

**Carey Land Act, Assignment of Entries under. Assignments, of Carey Land Act Entries.**

There is no prohibition in the Carey Land Act, or in the spirit thereof, preventing an entryman under the act from assigning his entry for the amount actually expended by him upon his entry, and without any intention to make a profit from his entry.

Nor would such an assignment preclude him from making another entry upon the same project.

June 25th, 1913.

Hon. A. W. Mahan,  
Secretary Carey Land Act Board,  
Helena, Montana.

Dear Sir:

I beg to acknowledge receipt of communication of the 12th inst., addressed to this office by Mr. F. R. Davies, assistant secretary of the Carey land act board, asking for my opinion as to whether an entryman would lose his right to enter upon 160 acres of land by reason of the fact that he had previously entered upon 160 acres and thereafter assigned his original entry for the actual amount of money invested by him thereupon.

The whole spirit and intent of the Carey land act is the settlement and cultivation of the arid lands of the state by actual bona fide settlers. The act provides against speculation by limiting the amount of land to be taken by anyone to 160 acres. Considering,

however, the basis of the act and the intent of congress and the legislature making the provision of this law, I am of the opinion that there is nothing in the law which would prevent an entryman assigning the original entry without other consideration than the actual moneys expended by him upon it and entering other lands within the same project. Rule 15 of the board specifically recognizes the right of an entryman to make assignment of his entry, and it can hardly be said that upon assigning it for the actual expenses incurred, and without any profit in the transaction, that he has received any of the benefits under the terms of the Carey land act.

Yours very truly,

D. M. KELLY,  
Attorney General.