

Carey Lands, Entry by Attorney-in-Fact.

There is no objection to an application for entry of Carey Lands being made through an attorney-in-fact.

Helena, Montana, August 2, 1909.

Carey Land Act Board,
Helena, Montana.

Gentlemen:

I am in receipt of your letter of July 31, enclosing form of application for entry of lands by the applicant in person, or through an attorney-in-fact, in which you request an opinion as to whether such application can be made by an attorney-in-fact.

We find nothing in the law which prohibits the application for entry to be made by an attorney-in-fact, and the form you submit appears

to be sufficient so far as the application and acknowledgment by the attorney-in-fact is concerned.

We would suggest, however, that rule three be amended so as to require the applicant who gives the power of attorney to another to make his application to also personally sign and swear to an affidavit, to be attached to such power of attorney, stating positively his age, place of birth, and if foreign born that he is naturalized, or declared his intention; that he has never received the benefits of the provisions of the Carey law to an amount greater than 160 acres; that he has never theretofore made entry, or applied for patent, to lands under the provisions of said law, and that it is his intention to become an actual settler upon, and to cultivate, said lands, in accordance with said law of congress. In other words, this affidavit should contain all the facts necessary to show that the applicant is entitled to enter said lands under such law when the proper time comes.

With such amendments, as suggested above, we give our approval to the forms submitted.

Yours very truly,

ALBERT J. GALEN,

Attorney General.