

LESSON 2 – Lecture Notes

Grade Level & Subject: High School Social Studies (History or Government)

Unit: Discovering the Rich History of the Michigan Supreme Court

Lesson: History of the Michigan Supreme Court from the Territorial Court and the founding of the Supreme Court in 1836 to Justice Mary S. Coleman and her interpretation of “One Court of Justice”

pages 7-19, and 26-33.

I. Pre-Michigan Judicial System

A. French Rule

1. French commandants adjudicated disputes
2. No organized courts
3. French courts in Michigan were military courts

B. British Rule

1. Military justice system
2. Commandants dominated local matters
3. English style courts were located in Montreal and Quebec

C. Territorial Court

1. When the American flag was raised in Detroit and at Mackinac, the Northwest Territory government took jurisdiction over Michigan
2. The territory had three judges
 - a. This constituted the supreme court
 - b. A session was held once yearly in Detroit

3. In 1805, the Supreme Court of the Territory of Michigan was created
 - a. President Jefferson appointed the first three judges and a fourth who replaced one of the three
 - b. These four served from 1805-1824
 - (1) Augustus Brevoort Woodward
 - Created the Woodward Code: a series of statutes serving as the basis of the Territorial Supreme Court legal procedures
 - (2) Frederick Bates (who resigned in 1807)
 - (3) John Griffin
 - (4) James Witherall (succeeded Judge Bates)
 - c. People complained
 - (1) Court was held in Detroit homes
 - (2) Citizens could not appeal to the U.S. Supreme Court
 - d. In 1832 the term of the justices was reduced to four years (had been that judges served a term of “during good behavior”)

II. Michigan's first State Supreme Court

A. The Constitution of 1835 established a new Supreme Court

1. Three justices

- a. William A. Fletcher (Chief Justice)
 - b. George Morrell
 - c. Epaphroditus Ransom
2. Term of seven years
 3. Appointed by the governor with consent of the senate
 4. One session to be held in three judicial circuits
 - a. Wayne County
 - b. Washtenaw County
 - c. Kalamazoo County
 5. Legislative Branch had greater power
 - a. Approved appointments
 - b. Oversaw jurisdiction, duties and procedures of the Court
 6. Took over cases from the territorial court which included cases dealing with such items as:
 - a. A sandy hog
 - b. An unsound horse
 - c. A saddle
 - d. A wagon
 - e. An ox
 - f. A cow
 - g. Two stacks of hay
 - h. Thirty dollars worth of beer
 - i. A silver watch

- j. Two kegs of nails
- k. A barrel of cucumbers

B. Michigan admitted as a state into the Union on January 26, 1837

III. Changes

A. Revision of the Woodward Code

1. Justice Fletcher was commissioned to revise the Woodward Code
2. His revisions were revised by the legislature
3. Justice Whipple suggested that the Revised Statutes be revised
4. A fourth circuit was added as was a fourth judge to the Michigan Supreme Court

B. Further Reform

1. Call for reform
 - a. Governor Mason wanted only three justices and he wanted the Circuit Courts to have their own judges
 - b. Newspapers began publishing articles and editorials about the judicial branch
2. The 1840s saw numerous proposals for reform of the Court and political attacks against it

C. The revised Constitution of 1850

1. Democrats versus Whigs: Compromise
2. The Michigan Supreme Court gained more authority and autonomy

3. Four Justices: One chief justice and three associates chosen by popular election

D. Court reorganized again in 1858

IV. The Modern Court

A. Few Changes

B. Court of 1858 had established its authority and it lasted for the first time in the Court's history

C. Constitution of 1908 – did not change the Court

D. By 1908, number of Justices increased to 8 (remained that way until 1969)

E. 1963 Constitution: reduced from eight to seven (did not take effect until 1969)

F. Michigan's "One Court of Justice"

1. Constitution of 1963: Article VI, Section 1

2. Mary S. Coleman (first woman elected to the Michigan Supreme Court)

- a. Wayne County and Detroit court system

- (1) Financially strapped

- (2) In need of reorganization

- b. She reorganized the court system

- (1) Implemented a graduated pay scale for judges

- (2) Stressed that the Michigan Supreme Court was to serve as the superintendent to all other courts