

(2.) When practicable, reasonable notice shall be given to the owner or occupier of the land of the intention to enter thereon; and the authority under which the person entering claims to enter or has entered on such land shall, if required by such owner or occupier, be produced and shown.

Penalty for destroying survey marks.  
1894, No. 42, sec. 97

98. Every person who, without due authority, destroys, mutilates, defaces, takes away, or alters the position of any trigonometrical station, survey peg, mark, or pole fixed or set up by any surveyor or other person under the authority of the *last preceding* section shall be liable, on summary conviction, to imprisonment with or without hard labour for any term not exceeding two years; and every person who wilfully obstructs any such surveyor or other person or his assistants in carrying on such survey shall for every such offence be liable to a fine not exceeding fifty pounds.

Native cultivations protected.  
Ibid, sec. 98

99. (1.) Nothing herein contained shall authorise any surveyor to enter upon any Native cultivation for the purpose of taking a road under the authority of this Act without the previous consent of the Governor in Council.

(2.) A "Native cultivation," wherever the term is used in this Act, means any land regularly used by Natives for the growth of food-crops for their own consumption.

PART VI.

ROADS AND RIVERS.

*Construction and Maintenance of Roads.*

Interpretation.  
Ibid, sec. 99

100. (1.) Either the Minister of Lands appointed under "The Land Act, 1892," or the Minister for Public Works appointed under this Act, may administer this Part of this Act; and the word "Minister," wherever it occurs throughout this Part of this Act, means either the Minister of Lands or the Minister for Public Works.

Certain provisions of "The Municipal Corporations Act, 1900," saved.

(2.) This Part of this Act shall, so far as concerns boroughs, be construed subject to the repealing provisions of section four hundred and thirty-three of "The Municipal Corporations Act, 1900," in cases where those provisions apply.

Proviso.

Provided that those repealing provisions shall not operate to apply to boroughs any provision of this Part of this Act which in the absence of those provisions would not so apply.

Definition of road.

Ibid, sec. 100  
1903, No. 93, sec. 7

101. Throughout this Act the word "road" means a public highway, whether carriage-way, bridle-path, or footpath; and includes the soil of—

(a.) Crown lands over which a road is laid out and marked on the record maps :

(b.) Lands over which right of way has in any manner been granted or dedicated to the public by any person entitled to make such grant or dedication :

(c.) Lands taken for roads under the provisions of this Act or any other Act or Provincial Ordinance formerly in force :

(d.) Lands over which a road has been or is in use by the public which has been formed or improved out of the public funds, or out of the funds of any former province, or out of the District Fund of any local authority, for the width formed,