

**OPINION**  
**55-75**

December 9, 1955 (OPINION)

LIQUOR ESTABLISHMENTS

RE: Holiday - Christmas Day

I have your letter of December 5, 1955, in which you raise this question: "Where Christmas Day falls on a Sunday are the liquor establishments required to close on the following Monday?"

Replying to your question, I call your attention to section 5-0113 of the 1953 Supplement to the North Dakota Revised Code of 1943, which makes it unlawful to dispose of alcoholic beverages after six p.m., on Christmas Eve and on Christmas Day. Along with Christmas Day are named two other holidays, Memorial Day and Good Friday. These days are holidays as listed in section 1-0301 of the 1953 Supplement to the North Dakota Revised Code of 1943, as amended.

Section 1-0302 of the North Dakota Revised Code of 1943 provides that if the twenty-fifth of December falls upon a Sunday, then the Monday following is the holiday.

In my opinion it was the intention of the legislature to prevent the sale of alcoholic beverages on the holiday legally observed as Christmas Day, and this falls on Monday, December twenty-sixth. Therefore, it is my opinion that the liquor establishments should be closed on Monday, December 26, 1955.

While you do not mention this in your request for an opinion, I would call your attention to the fact that many village and city ordinances prohibit the sale of alcoholic beverages on all legal holidays. Of course, there are 14 legal holidays by statute, including the first day of January, which is New Year's Day. This, too, falls on Sunday, and while sale is not prohibited by statute of our state on New Year's Day, it is prohibited by a good many city and village ordinances. Since New Year's falls on Sunday, the following Monday would be a holiday. I mention this simply for clarification.

LESLIE R. BURGUM

Attorney General