(2) Will the Future Statehood of Alaska and Hawaii Affect Pending Federal Amendatory Matter?

Frank E. Packard

Follow this and additional works at: https://ideas.dickinsonlaw.psu.edu/dlra

Recommended Citation
Available at: https://ideas.dickinsonlaw.psu.edu/dlra/vol57/iss2/5
(2) WILL THE FUTURE STATEHOOD OF ALASKA AND HAWAII AFFECT PENDING FEDERAL AMENDATORY MATTER?

By

FRANK E. PACKARD*

When the Territory of Alaska or the Territory of Hawaii or both attain statehood, the three-fourths of the several states required under the terms of Article V of the Constitution of the United States to ratify a proposed amendment to the Constitution will be increased from thirty-six states to thirty-eight states. And the two-thirds of the several states also required under the terms of Article V of the Constitution to pass memorialization resolutions in order to force the Congress to call a convention for the purpose of proposing an amendment or amendments to the Constitution will be increased from thirty-two states to thirty-four states.

But will these two increases apply to subject matter already pending in the federal amendatory process? The answer is an emphatic "No!"

Proof of the foregoing answer stands in the form of an analogy to the two resolutions of the Rule in *Wild's Case* in the law of Real Property. As stated by George W. Thompson, in his textbook entitled *Commentaries on the Modern Law of Real Property*:

"In the case of a deed to A and his children, if A has children when the deed is executed, he and his children will take as tenants in common. Only the children in esse and living at the time of the conveyance... take under the deed."

The result reached in the foregoing statement of real property law is determined at the time of the execution of the deed. Only the children living at the date of the conveyance are counted insofar as taking under the deed is concerned. Children living only after the time of the conveyance are not counted insofar as taking under the deed is concerned.

---

* Member of the bars of the Supreme Courts of Illinois, North Dakota and the United States; senior partner of the firm of Packard and Evans, Chicago. Mr. Packard's first article in the Dickinson Law Review appeared in the January, 1952, issue. That article, subsequently reprinted in condensed form by the Law Review Digest and Commerce Clearing House's Legal Periodical Digest, was recommended as selected tax reading by Tax Law Review.

---

1 6 Co. Rep. 16b (1599).