

Student Note Packet

I. Achieving Statehood

A. A boundary dispute over a 468 square-mile strip of land acknowledged to be Michigan's resulted in the mobilization of the militia and delayed the acceptance of the state into the Union.

1. The United States Congress proposed a compromise:

a) Gave the "Toledo Strip" to Ohio

b) Gave the western four-fifths of the Upper Peninsula, which had belonged to Indiana, to Michigan

2. At the first Convention of Assent in Ann Arbor in September of 1836, delegates refused to accept this condition of statehood. However, in December, at the "Frostbitten Convention" in Ann Arbor, it was accepted.

B. In 1835, Michigan had drafted a constitution that was adopted by the voters in October 1835.

C. On January 26, 1837, Michigan became the 26th state in the Union.

II. Constitution of 1835

A. Supreme Court judges were to be appointed by the governor with the advice and consent of the senate for seven-year terms.

B. In 1836, the legislature provided for a chief justice and two associate justices.

C. The state was divided into three circuits and the Supreme Court was required to hold an annual term in each circuit.

D. In 1838, the Revised Statutes provided for a chief justice and three associate justices.

III. Constitution of 1850

A. Allowed for Supreme Court judges and other officials to be elected rather than appointed by the Governor.

B. The state was divided into eight circuits, each to have a judge elected by the people.

C. The constitution declared that “For a term of 6 years and until the legislature otherwise provides, the judges of the several Circuit Courts shall be the judges of the Supreme Court”.

D. The Constitution of 1850 was quickly revised.

1. In 1858, the legislature acted on a clause permitting them to reorganize the Court and established a Court that was to consist of a chief justice and three associate justices to be elected by the people for eight-year terms.

2. In 1887, the legislature increased number of justices to five.

3. In 1903, Act 250 increased the number of justices to eight.

4. In 1908, the legislature provided for the nomination of the justices at partisan conventions and elected at nonpartisan elections.

IV. Constitution of 1963

A. The 1963 Constitution remains the one that governs Michigan today.

B. In 1978 and 1994 the voters of Michigan rejected opportunities to approve a convention for revision of the Constitution of 1963. Since it became effective on January 1, 1964 it has been amended 23 times.

C. During 1930s there was considerable debate for “taking the judges out of politics”.

1. Michigan Supreme Court justices were to be nominated by party convention but were to run on a nonpartisan ballot.

2. Justices could run for re-election without being re-nominated by the party convention.

3. A candidate might be nominated by initiatory petitions as well as by party conventions.

D. The Constitution of 1963 provided that “the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and the courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.”

V. Today's Supreme Court

- A. The Michigan Supreme Court consists of one chief justice and six associate justices elected in nonpartisan elections.
- B. The term of office is eight years.
- C. Only two terms of office shall expire at the same time.
- D. The chief justice is selected by the Court for a two-year term and performs duties required by the Court.
- E. The Court appoints an administrator, who performs administrative duties assigned by the Court.
- F. The Court is charged with "general superintending control" of the Michigan judicial system.
- G. The justices are elected on "nonpartisan ballots", which are separate from the ballot for other elected offices.

SUPREME COURT HISTORY

Points to Remember

- 1805 - first Supreme Court of the new Territory of Michigan was created
- First justices: Augustus B. Woodward, Frederick Bates, and James Witherell
- First session held July 29th at the house of Detroit resident James May
 - Laws to be enforced were those enacted by the governor, secretary, and three judges in Cincinnati
 - These defined crimes and punishments, commanded the strict observance of Sunday as a day of rest, prohibited swearing and drunkenness and regulated marriages. Murder and treason were the only capital crimes; flogging, fines, and standing in the stocks were prescribed as punishments for lesser infractions.
- Woodward Code, a series of statutes, served as the basis of legal procedures in the Michigan Territory
- Constitution of 1835 – first established the judicial body for new state of Michigan
- First Supreme Court had 3 justices, appointed by the governor with the consent of the senate, for seven-year terms
- One session of Court was to be held annually in each of the three judicial circuits, Wayne, Washtenaw, and Kalamazoo
- Many controversies over the Court's structure and jurisdiction
- Supreme Court was originally placed under the power of the legislature
 - meant that the jurisdiction, duties, and procedures of the Court were determined and overseen by the legislative branch
- Many attempts to reform the Court
- Revised Constitution of 1850
 - the Court came out with more authority and independence
 - the justices were to be elected by popular vote instead of appointed
 - stipulated that the new Court would consist of one chief justice and three associates, all chosen by popular election

- 20th Century Court
 - important changes occurred in the makeup of the Court rather than its structure
 - including African-Americans and women justices
 - 1908 the number of justices had increased to eight, the number it maintained until 1969
 - 1908 judicial tenure was set at 8 years

- Constitution of 1963
 - Court of Appeals was added
 - number of justices sitting on the Supreme Court reduced from eight to seven

- Important “firsts”
 - 1961, Otis M. Smith became the first African-American to be appointed to the Court. He was appointed by Governor John Swainson.
 - 1973, Mary S. Coleman became the first woman to be elected to the Court – she eventually assumed the position of chief justice
 - 1982, Dorothy Comstock Riley becomes first Hispanic woman to sit on a state supreme court
 - 1997, Michigan citizens elected its first woman majority to the Court
 - 1997, the first African-American chief justice, Conrad L. Mallet Jr., was elected by the Court