

Carey Land Act Board, Powers of.

The Carey Land Act Board has no power to divert the funds of a reclamation district from the particular fund in which the law requires them to be placed, the board being governed by the same law, so far as applicable, as that which governed its predecessor, the State Arid Land Grand Commission.

March 16, 1905.

Hon. J. H. Rice, State Treasurer, Helena, Montana:

Dear Sir:—I am in receipt of your letter of February 18, in which you ask for an opinion concerning the power of the Carey Land Act Board to divert the funds of District No. 4 from Fund C, thereby avoiding payment of outstanding warrants against said fund.

In two recent opinions to your office I have given you the law governing these two funds, and defined what moneys should go into them. In another recent opinion to the Carey Land Act Board I have defined its powers as the successor of the State Arid Land Grant Commission, holding that, as such successor, it is, with certain general limitations, clothed with the same powers and charged with the same duties, as the Commission.

This being true, there can be no doubt but that the Carey Land Act Board is governed by the same law as that which governed the Arid Land Grant Commission, and under this law the Carey Land Act Board has no power to divert any such funds, but must deposit them in the respective funds as heretofore defined to you.

Yours very truly,

ALBERT J. GALEN,
Attorney General.