

Shelley's Tourist Attraction

To the Bag:

John V. Orth's removal of the mystery surrounding the Rule in Shelley's Case (7 GREEN BAG 2D 45 (2003)), recalls to the mind the answer the late Senator Burton K. Wheeler of Montana, a leading isolationist of the World War II era, gave when asked in a University of Michigan Law School class in the early 1900's: What is the rule in Shelley's Case?

After a moment of thought, Wheeler is said to have responded, "Sir the Rule in Shelley's case is the same as the rule in any other man's case! The law brooks no favorites!"

Incidentally, a Google search on

the Rule discloses that Section 28 of the Northern Territory Law of Property Act 2000 abolished the Rule effective 1 December 2000. The Hon. Austin Asche ACQC, in a funeral oration at a wake to memorialize its demise, said:

There was some talk of preserving it as a tourist attraction and SPAR (the Society for the Preservation of Ancient Relics) felt that it could be housed in the Museum.

However, sterner views prevailed and a jury presided over by Mildren J in his capacity as President of the

Law Reform Committee found the Rule guilty of incomprehensibility, senility and dry rot. The death sentence was pronounced and carried out in December 2000 by the new improved *Law of Property Act*.

Hinc illae lacrimae.

See *Alternate Law Journal*, Vol 26, No.3, June 2001 p.14.

Yours Truly,
AVERN COHN
District Judge
United States District Court
Eastern District of Michigan