

**Carey Lands, Who May Settle. Settler, on Carey Lands.
Women, May File on Carey Lands, When.**

A married woman may file on Carey Lands only where she would be permitted to make homestead entry under the laws of the United States.

Helena, Montana, September 9, 1909.

Hon. John W. Wade,
State Engineer,
Helena, Montana.

Dear Sir:

I am in receipt of a telegram received by you from Mr. W. M. Wyman,

submitting the question as to whether or not a married woman can file on Carey Lands in Montana.

Carey lands are governed by the laws of the United States, except as to procedure, irrigation, etc., which is committed to the state by the federal law. Under the federal law the actual settlement is required upon the land, and under both the federal and state laws only 160 acres can be filed on by one person. A husband and wife are presumed to live together so that they jointly constitute one person; hence, a married woman cannot file on Carey Lands, except in those cases where she would be qualified to make homestead entry under the laws of the United States.

An enumeration of these cases may be found in "Suggestions to Homesteaders. Issued by Department of Interior. Approved April 10, 1909."

Yours very truly,

• ALBERT J. GALEN,

Attorney General.