

**Arbor Day, Date of Observance.**

It is not within the province of the Governor to change the date set apart for the observance of "Arbor Day," as the same is fixed by law.

Helena, Montana, April 5, 1907.

Hon. E. L. Norris,  
Acting Governor,  
Dillon, Montana.

Dear Sir:—

By telephone this morning you requested opinion from this office, for your guidance, upon the following question:

Governor Toole having by proclamation fixed April 16th. as "Arbor

Day", is it now within your power and province, under existing statutes, as Acting Governor, to change the date at all, and particularly as to Silver Bow County; it appearing that in Silver Bow County many citizens have petitioned you to fix May 10th as the date of observance of Arbor Day.

After examination of the law and careful consideration of the question presented, you are advised that by Chap. 11, Laws of 1905, amendatory of Sections 1990 and 3280 of the Political Code, the third Tuesday of April is by law fixed for the observance of Arbor Day, and the Governor is directed to issue his proclamation setting apart that date for such purpose. The Governor, therefore, has no discretion in the matter of fixing the date, it being prescribed by law, and in consequence it cannot be changed after the issuance of the Governor's proclamation, or at all.

Yours respectfully,

ALBERT J. GALEN,

Attorney General.