In the law text, *Ruling Case Law,* is a section that deals with the requirements of statutes, and under the subheading, "Publication of Statutes," it says:

> The publication of a statute without the enacting clause is no publication.[16]

A publication of a statute book without the title and enacting clause on the laws therein is an incomplete or invalid publication, just like a publication of a book or magazine article is incomplete without the title and author's name, it is just a nameless body of words.

When a law in Kentucky was claimed to be void because it was found to have no enacting clause, the Court of Appeals of Kentucky read the entire law (Chapter 68) from the statute book and then said:

> It will be noticed that the act does not contain an enacting clause. * * * The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the General Assembly or any other lawmaking power is responsible or answerable for it.[17]

The law was thus declared "void" because of the fact that the act appeared in the statute book without an enacting clause (see Fig. 3). Likewise, the alleged laws in the U.S. Code or the state Revised Statutes are "unnamed," they show "no sign of authority" on their face, there is no evidence that they came from Congress or a State Legislature. The enacting clause has been deliberately removed from these "laws" and they thus are only nameless decrees without authority. The Supreme Court of South Carolina said that in order for bills to "have the force of *law*," they "must have an enacting clause showing the authority by which they are *promulgated*."[18] Thus the publication of a law must display its enacting authority.

The Kentucky case above was cited later by the same Court when it was found that an enacting clause was missing from "chapter 129, p. 540, of the Session Acts" for 1934. Regarding this omission the Court said:

> By oversight and mistake the constitutionally required enacting clause was omitted from the act, thereby rendering it illegal and invalid.[19]

The law in question, which was to "consolidate the county offices of sheriff and jailer," was deemed to be "ineffectual" in accomplishing its objective because it was published without an enacting clause for some unknown reason (see Fig. 4).

In a case in Montana, the validity of a statute in its statute book (Chapter 199, Laws of 1937) was being questioned because it had a faulty or insufficient enacting clause. The State Supreme Court held the law invalid stating:

> The measure comes before this court in the condition we find it in the duly authorized volume of the Session Laws of 1937, and in determining whether Chapter 199 is invalid or not we are confronted with a factual situation. It is entirely immaterial how the defective enacting clause happens to be a part of the measure.[20]

Here again the invalidity of the law, due to its "defective" enacting clause, was judged by its condition as it was published in the statutes books of the State (see Fig. 5). The law had the enacting clause, "Be it enacted by the people of Montana." But this style was only to be used for measures initiated by the people. Laws passed by the Legislature were to have a different enacting clause—"Be it enacted by the Legislative Assembly of the State of Montana." As this was a legislative enactment, it was void for having the wrong enacting clause.

---

16 *Ruling Case Law,* vol. 25, "Statutes," § 133, p. 884 ; citing L.R.A.1915B, p. 1065.

17 *Commonwealth v. Illinois Cent. R. Co.,* 170 S.W. 171, 175, 160 Ky. 745 (1914).

18 *Smith v. Jennings,* 67 S.C. 324, 45 S.E. 821, 824 (1903).

19 *Stickler v. Higgins,* 106 S.W.2d 1008, 1009, 269 Ky. 260 (1937).

20 *Vaughn & Ragsdale Co. v. State Board of Equalization,* 96 P.2d 420, 422 (Mont. 1939).