

Public Highway, Over State Lands. State Board of Land Commissioners, to Grant Right of Way for Public Highway.

Section 32, Chapter 147, session laws of 1909, makes it incumbent upon the State Board of Land Commissioners to grant right of way to any city or county desiring to construct a public highway across lands owned by the state, when certain conditions are complied with by the municipality.

Helena, Montana, April 8, 1909.

Hon. F. H. Ray, Register, Helena, Montana.

Dear Sir:

I am in receipt of your letter of April 7, together with a duly certified plat of a right of way filed with you by the County Clerk of Teton County, and regularly approved and attested by the County Surveyor of Teton County.

I am of the opinion that Section 32, of Chapter 147, Session Laws of 1909, makes it incumbent upon the State Board of Land Commissioners to grant a right of way to any city or county desiring to construct a public highway across lands owned by the state. The only provisions required of such municipality is that, if physically possible, the highway shall be constructed along sectional or subdivisional lines, and that a copy of the official plat made by the County or City Surveyor or Engineer shall be filed with the board together with a petition from the county or city officers setting forth the necessity of the same.

The provisions of this section have been strictly complied with in the matter of the "Bellevue and Deep Creek Road," and a right of way should therefore be granted.

Very truly yours,
ALBERT J. GALEN,
Attorney General.