In North Carolina a legislative enactment for the incorporation of a town and the regulation of spirituous liquors therein was challenged because it had no enacting clause. The law was cited from the statute book as "Priv. Acts 1887, c. 113, § 8" (see Fig. 6). A man was indicted with the offense of selling spirituous liquors in the town and there was a verdict of guilty. On appeal the State Supreme Court said there was "error" in the judgment because the law charged against the man was void, stating:

> In the case before us, what purports to be the statute in question has no enacting clause, and nothing appears as a substitute for it. * * * The constitution, in article 2, in prescribing how statutes shall be enacted, provides as follows:
>
> "Sec. 23. The style of the acts shall be: '*The General Assembly of North Carolina do enact.*"
>
> It thus appears that its framers, and the people who ratified it, deemed such provisions wise and important; the purpose being to require every legislative act of the legislature to purport and import upon its face to have been enacted by the general assembly.
>
> We are therefore of the opinion that the supposed statute in question has not been perfected, and is not such in contemplation of the constitution; that it is wholly inoperative and void.[21]

This alleged law could not be called a law pursuant to the constitution, because it existed in the statute books without an enacting clause on its face.

In a case in Louisiana, a law was claimed to be unconstitutional based on the fact that it had no enacting clause as it existed in statute book (see Fig. 7). The main evidence that the court used in holding the act unconstitutional was its status as found within the printed statute book.

> The contention that the statute of 1944 is unconstitutional is based upon the fact that it contains no enacting clause. The State Constitution of 1921, in section 7 of Article 3, provides that:
>
> "The style of the laws of this State shall be: 'Be it enacted by the Legislature of Louisiana.'"
>
> A mere glance at an official volume of the acts of 1944, discloses that the statute in question, Act 303 of 1944, contains no such enacting clause nor any part thereof. * * * And from the fact that it does not appear in the printed volume of acts, we conclude that the act was originally and finally defective.[22]

It could not be deduced exactly how the law came to be with no enacting clause. An examination of the original journal of the proceedings of each house could not disclose whether the enacting clause was present when the act was passed. The Court thus relied upon the status of the law in the printed statute book as proof of the overall status of the law. Thus the law was said to be "originally" defective because it was deduced that there was no enacting clause when the act was passed, and it was "finally" defective because it was printed in the volume of the acts without an enacting clause.

In a later case, this same court upheld this decision in declaring that a law was void because it too was recorded or printed in the statute books without an enacting clause:

> [T]he state statute on which both plaintiff and defendant rely cannot be given effect. What is reported in La.Acts 1968, Ex. Sess., as Act No. 24 is not law because it does not contain the enacting clause which La.Const. art. 3, § 7 requires to distinguish legislative action as law rather than mere resolution or some other act. Complete absence of the enacting clause renders the statute invalid.[23]

Again the invalidity of the law was deduced by the manner in which it was published (see

21 *State v. Patterson,* 4 S.E. 350, 352, 98 N.C. 660 (1887).

22 *O'Rourke v. O'Rourke,* 69 So.2d 567, 572, 575 (La. App. 1954).

23 *First Nat. Bank of Commerce, New Orleans v. Eaves,* 282 So.2d 741, 743, 744 (La.App. 1973).