

**42-319. Construction of work in city or town.** Where any ditch, conduit or other works for the diversion or conveyance of water shall be proposed to be constructed through, along or across any street, avenue or alley in any city or town, damages and compensation in that behalf shall be awarded only to the proprietors of lots taken or damaged by the construction or maintenance of such works; but the person constructing such ditch, conduit, or other works, or afterwards maintaining or operating the same, shall be subject to such regulations as the authorities of such town may reasonably prescribe for enclosing the excavation during the period of construction, or otherwise protecting the inhabitants of such town from injury by reason thereof, or for bridging such ditch or conduit at the crossing of streets or alleys publicly used and traveled as such at the time of the construction of such ditch, conduit, or other works.

**History:** L. 1891, ch. 133, art. 3, § 4; May 20; R.S. 1923, 42-319.