

**42-318. Condemnation of land for public mill or manufactory.** Where any person or corporation shall have constructed a ditch, conduit or other works for diverting or conveying water, and the fall of such water therein is at any place sufficient to afford power for the operation of machinery, such person or corporation shall be entitled to condemn and take for the erection of a public mill or manufactory at the place of such fall, or convenient thereto for the service of all who shall resort thereto, such amount of land as may be necessary for the location and construction of such mill or manufactory, and the necessary appurtenances thereof; and the proprietor of such mill or manufactory may at any time afterwards, if for the utilization of such power for like public purpose the enlargement of such mill or manufactory or the appurtenances thereof be required, in like manner condemn and take other lands necessary for such enlargement; and lands may be condemned and taken in like manner for the tailrace for turning such waters into such ditch or conduit next below the said mill or manufactory, and for the roads and ways necessary for passing between such mill or manufactory and the nearest convenient highways. Such roads shall, however, be located so far as practicable upon the lines of the public land subdivisions, and in all cases so as not to occasion unnecessary injury or inconvenience to the proprietors of such lands.

**History:** L. 1891, ch. 133, art. 3, § 3; May 20; R.S. 1923, 42-318.