

The Caesars and Emperors of the Roman Empire had always prefaced their edicts and commands with a statement containing their name to show the source and authority for the law. Thus when Constantine issued his edict to suppress soothsayers, it started by stating:

The Emperor Constantine Augustus to Maximus. No soothsayer may approach his neighbor's threshold, even for any other purpose.¹⁴

In the early middle ages in Europe (476-1000 A.D.), the Merovingian and the Carolingian kings would often form councils to help regulate civil or ecclesiastical matters. The decrees would often name the king and council, and state, "We do ordain . . ."

A statement of enacting authority was always used in the royal decrees and commands of the kings of England. Thus *Magna Carta* (1215), begins with the name of the authority which adopted and issued it:

"JOHN, by the grace of God, king of England, lord of Ireland, duke of Normandy. . ."

The *Statutes of Westminster*, which were issued in 1275 by king Edward I, begins: "These be the acts of king Edward, son to king Henry, made at Westminster. . ." In the *Ordinance of the Staples* (1353) by Edward III, the decree begins:

EDWARD by the grace of God, king of England and of France, and lord of Ireland, to all sheriffs, mayors, bailiffs, ministers, and other our faithful people to whom these present letters shall come, Greeting: Whereas, . . .¹⁵

In the *Letters of Patent to John Cabot* (1496), granting the use and specifying the conditions for certain lands discovered in America, it states:

HENRY, by the grace of God, king of England and France, and lord of Ireland, To all to whom these presents shall come, Greeting.¹⁶

When one would read these documents it was immediately known from what source the orders or laws came from, and thus what was the authority behind them. When Parliament developed into a true law-making body around 1440, their use of an enacting clause became a regular part of English statutes to this day. A typical act of Parliament from the reign of King George III, about 1792, reads as follows:

Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, there shall be no Drawback or allowance paid on the Exportation. . .¹⁷

This enacting clause made it known to all by what authority the law before them was enacted. The American colonists were, of course, well familiar with Parliamentary forms and procedure in passing laws. When self-representative bodies started to appear in America, an enacting style was also used by them. The first Assembly of Virginia was convened July 30, 1619 by Governor Yeardley, under the authority of the Virginia Company, and marks the beginning of representative government in America. The Assembly framed the *Ordinance For Virginia*, July 24, 1621, which starts with these words:

An ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly. . . To all people, to whom these Presents shall come, be seen, or heard. . .¹⁸

The document thus starts off by declaring the authority for the law which follows. In

14 Henry Bettenson, *Documents of the Christian Church*, 2nd edition, Oxford University Press, 1963, p. 25.

15 *Select Documents of English Constitutional History*, edited by G. Adams & H. Stephens, Macmillan Co., London, 1926, pp. 68, 124.

16 Thorpe, *Federal and State Constitutions*, Washington, 1909, vol. I, p. 46.

17 32 George III. c. 60.