

CHAPTER 2

TERRITORIAL DIVISIONS

LEGISLATIVE

2.01 NAMES AND BOUNDARIES.

Acquiescence by the state and the counties of St. Louis and Lake in the boundary line between said counties, as located and fixed by L. 1895, c. 248, for fifteen years, precludes inquiry into the correctness of such location. *State ex rel v County of St. Louis*, 117 M 42, 134 NW 299.

2.02 NUMBER OF MEMBERS.

Initiation in legislation lies entirely with the legislature, and except in certain cases involving the police power, the judicial branch may not interfere with the right of the legislature to exercise its discretion except by passing upon the constitutionality, as at the time of the enactment of the laws. An apportionment act has none of the attributes of police power. The legislature in enacting L. 1913, c. 91, exercised its judgment and discretion and it was not then and is not now subject to court attack. *Smith v Holm*, 220 M 486, 19 NW(2d) 914.

Legislative apportionment; failure to apportion; effect of change of population. 30 MLR 37.

2.03 to 2.70 DISTRICTS.

L. 1913, c. 91, was constitutional when enacted. It was an apportionment act, administrative and political in that it required the exercise of judgment and discretion, and governmental in the sense that it was in furtherance of the structure of state government, not an exercise of police power. It cannot now be held unconstitutional on account of the growth of population in some districts whose representation in the legislature has in consequence become grossly unequal to that of others. *Smith v Holm*, 220 M 486, 19 NW(2d) 914.

JUDICIAL DISTRICTS

2.72 BOUNDARIES AND JUDGES.

After an action in Wright county was tried, and before it was decided, the county was, by L. 1897, c. 379, detached from said district, and, with other counties, formed into the eighteenth district. The judge had authority to make and file a decision thereafter, although he was not a judge of the eighteenth judicial district. *Darelius v Davis*, 74 M 345, 77 NW 214.

CONGRESSIONAL DISTRICTS

2.73 NUMBER.

Congressional reapportionment; redistricting; requirements of compactness, contiguity, and equality in number of inhabitants. 17 MLR 321.