

Columbus Day, Holiday. Lincoln's Birthday, Legal Holiday.

When Lincoln's Birthday, February 12th, or Columbus Day, October 12th, falls upon a Sunday, the following Monday is not a legal holiday in this state.

February 7, 1911.

John Cuffe, Esq.,
County Attorney,
Libby, Montana.

Dear Sir:

I am in receipt of your letter of February 2d, wherein you make inquiry as to whether February 13, 1911, being the Monday following Lincoln's birthday is a legal holiday. You are advised that in view of the present statute concerning holidays, February 13th, 1911, is not a legal holiday.

Section 10 of the Revised Codes of 1907 designates certain days as holidays. It also provides that if certain days named therein fall upon Sunday, the Monday following is a holiday. The act declaring the 12th day of February in each year to be a legal holiday being Chapter 11 of the Session Laws of 1909 is not an amendment of Section 10 above referred to and has no reference thereto. Section 10 of the Revised Codes is the only statutory enactment concerning the observance of holidays falling upon Sunday and as the dates to which this statute refers are specifically set out in the statute, I believe that Lincoln's birthday, February 12th, and Columbus day, October 12th, should they fall upon Sunday are observed on that day and not upon

the day following as is usual in other cases of public holidays. Unless the law is amended, I believe, that the 12th day of February and the 12th day of October of this year should not be observed upon the day following in the absence of a gubernatorial proclamation.

Yours very truly,

ALBERT J. GALEN,

Attorney General.