

42-348. Gates or barways in fences; liability for failure to close. The proprietor of any fence which crosses or abuts upon any stream from which waters are drawn for irrigation or other purposes, or which abuts upon or wholly or in part encloses any reservoir for the collection, retention or storage of water, shall cause to be placed in every such fence, in some convenient place, a gate or barway, and shall always maintain the same; and such proprietor and proprietors of land shall always permit the proprietors of any such works, and their assistants, and all public officers concerned therewith, to pass thereat and along the bank of such stream or to such reservoir, over said premises, by some reasonably direct and convenient way, for any lawful purposes connected with the management of such works and the discharge of their official duties. Every such person shall forthwith, upon passing through any such gate or barway, carefully close such gate or barway, and shall be responsible to the proprietors of such lands for any damage occasioned by his default in that behalf.

History: L. 1891, ch. 133, art. 4, § 30; May 20; R.S. 1923, 42-348.