

State Lands, Preference in Lessee.

The lessee of state lands, under section 2174, has a preference right to purchase, notwithstanding the provisions of chapter 147, session laws of 1909.

Helena, Montana, April 13, 1910.

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

Dear Sir:

I am in receipt of your letter of April 13, 1910, wherein you submit for my opinion the following question:

"Lessees, whose leases dated prior to March 19, 1909, are under section 2174, revised codes, which gives preference right to purchase. Does the fact that he has a contract under previous law, remove him from the operations of section 37, chapter 147, 1909 laws?"

Under section 2174, revised codes, as you suggest, a preference right is given to a lessee to purchase when the land is offered for sale. This

right to purchase is an interest vested in the lessee, and chapter 147, session laws of 1909, cannot remove this vested right.

You are therefore advised that in the event of sales made to lessees holding under leases dated prior to the passage of chapter 147, session laws of 1909, this last mentioned act should not be considered, and the rights of the lessees should be determined with reference to the terms of their contract and the law at the time of the execution of the lease.

Very truly yours,

ALBERT J. GALEN,

Attorney General.