

Commerce

CHAPTER 45

DEPARTMENT OF COMMERCE

45.01 DEPARTMENT ESTABLISHED; COMMISSION.

HISTORY. 1925 c. 192 s. 26; 1925 c. 426 art. 8 s. 1; 1927 c. 66 s. 13; M.S. 1927 ss. 53-28, 3996-26.

COMMISSIONER OF SECURITIES has succeeded the chairman of the securities division and may be served with process when a plaintiff has a cause of action arising out of the brokerage activities of a foreign corporation that has obtained a Minnesota brokerage license. *Anderson v Chase Sec. Corp.* 193 M 443, 258 NW 743.

A contract between banks by which one, in consideration of its promise to pay all the liabilities of the other, takes a note of the embarrassed bank for the total amount of its liabilities, and a pledge back of all assets, is valid and binding. *First State Bank v First National*, 193 M 415, 258 NW 593.

45.02 COMMISSIONERS; APPOINTMENT; TERMS; VACANCIES; SALARIES.

HISTORY. 1925 c. 426 art. 8 s. 2; M.S. 1927 s. 53-29.

45.03 POWERS AND DUTIES OF COMMISSIONERS.

HISTORY. 1925 c. 426 art. 8 s. 3; M.S. 1927 s. 53-30.

Defendant corporation amended its articles of incorporation so as to reduce the par value of the stock from \$100.00 per share to \$10.00 per share, and issued and exchanged shares accordingly. This was not a sale of new stock and did not require registration of the stock prior to sale. *Mertz v Hudson*, 194 M 636, 261 NW 472.

45.04 BANK APPLICATIONS, APPROVAL.

HISTORY. 1919 c. 86 s. 1; 1921 c. 498 s. 1; G.S. 1923 s. 3997; M.S. 1927 s. 3997.

THIRTY-DAY PERIOD. The provision is directory only so that the commission does not lose jurisdiction to grant the application if the law relating to the organization of a bank is not complied with within 30 days. 1920 OAG 772.

45.05 NOTICE AND HEARING, WHEN NOT GIVEN.

HISTORY. 1929 c. 146; M. Supp. s. 3997-1.

45.06 EXPENSES OF ORGANIZATION AND INCORPORATION OF BANKS LIMITED.

HISTORY. 1919 c. 86 s. 2; G.S. 1923 s. 3998; M.S. 1927 s. 3998.

45.07 CHARTERS ISSUED, CONDITIONS.

HISTORY. 1919 c. 86 s. 3; G.S. 1923 s. 3999; M.S. 1927 s. 3999.

CONSTITUTIONALITY. This section is a proper exercise of the police power. It does not confer judicial or legislative power upon the commission. *State ex rel v State Sec. Com.* 145 M 221, 176 NW 759.

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CONSTRUCTION. "Reasonable public demand" does not necessarily imply a public outcry or agitation for additional banking facilities, nor necessarily negative the existence of adequate banking accommodations. It supposes upon the part of the community a desire of a character which insures an amount of business sufficient to promise it success. State ex rel v State Sec. Com. 145 M 221, 176 NW 759.

REVIEW. The court can interfere with the department's determination only when it appears that it has exceeded its jurisdiction or has proceeded on an erroneous theory of the law, or unless its action is arbitrary and oppressive so that it represents its will and not its judgment, or is without evidence to support it. State ex rel v State Sec. Com. 145 M 221, 176 NW 759.

45.08 DEFINITIONS.

HISTORY. 1925 c. 261; M.S. 1927 s. 4000.