

Opinion No. 16**Public Offices—Salaries—Holidays
—Beginning of Term.**

HELD: The fact that the first Monday in January falls upon a legal holiday does not affect the mandatory character of the law requiring installation of public officers at that time, and the old officers are therefore entitled to some portion of the salary for the first day of the year which was Sunday.

January 9, 1933.

I have your letter in regard to newly elected officers taking office on January 2, 1933, this being a holiday for the reason that the first of January fell upon a Sunday. However, this fact does

not effect the mandatory character of the law requiring installation of public officers at that time.

Under the provisions of Section 4728, Revised Codes of Montana, 1921, county officers take office on the first Monday of January next succeeding their election except the County Treasurer and under Section 1 of Article VII of the Constitution state officers hold office for four years, or until their successors are elected and qualified beginning on the first Monday of January next succeeding the election.

The old officer was therefore entitled to some portion of the salary for the first day of the year which was Sunday, as the new officer did not assume the duties of his office until the second day of January which was Monday, and which was the first day that he could take office under the constitution. In this regard there is an opinion by former Attorney General Galen, found in volume one at page 4, holding that the fact that the first Monday in January falls upon a holiday does not affect the mandatory character of the law requiring installation of public officers at that time.