

No. 285

**THANKSGIVING, state holiday—HOLIDAYS—
STATE HOLIDAYS**

Held: Under Section 453, Revised Codes of Montana, 1935, all public offices are to be closed on November 20, 1941, and November 27, 1941, and all public employees given a holiday on those dates, since those days are now holidays because of the proclamation of the President and the Governor declaring those days to be days of Thanksgiving in accordance with Montana law.

October 31, 1941.

Mr. John D. Stafford
County Attorney
Cascade County
Great Falls, Montana

Dear Mr. Stafford:

You have requested an opinion from me as to when the public schools of this state shall observe Thanksgiving of this year as a public holiday.

The President of the United States has designated November 20, 1941, as a day of Thanksgiving and the Governor of this state has proclaimed November 27, 1941, as a day of Thanksgiving. Therefore, this is one year when Montana citizens, in my opinion, may celebrate Thanksgiving either on November 20, as proclaimed by the President, or on November 27, as proclaimed by the Governor.

In fact, it appears our citizens may celebrate on both such dates if they so desire—for the reason that Section 10 of the Revised Codes of Montana, 1935, states in plain language that, in addition to the holidays specifically enumerated therein, a holiday is “. . . every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday . . .”

Furthermore, the parents of those children who celebrate Thanksgiving on either of the dates mentioned will not be discriminated against since their children may remain home with them on both of said dates, because Section 1062, Revised Codes of Montana, 1935, provides in part:

“No school shall be in session on the following holidays: New Year's Day, Memorial Day (May 30), Independence Day (July 4), Labor Day (First Monday in September), Thanksgiving Day or Christmas Day . . .”

Under Section 453, Revised Codes of Montana, 1935, it is my further opinion all public offices are to be closed on November 20 and November 27 and all public employees given a holiday on those dates—since, as I have pointed out, those days are now holidays because of the proclamation of the President and the Governor declaring those days to be days of Thanksgiving in accordance with Montana law.

Sincerely yours,

JOHN W. BONNER
Attorney General