

**OPINION
56-128**

July 10, 1956 (OPINION)

LICENSES

RE: Depositing Agent - License

Your request for an opinion, dated July 9, 1956, has been received.

You state that chapter 6-10 of our code places the licensing of depositing agents under the jurisdiction and control of the state examiner. Every owner of a depositing agency is required to provide a bond in the sum of five thousand dollars executed by a surety company authorized to do business in this state. Neither the law nor the regulations of your department contain any requirements or qualifications as to residence or citizenship in order to procure a license to operate a depositing agency.

Your question is whether a Canadian citizen can legally purchase an already operating and licensed depositing station in North Dakota from its present owner and operate same.

Section 47-0111 of the 1943 code provides that any person whether a citizen or alien may take, hold, and dispose of property, real or personal, within this state. Section 54-0118 of the 1943 code provides that every person while within this state is subject to its jurisdiction and entitled to its protection.

States have the power to confer certain rights upon aliens, such as enjoyment of personal and property rights and the right to engage in gainful employment and occupations. The above-quoted sections of the law confer such rights upon aliens in this state and we, therefore, hold that a Canadian citizen may legally purchase and operate a licensed depositing station in this state, provided, of course, he meets all the requirements as to license and bond. In other words, his status as an alien would not prevent him from owning and operating this business, provided he fulfills all the requirements and meets all the qualifications provided for by law.

LESLIE R. BURGUM

Attorney General