> and that a statute without any enacting clause is void. Strict conformity with the constitution ought to be an axiom in the science of government.[37]

Section 45 of the Constitution of Alabama prescribes that, "the style of laws of this state shall be, *'Be it enacted by the Legislature of Alabama.'*" In determining the nature and purpose of this section the Federal Circuit Court of Alabama stated:

> Complainant correctly urges that this section is mandatory, and not directory; that no equivalent words will suffice; and that any departure from the mode prescribed is fatal to the enactment, since, if one departure in style, however slight, is permitted, another must be, and the constitutional policy embodied in the section would soon become without any force whatever.[38]

The Supreme Court of Georgia said the use of an enacting clause is "essential," and that without it the Act they had under consideration was "a nullity and of no force and effect as law."[39] This decision was based upon the traditional use of an enacting clause by Georgia's Generally Assembly. In an earlier decision the Court held that a measure containing no enacting clause had no effect as intended in a legal sense.[40]

The Supreme Court of North Carolina held that an act prohibiting the sale of spirituous liquors is inoperative and void for want of an enacting clause as prescribed by the Constitution:

> The very great importance of the constitution, as the organic law of the state and people, cannot be overstated. * * * It is not to be disregarded, ignored, suspended, or broken, in whole or in part. * * * When it prescribes that a particular act or thing shall be done in a way and manner specified, such direction must be treated as a command, and an observance of it essential to the effectiveness of the act or thing to be done. Such act cannot be complete, such thing is not effectual, until done in the way and manner so prescribed.[41]

This case was later approved by the Court holding that an enacting clause is "mandatory," and thus the act under consideration which had no enacting clause "must be regarded as inoperative and void." It further said:

> To be valid and effective the Acts of the General Assembly must be enacted in conformity with the Constitution.[42]

The Supreme Court of Missouri held that constitutional requirements, such as that for an enacting clause, "are mandatory and not directory." The case involved an initiative measure by the people which was without an enacting clause as required by the constitution. The Court said that, "under such a requirement the omission of an enacting clause in a proposed initiative measure renders it void."[43] Earlier the Court held that where a law fails to conform to such provisions "there is no other alternative but to pronounce it invalid."[44]

In a similar case in Arkansas, a legislative initiative under the state constitution required to have a specific enacting clause, but the initiative involved had no such clause. The Court held:

---

37 *Sjoberg v. Security Savings & Loan Assn,* 75 N.W. 1116, 73 Minn. 203, 212 (1898); affirmed in *Freeman v. Goff,* 287 N.W. 238, 241 (Minn. 1939); *State v. Naftalin,* 74 N.W.2d 249, 262 (Minn. 1956); *State v. Zimmerman,* 204 N.W. 803, 812 (Wis. 1925).

38 *Montgomery Amusement Co. v. Montgomery Traction Co.,* 139 Fed. 353, 358 (1905), affirmed, 140 Fed. 988.

39 *Joiner v. State,* 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

40 *Walden v. Town of Whigham,* 48 S.E. 159, 120 Ga. 646 (1904).

41 *State v. Patterson,* 4 S.E. 350, 351, 98 N.C. 660 (1887).

42 *Advisory Opinion In Re House Bill No. 65,* 43 DE.2d 73, 76, 77 (N.C. 1947).

43 *State ex rel Scott v. Kirkpatrick,* 484 S.W.2d 161, 163 (Mo. 1972).

44 *The State of Missouri v. Miller,* 45 Mo. 495, 498 (Mo. 1870).