

transacted by the board shall be valid unless transacted at a regular or special meeting thereof."

The rule is that a statute requiring that notice shall be given, but which is silent as to the manner of giving such notice, contemplates personal service thereof. (*Long v. Chronicle Pub. Co.* 228 Pac. 873 (Cal.); *Weyerhaeuser Timber Co. v. Pierce County*, 233 Pac. 922 (Wash.); *Clinton v. Elder*, (Wyo.) 277, Pac. 968.)

Notice provided for in Section 9780 specifically relates to matters in litigation in the courts and we do not think applies generally, and whether it does or not, it could not be said there is any "regular communication by mail" between a postoffice and a party residing some distance therefrom who gets his mail but once a week.

When notice is required to be given a certain number of days, the rule is well established that the day the notice is given shall be excluded in computing the number of days. (R. C. 10707). It has been held by our Supreme Court and many others that the law does not take notice of fractions or parts of a day. (See *Kelly v. Independent Pub. Co.*, 45 Mont. 127, and *O'Brien v. Quinn*, 35 Mont. 441). But that these rulings would be applied in construing a statute that provides a notice of a given number of hours, is doubtful.

In any event, as Section 1006 does not provide the manner of service, it is our opinion that personal service would be required.

#### Opinion No. 277

##### Schools—Trustees—Special Meetings, Notice of.

HELD: Since Sec. 1006 does not provide the manner of service of notice of a special meeting of the board of trustees of a school district, personal service is required.

July 20, 1933.

You request advice on the question of legality of a notice of a special meeting of the board of trustees of a school district, such notice being mailed at noon Thursday for a meeting called to be held at 8:00 o'clock P. M., the following Saturday.

Section 1006, R. C. M., 1921, provides in part as follows: \* \* \* A special meeting of the board may be held upon the call of the chairman or any two members of the board; at least forty-eight hours' written notice shall be given to each member of the board of any special meetings, and no business