~value~~ ^{Reserve} found does not exceed Rs. 200 in ^{help} ~~value~~ to return ^{half} ~~the~~ of the property, ^{half of its value,} to the finder, when the latter has through ignorance failed to comply with the provisions of the Treasure Trove Act, and has forfeited his right.

AX
19/9/85
(from orders)
[Signature]

FROM ORDERS.

C. S.

TO
The Revenue Dept.
a Board of Rev (Land Rev)
Special Order p 2 of 0
[Signature]

dated
6-7-88

First copy sent to Press.
Returned for signature.
Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete. 45
Letter only.
Order complete with Letter.

READ AGAIN G.O., No. 189

DATED

CURRENT No.

42 P.

LOSURES TO C. No.

GOVERNMENT

GOVERNMENT

GOVERNMENT WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

B.-

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

[Signature]
4/10/98

[Signature]
29/9/98