

May 25, 1944

Honorable Mike Holm  
Secretary of State  
STATE CAPITOL

Dear Sir:

You orally asked the meaning of that part of Laws 1943, Chapter 477 which reads:

"\* \* \* provided that such diplomatic or consular representative has been licensed by proper federal authority to receive such property of the nationals of such country, where such license is required.

"Sec. 2. Application of act.- This act shall not apply where such citizen of and resident in any such foreign country has appeared in person or by duly authorized representative other than such diplomatic or consular representative."

ANSWER:

Minnesota Statutes 1941, Section 576.07 provides in receiver proceedings that where the absentee is not a citizen of the United States a copy of the notice shall be served by mail on the consular representative of his country, if there be one in the state, otherwise on the Secretary of State, who shall forward the same to the chief diplomatic representative of such country in Washington.

Section 525.28 provides that in administration proceedings if the decedent was born in any foreign country or left heirs in any foreign country, after thirty days the administration may be granted to the foreign consul or other representative of such country if he resides in this state and has filed a copy of his appointment with the Secretary of State, or to his nominee.

Section 176.20 provides in workmen's compensation proceedings that in case of alien dependents the payments to be made to the duly

9580

Honorable Mike Holm  
Secretary of State -- 2.

May 25, 1944

accredited consular officer of the country of such beneficiary, if such consular officer resides within the state or his designated representative residing within the state

Before a consul or commercial agent of a foreign country to which he is accredited authorizing him to exercise his power is recognized by the United States, he must receive from the President an official recognition known as exequatur, a certified copy of which he must file with the Secretary of State of Minnesota. The term "license" in the quoted law, I construe to mean the President's recognition - "exequatur".

Yours very truly

VICTOR H. GRAN  
Assistant Attorney General

VHG:MS

9580

COPY

9580

RECEIVED  
JUN 15 1944

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUN 15 1944

*W. H. ...*  
Secretary of State

9280