

CHAPTER 556

ACTION TO PREVENT USURPATION, AND TO VACATE CHARTERS AND
LETTERS PATENT

556.05 JUDGMENT FOR USURPATION; FINE.

The attorney general in his discretion may institute quo warranto proceedings in either the district or in the supreme court. State ex rel v Village of North Pole, 213 M. 297, 6 NW(2d) 458.

556.07 TO VACATE CORPORATE CHARTER.

In Minnesota, quo warranto is not the old common law writ, but rather information in the nature of quo warranto as left by the changes brought about by statute of 9 Anno. c. 20. In the absence of statute, it is the exclusive proceeding to determine the validity of the organization of a public corporation. State ex rel v Village of North Pole, 213 M 297, 6 NW(2d) 458.

Use of quo warranto to prevent a corporation from violating a criminal law. 12 MLR 422.

Disregarding corporate entity in de facto dissolution. 15 MLR 210, 238.

Effect of a state dissolution of a corporation upon reorganization proceedings. 25 MLR 512.

556.08 CORPORATION, WHEN DISSOLVED.

It is a general rule that courts are without authority to dissolve a corporation at the suit of a minority stockholder unless such authority has been conferred by statute. Different courts recognize various exceptions to this rule; but the facts in the instant case do not bring it within such exceptions, and the dissolution of the corporation is not justified. Thwing v McDonald, 134 M 148, 156 M 780, 158 NW 820.