

The Treasure-Trove Act, 1878

(ACT NO. VI OF 1878)

¹♣An act to amend the law relating to Treasure-trove

Preamble

WHEREAS it is expedient to amend the law relating to treasure-trove; It is hereby enacted as follows:-

PRELIMINARY

Short title	1. This may be called the Treasure-Trove Act, 1878.
Extent	It extends to the whole of ² [Bangladesh].
[Repealed]	2. [Repealed by the Amending Act, 1891 (XII of 1891).]
Interpretation- clause	3. In this Act—
"Treasure"	" treasure" means anything of any value hidden in the soil, or in anything affixed thereto:
"Collector"	"Collector" means (1) any Revenue-officer in independent charge of a district, and (2) any officer appointed by the Government to perform the functions of a collector under this Act.
"Owner"	When any person is entitled, under any reservation in an instrument of transfer of any land or thing affixed thereto, to treasure in such land or thing, he shall, for the purposes of this Act, be deemed to be the owner of such land or thing.

PROCEDURE ON FINDING TREASURE

Notice by finder of	PROCEDURE ON FINDING TREASURE
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treasure

4. Whenever any treasure exceeding in amount or value ten taka is found, the finder shall, as soon as practicable, give to the Collector notice in writing-

(a) of the nature and amount or approximate value of such treasure;

(b) of the place in which it was found;

(c) of the date of the finding;

and either deposit the treasure in the nearest Government treasury, or give the Collector such security as the Collector thinks fit, to produce the treasure at such time and place as he may from time to time require.

**Notification
requiring
claimants
to appear**

5. On receiving a notice under section 4, the collector shall, after making such enquiry (if any) as he thinks fit, Take the following steps (namely):-

(a) he shall publish a notification in such manner as the Government from time to time prescribes in this behalf, to the effect that on a certain date (mentioning it) certain treasure (mentioning its nature, amount and approximate value) was found in a certain place (mentioning it); and requiring all persons claiming the treasure, or any part thereof to appear personally or by agent before the Collector on a day and at a place therein mentioned, such day not being earlier than four months, or later than six months, after the date of the publication of such notification;

(b) when the place in which the treasure appears to the Collector to have been found was at the date of the finding in the possession of some person other than the finder, the Collector shall also serve on such person a special notice in writing to the same effect.

**Forfeiture
of right on
failure to
appear**

6. Any person having any right to such treasure or any part thereof, as owner of the place in which it was found or otherwise, and not appearing as required by the notification issued under section 5, shall forfeit such right.

**Matters to
be enquired
into and**

7. On the notified under section 5, the Collector shall cause the treasure to be produced before him, and shall enquire as to and determine:-

**determined
by the
Collector**

(a) the person by whom, the place in which, and the circumstances under which, such treasure was found; and

(b) as far as is possible, the person by whom, and the circumstances under which, such treasure was hidden.

**Time to be
allowed for
suit by
person
claiming
the treasure**

8. If, upon an enquiry made under section 7, the Collector sees reason to believe that the treasure was hidden within one hundred years before the date of the finding, by a person appearing as required by the said notification and claiming such treasure, or by some other person under whom such person claims, the Collector shall make an order adjourning the hearing of the case for such period as he deems sufficient, to allow of a suit being instituted in the Civil Court by the claimant, to establish his right.

**When
treasure
may be
declared
ownerless**

9. If upon such enquiry the Collector sees no reason to believe that the treasure was so hidden; or

if, where a period is fixed under section 8, no suit is instituted as aforesaid within such period to the knowledge of the Collector; or

if such suit is instituted within such period, and the plaintiff's claim is finally rejected;

the Collector may declare the treasure to be ownerless.

**Appeal
against
such
declaration**

Any person aggrieved by a declaration made under this section may appeal against the same within two months from the date thereof to the ³[Board of Land Administration].

Subject to such appeal, every such declaration shall be final and conclusive.

**Proceedings
subsequent
to
declaration**

10. When a declaration has been made in respect of any treasure under section 9, such treasure shall, in accordance with the provisions hereinafter contained, either be delivered to the finder thereof, or be divided between him and the owner of the place in which it has been found in manner hereinafter provided.