

Lands, Sale of State. State Lands, Sale of. Same, Limitations on Purchase of.

Section 37, Chapter 147, Laws of 1909, limits the amount of state lands that may be sold to one individual to 160 acres of agricultural land, susceptible of irrigation, and 320 acres of agricultural land not susceptible of irrigation, and 640 acres of grazing land, being in all a total of 1120 acres, and when the limitation in any classification is reached no further sale can be made to that individual.

Helena, Montana, February 10, 1909.

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

Dear Sir:—

I am in receipt of your letter of February 9, asking my official construction of section 37, chapter 147, session laws of 1909, and particularly whether the limitation upon the sales of state lands therein made extends to the person, company or corporation for all time, or whether the limitation is intended only to cover a sale held at a particular time and place.

I am of opinion that the section mentioned precludes the state from selling to one individual more than 160 acres of agricultural land susceptible of irrigation, and 320 acres of agricultural land not susceptible of irrigation, and 640 acres of grazing land, being, in all, a total of 1120 acres of the various classified lands.

This limitation does not extend merely to one certain sale held in any particular county, but when the limitation placed by the section is reached by a person, company or corporation, that he is forever thereafter precluded from purchasing from the state the lands included in that classification.

Very truly yours,

ALBERT J. GALEN,
Attorney General.