

Opinion No. 25-3793

January 23, 1925

BY: JOHN W. ARMSTRONG, Attorney General

TO: Requested by: Hon. Z. B. Moon, State Senator, Santa Fe, New Mexico.

An Adjournment from Saturday, January 17, until Thursday, January 22, immediately following, is not an adjournment for more than three days in violation of the Constitution.

OPINION

It appears that January 17, 1925, the Senate adjourned until January 22, 1925. It appears also that there was one Sunday intervening. The Constitutional Provision reads as follows:

"Neither house shall, without the consent of the other, adjourn for more than three days, Sunday excepted; * * *" Sec. 14, Art. 4, St. Const.

Under the heading of Statutory Construction, the Seventh subdivision of Sec. 5424, Code 1915 provides as follows:

"In computing time the first day shall be excluded and the last included, * * *"

Then, under the Constitutional and Code Provisions just quoted, Saturday, the 17th and Sunday, the 18th, may be excluded from the count. The days remaining included within the time of adjournment, are Monday, Tuesday and Wednesday, the Senate re-convening on Thursday.

We think the Constitution contemplates the calendar day, and therefore, that the Senate was not adjourned for more than three days within the meaning of the Constitution.