

or lawfully promulgated without an enacting clause or title published with the law.

Since the constitution requires "all laws" to have an enacting clause, it makes it a requirement on published laws as well as on bills in the legislature. If the constitution said "all bills" shall have an enacting clause, then their use in publications would not be required.

That published laws are to have an enacting clause is made clear by the statement commonly used by legal authorities that an enacting clause of a law is to be "on its face." To be on its face means to be in the same plain of view.

Face has been defined as the surface of anything; especially the front, upper, or outer part or surface; that which particularly offers itself to the view of a spectator.⁴

The face of an instrument is that which is shown by the language employed without any explanation, modification or addition from extrinsic facts or evidence.⁵

For the enacting clause to be of any use it must appear with a law, that is, on its face, so that all who look at the law know that it came from the legislative authority designated by the Constitution. The enacting clause would not serve its intended purpose if not printed in the statute book on the face of the law.

The purpose of an enacting clause in legislation is to express on the face of the legislation itself the authority behind the act and identify it as an act of legislation.⁶

The purpose of provisions of this character [enacting clauses] is that all statutes may bear upon their faces a declaration of the sovereign authority by which they are enacted and declared to be the law, and to promote

and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of laws.⁷

It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law.⁸

The enacting clause, sometimes referred to as the commencement or style of the act, is used to indicate the authority from which the statute emanates. Indeed, it is a custom of long standing to cause legislative enactments to express on their face the authority by which they were enacted or promulgated.⁹

A law is "promulgated" by its being printed and published and made available or accessible by a public document such as an official statute book. When this promulgation occurs, the enacting clause is to appear "on the face" of that law, thus being printed in that statute book along with the law.

Enacting clauses traditionally appear right after the title and before the body of the law, and when so printed, whether on a bill or in a statute book, it is then regarded as being on the face of the law. It cannot be in some other record or book, as stated by the Supreme Court of Minnesota:

If an enacting clause is useful and important, if it is desirable that laws shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority, then it is not beneath the dignity of the framers of a

4 *Cunningham v. Great Southern Life Ins. Co.*, 66 S.W.2d 765, 773 (Tex. Civ. App.).

5 *In re Stoneman*, 146 N.Y.S. 172, 174.

6 *Preckel v. Byrne*, 243 N.W. 823, 826, 62 N.D. 356 (1932).

7 *State v. Burrow*, 104 S.W. 526, 529, 119 Tenn. 376 (1907).

8 *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing *Swan v. Buck*, 40 Miss. 268 (1866).

9 Earl T. Crawford, *The Construction of Statutes*, St. Louis, 1940, § 89, p. 125.