

## No. 6 of 1874.

**An Ordinance to amend and consolidate the Law relating to the construction, upkeep, and repair of Branch Roads, and recovery of the sums assessed therefor.**

*(See No. 23 of 1892.)*

**W**HEREAS it is expedient to amend and consolidate the Ordinance relating to the construction, upkeep, and repair of branch roads: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

### *Preliminary.*

**1** This Ordinance may be cited for all purposes as "The Branch Roads Ordinance, 1874."

Short title.

**2** This Ordinance shall come into operation on a day to be named by the Governor in a Proclamation to be by him for that purpose issued.\*

Commencement.

**3** In the construction and for the purposes of this Ordinance the word "proprietor" shall mean the sole or any joint owner or lessee of an estate, and the word "estate" shall mean a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons, and forming a separate or distinct property. Provided that nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands or land cultivated with paddy or other grain.

Interpretation.

---

\* Proclaimed the 4th day of February, 1875.

---

*Branch Roads.*

---

Repeal of former Ordinances.

**4** The Ordinances enumerated in the schedule A hereto annexed are hereby repealed, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance comes into operation.

II.—*Construction of Branch Roads.*

Application for construction of road.

[§ 2, 2s of 1892]

**5** The proprietors of any *two* or more estates situated in the same district, to which there is no available cart road leading from some convenient principal thoroughfare, may make application in writing to the provincial road committee of the province in which such estates are situated, that the provisions of this Ordinance be extended to the said district, and such application shall set forth, so far as the same may be ascertained, the following particulars :

Particulars to be set out in application.

- (1) The name of the said district ;
- (2) The names of all the estates therein ;
- (3) The names of the proprietors or, if absent from the island, of the resident manager or superintendent, and of the agents, if any, of each estate ;
- (4) The acreage of each estate, so far as is known, with the extent of land under cultivation ;
- (5) The estimated length in miles of the road required to be made to connect the said estates with the most convenient principal thoroughfare.

If estates within two provinces, the Governor to choose the province, the committee of which shall be empowered to act.

If the estates in any district fall within two provinces, it shall be lawful for the Governor to choose the province, the provincial road committee of which shall be empowered to act as provided by this Ordinance ; and upon such choice being made and published in the *Government Gazette*, the provincial road committee so chosen shall have power to act as hereinafter provided.

Provincial road committee to keep a register of names of proprietors and agents.

**6** The provincial road committee shall keep a register of the names of the proprietors and agents (if any) for the time being of all estates in districts which shall have been brought under this Ordinance, and upon any estate being transferred to a new proprietor or the agents of the estate changed, it shall be the duty of the provincial road committee to record such transfer or change in the said register. Provided always that the duty of notifying every such transfer or change shall lie on the transferee or his agents, and until such transfer or change, as the case may be, shall have been notified to the provincial road committee by the proprietor or agents of the estate, all notices to be sent under this Ordinance by the provincial road committee to the proprietor or agents of the estate shall be deemed duly sent if sent to the late proprietor or agents, as the case may be.

Duty of notifying transfers or changes of agency to provincial road committee.

The provincial committee to define limits of district upon day appointed ;

**7** On receipt of such application the said provincial road committee shall by publication in three consecutive numbers of the *Government Gazette*, and by such other means as they may think necessary, give notice of their intention to define the limits of the district, the estates in which will—if the proposal for the construction of such branch road under the

*Branch Roads.*

provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the said committee shall appoint the time and place at which they will take evidence if necessary, and receive and consider objections, and the said committee, after making such inquiry as they may deem requisite, and considering any such objection, shall proceed to define the limits of such district; or, if need be, shall adjourn such meeting as often as they consider necessary to any day or days to be fixed by them, when they shall upon such adjourned meeting define the limits of such district. And it shall be competent to the said committee from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened, or may have been inadvertently or otherwise excluded, or, if they consider just, to exclude any estate which may have been erroneously included. Provided, however, that the said committee shall, by publication in three consecutive numbers of the *Gazette* and by such other means as they may think necessary, give notice of their intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in case of original definition of district; and the limits so altered shall thereupon be the limits of such district, as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed as if they had been originally included for the construction of such road and for the upkeep and repair thereof.

8 Upon the limits of the district being defined as aforesaid, the chairman of the said committee shall transmit to the proprietor (or, in case of his absence from the colony, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in this colony, of the proprietor) of every estate within the limits of such district so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of a branch road. Such requisition shall be in form B of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent the chairman shall cause such requisition to be affixed to some conspicuous part of the estate, and published in three consecutive numbers of the *Gazette*. If no answer be received at the office of the said committee within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

9 If it shall appear to the said committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend

or at any  
adjourned  
meeting.

Committee  
empowered to  
vary or alter  
limits, if occasion  
arise.

Proprietors to be  
called upon to  
declare whether  
they desire to  
bring district  
under the  
Ordinance.

If no agent,  
requisition to be  
affixed.

If proprietors of  
two-thirds of  
acreage assent,  
committee to

*Branch Roads.*

forward application to Governor, with report.

Director of Public Works to report and submit estimates for construction.

Governor may propose a vote of moiety of cost out of public funds: and, if voted, proprietors become liable for the other moiety.

and be applied to the said district for the purpose of constructing therein a branch road, the said committee shall forthwith forward the application to Government, together with their report as to the necessity for the said road, and as to the direction and terminus which they recommend as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to direct the Director of Public Works to examine the said district and to report as to the best mode of giving effect to the proposal, and to frame and submit an estimate of the probable cost of properly constructing and metalling the proposed road in such sections as in that behalf provided in clause 18.

10 Upon receipt of the report of the Director of Public Works, and of the estimate prepared by him as aforesaid, it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose such estimate in the Ordinance for making provision for the contingent expenditure of the colony for the ensuing year, or for any year thereafter, to be brought before the Legislative Council to be dealt with as any other estimate so proposed. And if the estimate so proposed be approved by the Legislative Council, and a sum of money equal to one moiety of the total cost of constructing the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally bound and liable for their contribution, equal to the other moiety, after the rates to be determined by an assessment as hereinafter provided.

### III.—*Provincial Road and Local Committees.*

Chairman to convene meeting for election of local committees.

[§ 3, 28 of 1892]

Proceedings at election.

11 Upon a vote being passed by the Legislative Council for a moiety of the cost of constructing the said road, and the same communicated to the provincial road committee, the chairman thereof shall, by notice in three consecutive numbers of the *Government Gazette*, and such other means of publication as he may think necessary, convene at some place within the said district a general meeting of the proprietors or resident managers of the estates within the said district to elect a local committee, which shall consist of *not less than three or more than five* members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so required for the election of the said committee shall consist of *such number of* proprietors or resident managers *as shall represent not less than two-thirds of the acreage* within the district.

12 At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of such committee. The chairman of the provincial committee, if present, or if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn to any other time or place. All questions and resolutions

*Branch Roads.*

shall be determined by a majority of votes of the proprietors or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of such committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

13 The persons elected to act as members of such local committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving the island, or becoming incapable to act, the other members for the time being may, in the manner provided in section 15 of this Ordinance, elect another proprietor or resident manager to serve in his place for the remainder of the term for which the member so resigning, dying, or leaving the island, or becoming incapable to act, was elected.

Members to hold office for two years.

Proceedings in case of vacancy.

14 At the expiration of every two years from the appointment of the first local committee, the chairman of the provincial road committee shall convene, in manner provided in section 11 of this Ordinance, a meeting of proprietors or resident managers for the election of the new local committee. At such meeting the chairman of the provincial road committee, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 12 of this Ordinance.

Biennial meeting for election of local committee.

15 The local committee so elected shall appoint one of its members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the said committee shall elect another member to act as chairman. And it shall be the duty of the said chairman so appointed to convene, by notice in three consecutive numbers of the *Government Gazette*, and by such other means as he may deem necessary, a meeting of the members, whenever required by the Government or by the provincial road committee, appointing the time and place for such meeting. The chairman, or, if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting, and shall duly record the proceedings of such meetings and forward the same to the provincial committee.

Appointment of chairman.

16 All acts whatsoever authorized or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid, or at any adjournment of

Majority of members to decide all questions.

*Branch Roads.*

such meeting; three of them to form a quorum. Provided that when the votes of the members present shall be equally divided, the chairman shall, beside his vote as a member, have a casting vote.

If members not elected, provincial committee to perform duties imposed upon local committee.

17 If the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, or if the members elected shall fail to perform the duties imposed upon them by this Ordinance, the same may be performed by the provincial road committee.

Assessment.  
Local committee to convene meetings to determine the assessment of estates, and report to provincial committee.

18 The local committee shall so soon thereafter as they may be required so to do by the provincial road committee, convene, by notice in three consecutive numbers of the *Government Gazette*, and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within the said district, at some specified time and place within the district, and the said local committee shall thereat or at any adjourned meeting, after hearing objections, if any, and taking evidence, if necessary, determine and make report to the provincial road committee, on—

- (1) The sections into which the road is to be divided for construction assessments;
- (2) The sections into which the road is to be divided for upkeep assessments;
- (3) The estates which in their opinion are interested in and will use each section of the road or of any part thereof;
- (4) The acreage or reputed acreage of the land belonging to each estate;
- (5) The names of the proprietors, resident managers, or superintendents, and of the agents.

Proviso.

Provided, however, that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

Provincial committee to determine objections to assessment proposed by local committee, and to determine proportion due by each estate.

19 On receipt of such report, the provincial committee shall cause a notice to be published in three consecutive numbers of the *Government Gazette*, and made public by such other means as they may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the said committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing the sum of money equal to a moiety of the total cost of constructing each section of the proposed road by the total number of acres of the estates which in their opinion are interested in and will use such section (subject to the exception in section 20 specified), and thus apportioning the amount due upon and

*Branch Roads.*

for each acre. And the rate so assessed by the said committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of such committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the colony, to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this colony, of the proprietor) a requisition, calling upon him to pay into the colonial treasury, within such time as shall be therein specified, the amount of the contribution due by him to make up the moiety payable by the proprietors. Such requisition shall be in the form C of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in three consecutive numbers of the *Government Gazette*, and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which the several contributions are to be paid into the colonial treasury.

20 If by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause, it shall seem to the provincial committee right to exempt such estate or portion thereof from the assessment, it shall be lawful for such committee to do so, and to proceed in its assessment as if there was no such land in the district. Provided that to entitle a proprietor to such exemption, he or some person representing him shall claim the same at the time and place appointed by the provincial committee for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 7, and shall at his own cost and expense satisfy the committee, by such proof as it shall call for, that he is entitled to such exemption. Provided further, that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards, and use the road for the purposes of or with a view to such cultivation, it shall be competent for such provincial committee to call upon such proprietor or person to pay the sum which he would have been liable to pay had such estate or portion thereof not been exempted from the original assessment, or from any subsequent assessment for upkeep and repair, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. Provided further, that should the proprietor of any estate, who had claimed and obtained exemption upon the ground of such road not being the proper outlet, or other cause, or any person on his behalf, use such road, it shall be competent for such provincial committee to include such

Publication of assessment in *Gazette*.

Provincial committee to exempt from assessment lands obviously unfit for cultivation, or lands which had been cultivated and abandoned.  
 Proviso: that the exemption should be promptly claimed.

Further proviso making such lands liable, if they are nevertheless cultivated afterwards and the road used for the conveyance of their produce.

*Branch Roads.*

estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment for construction, and also any sum not exceeding double the amount of all rates and assessments which he would have been liable to pay for the upkeep and repair of such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Application of moneys recovered.

**21** Moneys recovered under the preceding section shall be applied as follows, viz. :

Moneys recovered as construction assessment moneys shall be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid.

Moneys recovered as upkeep or repair assessment moneys shall be retained by the provincial committee and applied towards the future upkeep and repair of the roads.

*IV.—Completion and Repair of Branch Roads.*

If amount of first estimate prove insufficient, further estimates are to be made, and the rates payable by the estates to be assessed in like manner as the original rates.

**22** If, after any road shall have been commenced under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the estimate originally made shall prove insufficient for properly constructing and metalling the same, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the further sum or sums required to complete the road, and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit further estimates for the purpose aforesaid. And on such further estimates being prepared, the provincial committee shall proceed, once or oftener, if necessary, to assess the proportion due by the estates in each section of the road, to make up the moiety of such further estimates, and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19 of this Ordinance. And the rate or rates assessed by such committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Thoroughfares Ordinance, 1861," or money from the treasury), for the completion of the said road.

Further rates for repairs or improvements.

**23** Whenever it shall be found necessary at any time to repair or improve any road constructed under the provisions of the Ordinances hereby repealed, or of this Ordinance, the estates in the district (including any which may have



*Branch Roads.*

been opened since the original assessment) shall become and be held liable for a moiety of the sum or sums required for making the necessary repairs and improvements (provided that the amount of tolls which may be realized on such road shall be deducted from the moiety assessed on the estates), and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit one or more estimates for such repairs. And on such estimates being prepared, the provincial committee shall proceed to assess the proportion due by the estates in each section of the road to make up the moiety of such estimates, less the tolls as aforesaid, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under the 19th section of this Ordinance. And the rate or rates so assessed by the committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Thoroughfares Ordinance, 1861," or any other Ordinance to be in that behalf hereinafter enacted, or by money from the treasury), for the purpose of repairing the said road.

*V.—Recovery of Sums assessed.*

24 If any proprietor or resident manager shall neglect or refuse to pay his proportion of the said moiety, for any of the purposes above specified, within the time fixed for the payment of the same, or shall be in default in the payment of the sums assessed under the Ordinances hereby repealed, or any of them, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 26, 27, and 28 of this Ordinance) shall be recovered. If there be no crop, live stock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman or other person as aforesaid to cause the timber on the said estate to be cut or the materials of the buildings erected thereon to be removed. And unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman, or any person as aforesaid, to sell the property so seized by public auction at any time after thirty days from date of seizure.

Order in which property is to be seized for the payment of assessment moneys.

*Branch Roads.*

If above insufficient estate may be sold subject to mortgage.

Proviso.

If the estate cannot be sold, then deficiency to be charged against other proprietors.

Proviso.

Defaulting proprietors made liable in interest.

Keeping a person in charge of property seized.

**25** If, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorized as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default, and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure, but the said committee shall not have the power to take in execution or seize the person of the proprietor in default for the assessment due, or for any balance thereon. Provided that in the case of a proprietor absent from the island, and not represented by any person therein, the sale shall not take place without notice of sale being published in the *Government Gazette* for six months previous to the sale, and being affixed in some conspicuous part of the estate. If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 28 of this Ordinance, it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the branch road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. Provided that the right and duty of the provincial committee to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid. And in case the provincial committee shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, which paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the provincial committee and applied towards the future upkeep and repair of the road.

**26** If any proprietor shall neglect or refuse to pay his proportion of the money due by proprietors for the construction, completion, or repair of branch roads under the said Branch Roads Ordinances hereby repealed, or of the present Ordinance, he shall be liable to pay interest after the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other due costs and charges, be recovered from him in manner prescribed for the recovery of sums assessed.

**27** It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid, pending such sale. Any movable

*Branch Roads.*

property so seized, as aforesaid, may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

28 It shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the under-mentioned expenses :

Costs and charges of seizure and sale.

- (1) The cost of seizure, removal, custody, and sale of any property sold under sections 24 and 25 of this Ordinance.

29 In the event of a sale of property seized, the chairman of the provincial committee at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also all due costs and charges (which said costs and charges such chairman is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Return of overplus to owner.

30 If property be sold for non-payment as aforesaid, a transfer in form D in the schedule hereto annexed, or as near thereto as may be, signed by the chairman, shall be sufficient to vest the right, title, and interest of the defaulting proprietor in the purchaser, any law or custom to the contrary notwithstanding. Such transfer shall be liable to stamp duty as a conveyance, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Certificate of sale.

31 The provincial committee, the chairman of which shall cause property to be seized and sold as aforesaid, shall, in the execution of the authority entrusted to them by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of such chairman as aforesaid, or on the part of any person specially authorized by him as aforesaid. Provided, however, that no action for such damages shall be brought against the provincial committee or any of its officers after the expiration of three months from the time when the cause of action shall have arisen.

Provincial committees liable in damages.

Proviso.

*VI.—General Provisions.*

32 Any person aggrieved by any decision or order of the provincial committee in respect of the definition of districts under section 7 of this Ordinance, or the assessment of estates under sections 19, 22, or 23, or any decision or order made under sections 20 or 33 of this Ordinance, may apply to the Governor for relief at any time within twenty-one days after such decision or order shall have been notified to him. It shall be lawful for the Governor, with the advice of the Executive Council, upon such application, to make or direct further inquiry, and to confirm the decision or order of the

Appeal to Governor in Council against decisions or orders under sections 7, 19, 20, 22, 23, or 33.

---

*Branch Roads.*


---

provincial committee, or to alter or modify the same. Provided always that no such appeal as aforesaid shall lie until the person aggrieved as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Costs.

**33** If costs shall be incurred in any suit, other than that provided by section 31, brought by or against the committee for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the provincial committee to act, and such committee shall therefore order one to be made, such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the chairman shall recover the same in the manner and subject to the provisions herein prescribed under the fifth division of this Ordinance relating to "Recovery of Sums assessed."

The grant of the moiety may be made subject to conditions.

**34** It shall be lawful for the Governor, with the advice of the Executive Council, to make the grant of the moiety voted by the Legislative Council subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Governor, with the advice of the Executive Council, shall think fit from time to time to establish, either specially in each case or generally applicable to all cases. Provided that no warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the colonial treasury, nor shall any sum be issued by him from the said treasury, until the other moiety of the estimated cost of constructing or repairing such road, or so much of such moiety as the Governor may think necessary, shall have been deposited in the said treasury by or on behalf of the proprietors of such estates as aforesaid.

Moiety not to be paid by Government till deposit of their moiety or part thereof by proprietors.

Roads for which such grants-in-aid are made to be deemed public roads.

**35** Every road towards the construction or repair of which any money shall be issued from the colonial treasury, under the authority of this Ordinance, shall be deemed and taken to be a public thoroughfare to all intents and purposes.

Tolls on branch roads.

**36** It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that tolls not exceeding those specified in the Ordinance No. 14 of 1867, entitled "An Ordinance to consolidate and amend the Law in respect to the collection of Tolls," and No. 9 of 1871, entitled "An Ordinance to amend 'The Tolls Ordinance, No. 14 of 1867,'" or in any Ordinance to be in that behalf hereafter enacted, shall be levied on any of the roads which shall have been made or completed or repaired under the provisions of the Ordinances hereby repealed, or which shall be made or completed or repaired under the provisions of this Ordinance, and to determine at what place the tolls so levied shall be collected, and the places from time to time in like

And may fix toll stations.

*Branch Roads.*

manner to alter, and other places to establish instead thereof, for the collection of such tolls; and when the tolls shall have been so established the provisions of the Ordinances Nos. 14 of 1867 and 9 of 1871, or of any other Ordinance to be in that behalf hereafter enacted, shall, so far as they are applicable thereto, be of force in respect of the tolls to be levied in virtue of the Proclamation to be made as aforesaid, and shall be read and construed as if the said provisions had been expressly enacted as applicable to the said places, and shall be applied, observed, and put in execution accordingly.

**37** In case of the absence from the colony of the proprietor of any estate, the resident manager—or, if there be no resident manager or superintendent, the agent, if any, in this colony, of the proprietor—shall and may represent such proprietor, and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known agent, notice affixed on the land and published in the *Government Gazette* shall be deemed notice to the proprietor.

**38** The provisions, regulations, and directions in "The Thoroughfares Ordinance, 1861," contained, so far as they are applicable to the making and repairing of roads, and not inconsistent with this Ordinance, shall be of force in respect of the roads to be constructed or repaired under this Ordinance, and shall be read and construed as if such provisions, regulations, and directions had been inserted herein as applicable to the said roads, and shall be applied, observed, and put in execution accordingly.

**39** Whereas the road leading from the Gampola and Pussellawa road to Pupuressa, and known as the Pupuressa road, was originally constructed by the proprietors of certain estates, and it is expedient to provide for its upkeep and repair as if it were a branch road constructed under this Ordinance: It is enacted that, henceforward, such road shall be treated as a road made under this Ordinance, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

Provisions of the Ordinances Nos. 14 of 1867 and 9 of 1871 extended to the tolls to be so established.

Proprietor may be represented by resident manager or agent.

Provisions of Ordinance No. 10 of 1861 to be in force so far as they are consistent with this Ordinance.

Pupuressa road to be repaired as a branch road.

## SCHEDULE.

## A (Section 4).

- No. 13 of 1866, entitled "An Ordinance to provide for the construction, upkeep, and repair of Branch Roads."  
 No. 4 of 1873, entitled "An Ordinance to facilitate the recovery of the sums assessed under 'The Branch Roads Ordinance, 1866.'"  
 No. 23 of 1873, entitled "An Ordinance to amend 'The Branch Roads Ordinance, 1866.'"

---

*Branch Roads.*


---

## B (Section 8).

Office of the Provincial Committee,

To \_\_\_\_\_, *Kandy*, \_\_\_\_\_, 187—.

Proprietor (or Resident Manager) of \_\_\_\_\_ Estate.

SIR,—It has been proposed to construct a branch cart road leading from the main road near the \_\_\_\_\_ milepost (or at the village of \_\_\_\_\_) to the district of \_\_\_\_\_, in which your estate \_\_\_\_\_ is situated, under the provisions of "The Branch Roads Ordinance, 1874," and I am therefore to request you will fill up the accompanying paper, and return the same to me before the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing; in failure whereof you will be deemed to have concurred in the said proposal.

I am, Sir,

Your obedient Servant,

\_\_\_\_\_  
*Chairman, Provincial Committee.**(Paper referred to in the foregoing Letter.)*To the Chairman of the Provincial Committee for the  
*Central Province, Kandy.*

SIR,—I hereby declare that I (do or do not) desire that the provisions of "The Branch Roads Ordinance, 1874," should be extended to the district of \_\_\_\_\_, in which my estate (or the estate under my management) called \_\_\_\_\_ is situated, for the purpose of the construction of a branch cart road to the said district, from the main road to \_\_\_\_\_ near the \_\_\_\_\_ milepost (or, at the village of \_\_\_\_\_).

I am, Sir,

Your obedient Servant,

\_\_\_\_\_  
Proprietor (or Resident Manager or Agent)  
of \_\_\_\_\_ Estate.

## C (Section 19).

Office of the Provincial Committee,

To \_\_\_\_\_, \_\_\_\_\_, 187—.

Proprietor (or Resident Manager or Agent) of \_\_\_\_\_ Estate.

SIR,—The Governor, with the advice and consent of the Legislative Council, having agreed to grant a moiety for the construction (or completion or repair, as the case may be) of a branch cart road leading from the main road near the \_\_\_\_\_ milepost (or at the village of \_\_\_\_\_) to the district of \_\_\_\_\_, in which your estate \_\_\_\_\_ is situated, the Provincial Committee, acting under the provisions of "The Branch Roads Ordinance, 1874," have assessed the portion due by your estate at Rs. \_\_\_\_\_, which sum you are hereby required to pay into the Colonial Treasury on or before the \_\_\_\_\_ day of \_\_\_\_\_, 187—.

I am, Sir,

Your obedient Servant,

\_\_\_\_\_  
*Chairman, Provincial Committee.*

D (Section 30).

Whereas \_\_\_\_\_ of \_\_\_\_\_ was in default in the payment of the moneys due by him as contribution for constructing (or completing or repairing, as the case may be), under "The Branch Roads Ordinance, 1874," \_\_\_\_\_, and became liable in the sum of Rs. \_\_\_\_\_ inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold, also in conformity therewith, on the \_\_\_\_\_ day of \_\_\_\_\_, and the same was purchased by \_\_\_\_\_ for the sum of Rs. \_\_\_\_\_, which had been duly paid by the said \_\_\_\_\_.

Now know ye that I, \_\_\_\_\_, *Chairman of the Provincial Committee*, by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (*here describe the property accurately*), has been sold and purchased by \_\_\_\_\_ of \_\_\_\_\_ for the sum of Rs. \_\_\_\_\_, which he has duly paid, and that the right, title, and interest of the said \_\_\_\_\_ in the said premises are and shall henceforward be vested in the said \_\_\_\_\_, his heirs, executors, administrators, and assigns, for ever.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
*Chairman, Provincial Road Committee.*

14th December, 1874.

\_\_\_\_\_