

BIG FOUR Lecture Notes

- James V. Campbell (1858-1890)
- Isaac P. Christiancy (1858-1875)
- Thomas M. Cooley (1864-1885)
- Benjamin F. Graves (1857, 1868-1881)
- On the bench together from 1868-1875
 - at least one member of the Big Four sat on the bench from 1858-1890
- Known as men of exceptional scholarly attainment
- Possessed a high degree of fair mindedness
- Capable of expressing views in opinions marked by vigor and clearness of expression
- Michigan Supreme Court was recognized throughout the United States as a strong judiciary, ranking with the best

BIOGRAPHY

James V. Campbell

- *born February 25, 1823 in Buffalo, New York
- *educated in Flushing, Long Island
- *graduated from St. Paul's College in 1841
- *admitted to the bench in 1844
- *served on the Michigan Supreme Court for 32 years until his death in 1890
- *served on the Detroit School Board from 1854-1858
- *possessed a talent to teach
 - *University of Michigan Law Department for 25 years
- *possessed talent to write with ease
 - *wrote Outline of the Political History of Michigan
- * liberal in his political views
- *was a Whig as long as the party existed, then became a Republican
- *socialized infrequently because of immense workload and devotion to the activities surrounding law
- *one of the youngest men ever chosen to serve on the Michigan Supreme Court

*served 16 years as chief justice

Isaac P. Christiancy

- *born March 12, 1812 in Johnstown, New York
- *education was that of common school
- *taught school at age 13 in order to support family
- *began his study of law in the fall of 1834
- *practiced law in Monroe, Michigan from 1838-1857
- *Prosecuting Attorney for Monroe County from 1841-1846
- *1848 – was a delegate and leader at the National Free Soil Convention at Buffalo, New York
- *served in the state Senate in 1849
- *strongly opposed slavery
- *1852 – was a Free Soil candidate for Governor
- *instrumental in the formation of Republican party in Michigan, which was a political combination of the Whig and Free Soil parties
- *was a delegate to the First National Republican Convention at Philadelphia in 1856
- *newspaper owner and editor
- *1857 elected to the Michigan Supreme Court
- *unanimously re-elected in 1865 and 1873
- *served as chief justice
- *resigned from Court in 1875 to begin his duties in U.S. Senate
- *took part in many debates surrounding Reconstruction
- *resigned from Senate and was appointed Minister to Peru
- *after his return from Peru – lived in Lansing
- *died September 8, 1890

Thomas M. Cooley

- *born January 6, 1824 in Attica, New York – the tenth of fifteen children
- *taught school to earn money to obtain his education
- *planned to continue education in Chicago
 - *ran out of money
 - *finished law studies in Adrian, Michigan
- *1857 – elected by the legislature to compile the laws of the State, completed work within year
- *worked as a Deputy County Clerk

- *sought law partnership
- *worked for 2 law firms
- *edited a newspaper
- *served as Court Commissioner and Recorder for Adrian
- *cultivated 100 acre farm
- *early career: offered a number of teaching positions at law schools
- *served in University of Michigan Law Department
 - *became the dean of the faculty until 1884
- *served as Court Recorder for Supreme Court in 1858
 - *published eight volumes of reports
 - *quit position when he was appointed to serve on the Michigan Supreme Court in 1864
 - *re-elected in 1867 and in 1877
 - *2 years of each term he was chief justice
- *internationally known writer on constitutional law and history
- *wrote a number of law manuals and magazine articles
- *last part of career in national scene
 - *placed on a commission to investigate issues involving railroads
- *served as Receiver of Wabash Railroad
- *appointed by President Grover Cleveland as Commissioner to the Interstate Commerce Committee
 - *resigned in 1891
- *continued lecturing and writing articles
- *died September 12, 1898

Benjamin F. Graves

- *born October 18, 1817 in Rochester, New York
- *lack of physical strength prohibited him from taking up work on family farm
- *worked as a clerk to study law
- *worked as a journal clerk for the New York State Senate
- *moved to Battle Creek in 1843
 - *practiced law until 1857
 - *began career in public service
- *elected judge of the Fifth Circuit 1857
 - *held night sessions in order to clear the docket
 - *kept very full notes of every case on trial
 - *also wrote charges to the jury

- *appointed to the Michigan Supreme Court in 1857 under the old system
- *because of ill health resigned from the Circuit Court in 1866
- *1867 elected to serve on the Michigan Supreme Court
 - *re-elected in 1875
 - *originally a Democrat, then a Free Soiler in 1848
 - *at the repeal of the Missouri Compromise and the attempt to force slavery into the territories he became a Republican
- *declined re-nomination to the Court in 1884
- *served 16 years on the bench, four in the capacity of chief justice
- *retired to a farm in Battle Creek
- *died March 3, 1906

IMPORTANT CASES (Source: A Brief History of the Michigan Supreme Court)

1. People vs. Dean (1866)

Issue: Whether or not a man, who was part black, was eligible to vote.

Michigan constitution limited voting rights to “white male citizens” but in his written opinion, James V. Campbell interpreted this clause to include: “all persons in whom white blood so far preponderates that they have less than one-fourth of African blood...no other person of African descent can be so regarded.” Explaining his reasoning, Campbell asserted that “the right of the people to determine the qualification of electors is undisputed.”

Ruling: Dean would be allowed to vote.

2. People vs. Salem (1870)

Issue: public use of money to aid the building of privately owned railroads

At stake was an application by the Detroit and Howell Railroad Company to compel the Township Board of Salem to execute and issue bonds to aid in the construction of the proposed railroad.

Ruling: Supreme Court overturned the decision of the lower Circuit Court of Washtenaw County who had ruled in favor of the railroads. The Supreme Court deemed it unconstitutional. The Michigan constitution of 1850 severely limited the states participation in internal improvements.

3. Sherwood vs. Walker et al (known as the Cow Case) (1887)

Issue: Plaintiff purchased a cow for an agreed upon price of 5.5 cents per pound. The sale was in writing. When the plaintiff went to get the cow, the defendant refused to give it to him.

Both parties thought the cow couldn't breed but found out later it was pregnant. If the cow was indeed barren, the total cost would have been \$8.00. Since the cow was barren, not the total worth would have been \$750.00. The Circuit Court ruled in favor of the plaintiff. The defendant appealed.

Ruling: Supreme Court held that a party who has given apparent consent to a contract of sale may refuse to execute it, or may void it after it has been completed, if the consent was founded, or the contract made, upon the mistake of a material fact – i.e. such as the subject matter of the sale, or the price. Because both the buyer and the seller thought the cow was useless for breeding and that wasn't true, the individual had a right to rescind the contract, and refuse to deliver the property.