

opportunity for citizens to raise questions or objections in the legislature to the numerous laws they will be subject to. No one knows what is contained in the revision of laws. The unknown contents are revealed by the textual errors discovered afterwards; as Walker states:

Many revised statute bills are voted through only for the members to find later numerous 'jokers' and unwise provisions which must then be repealed or amended—and the process of change goes on.

Again we have to ask, is this the mode and process intended by the framers of the Constitution for laws to come into existence? That this is a highly questionable process is revealed by the fact that several states have passed amendments to the State constitutions which allow for a "codification of laws." This indicates that neither this procedure nor the basic concept are not in line with traditional constitutional methods for enacting laws.

According to the Constitution, enacting and changing laws for a state falls upon the legislative branch of government, and that branch cannot delegate the power to any other. The "Code Commissioners" or "Revising Committee" may be composed of some members of the Legislature, but it is also composed of lawyers, judges and private persons. It thus has been noted that "revisers have no legislative authority, and are therefore powerless to lessen or expand the letter or meaning of the law."⁸

Therefore the work of these committees cannot be regarded as law pursuant to the Constitution. The law they produce is another manner of law coming from a source other than the Constitutionally authorized source. These comprehensive revisions or codifications are like a private law approved by the legislature.

Governments, like individuals, tend to do things because they are convenient and easy,

such as with codes. But whenever governments do things for convenience sake, they usually transcend constitutional limitations or trespass on individual rights. The desire to have easy arrests without the need of a warrant is one area in which government has done things which are more convenient, but are unlawful.

The completely comprehensive revisions which embrace every law of the state first appeared in the 1940's. Walker states that at the time of his writing (1934), "No American state has a complete code."⁹ That is, no state had yet adopted a comprehensive revision of all statutes. We saw that Kentucky adopted its comprehensive revised statutes in 1943. Minnesota adopted a revision in 1945, Illinois and Missouri in 1939, and Virginia in 1950.

The mass of laws written by revisers and codifiers is not the law of the legislature, even when approved by it. They were not enacted in the mode intended by the terms of the Constitution. Also, since we have no legal relationship to the commission or committee that drafted the code or revised statutes, it would seem the laws they write have no authority over us. This is made clear by the fact that these comprehensive codes and revisions have no sign of authority which all law is required to have.

When we look at the specific-subject codes, or the ancient codes of the past, such as the Code of Justinian, the Roman Twelve Tables, or the Napoleonic Civil Code, we find in their contents or on their face the authority by which they existed or were promulgated. The specific-subject codes had what is called an "enacting clause" which is an official declaration of authority and authenticity. The modern day codes have no such declaration of authority on their face or contents. We thus need to look further into this key issue of authority by way of an enacting clause.

⁸ *State v. Maurer*, 164 S.W. 551, 552, 255 Mo. 152 (1914).

⁹ Walker, *Law Making in the United States*, p. 272.