> It will be an unfortunate day for constitutional rights when courts begin the insidious process of undermining constitutions by holding unambiguous provisions and limitations to be directory merely, to be disregarded at pleasure.[30]

In Montana a case arose that involved a statute with a "defective enacting clause." The Supreme Court of Montana, after quoting the constitutional section relating to the enacting clause, held that:

> These provisions are to be construed as mandatory and prohibitory, because there is no exception to their requirements expressed anywhere in the Constitution. * * * We think the provisions of the Constitution are so plainly and clearly expressed and are so entirely free from ambiguity that there can be no substantial ground for any other conclusion than that Chapter 199 was not enacted in accordance with the mandatory provisions of that instrument, and that the Act must be declared invalid.[31]

In affirming this decision in a later case, the same Court said that "the enacting clause of a bill goes to the substance of that bill; it is not merely procedural."[32] The Court also said that a resolution could not be regarded as a law because, "It had no *enacting clause* without which it never could become a law."[33]

The Court of Appeals of Kentucky held a statute void for not having an enacting clause, holding that all constitutional provisions are mandatory:

> Certainly there is no longer room for doubt as to the effect of all provisions of the Constitution of this state. By common consent they are deemed mandatory. * * * No creature of the Constitution has power to question its authority or to hold inoperative any section or provision of it. * * * The bill in question is not complete, it does not meet the plain constitutional demand. Without an enacting clause it is void.[34]

The mandatory character of laws was examined by the Supreme Court of Tennessee, which reviewed many other cases and concluded the following:

> The provision we are here called upon to construe is in plain and unambiguous words. The meaning of it is clear and indisputable, and no ground for construction can be found. The language is: "The style of the laws of this state shall be," etc. The word "shall," as used here, is equivalent to "must." We know of no case in which a provision of the Constitution thus expressed has been held to be directory. We think this one clearly mandatory, and must be complied with by the Legislature in all legislation, important or unimportant, enacted by it; otherwise it will be invalid.[35]

This case was quoted by the New Jersey Superior Court which cited the following from the case:

> The provisions of these solemn instruments (constitutions) are not advisory, or mere suggestions of what would be fit and proper, but commands which must be obeyed.[36]

The Supreme Court of Minnesota, in one of the landmark cases on this subject, held the following regarding the enacting clause provision in its Constitution:

> Upon both principle and authority, we hold that article 4, § 13, of our constitution, which provides that "the style of all laws of this state shall be, 'Be it enacted by the legislature of the state of Minnesota,' " is mandatory,

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30 *People v. Dettenthaler,* 77 N.W. 450, 453, 118 Mich. 595 (1898).

31 *Vaughn & Ragsdale Co. v. State Bd. of Equalization,* 96 P.2d 420, 423, 424, 109 Mont. 52 (1939).

32 *Morgan v. Murray,* 328 P.2d 644, 654 (Mont. 1958).

33 *State v. Highway Patrol Board,* 372 P.2d 930, 944 (Mont. 1962).

34 *Commonwealth v. Illinois Cent. R. Co.,* 170 S.W. 171, 175, 160 Ky. 745 (1914); *Louisville Trust Co. v. Morgan,* 203 S.W. 555, 180 Ky. 609 (1918)..

35 *State v. Burrow,* 104 S.W. 526, 529, 119 Tenn. 376 (1907); *Biggs v. Beeler,* 173 S.W.2d 144, 146 (Tenn. 1943).

36 *Village of Ridgefield Park v. Bergen Co. Bd. of Tax.,* 162 A.2d 132, 134, 62 N.J. Super. 133 (1960).