



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Fall 2013

FOUND!



John W. McGrath, Michigan Supreme Court
1890-1895

For the past twenty-five years one of the most important functions of the Society has been to preserve the historic collection of justices' portraits.

In the beginning this boiled down to simply finding the portraits. By 1988, the Court had had several homes but had not yet moved to its permanent location in the Hall of Justice, construction of which would not even begin until eleven years later.

The initial undertaking was mammoth. Find, catalogue, and restore nearly 70 portraits, some of which dated back to the mid-1800s. Not only were these portraits not on regular display, many were in storage, tucked away deep in closets and cupboards. The effort, however, was a resounding success!

But for the Society, our job was not done. Two portraits were known to exist but had never been found.

That is, not until the morning of Tuesday, October 8, 2013...

It has become tradition for the Michigan Supreme Court to hear the first case of the new session in the court's old chambers on the third floor of the State Capitol. The Court met in this location from 1879 until 1970, and the placement of the bronze historical marker outside the chambers on April 28, 1988, was among the very first acts of the Society.

As court staff, Society Board of Directors, and others filed in and took their seats on this recent Tuesday in October, some chatted and others gazed around the carefully restored space. The courtroom was widely acclaimed as architecturally one of the finest in the United States when it was opened. The portrait of Big Four Justice James V. Campbell hangs here. It was painted concurrently with the original that is in the Society's care by L.T. Ives for the University of Michigan Law School. Campbell was Marshall Professor of

Law there for 25 years and one of the first three professors in the school. In the Hall of Justice, Campbell hangs with his fellow Big Four justices, Benjamin Graves, Isaac Christiancy, and Thomas Cooley, in the first floor rotunda.

What caught the attention of Society President Wallace Riley and Executive Director Carrie Pickett that morning, though, was the second portrait on display. John W. McGrath had just been found after 115 years!

The Michigan Capitol Committee (established just one year before the Society was formed) had restored McGrath's portrait and recently put it on display in the old courtroom. McGrath's history on the Court makes his selection particularly á propos. McGrath was nominated to run against Edward Cahill, appointed to succeed James V. Campbell when he died while still serving the Court in 1890.

Upon the presentation of McGrath's portrait to the Court on April 5, 1898, his contemporary former Justice George Durand remarked:

“

The glory of a State is in its people; and when those to whom power has been confided have performed their functions in so able a manner as to add luster to its history, the first human impulse is in some way to express appreciation of the work and character of such as have been unusually prominent in advancing and preserving the rights and liberties of the people, and the general prosperity and stability of the State.”



James V. Campbell was elected in 1858 and served until his death in March 1890. When justice **Michael F. Cavanagh** retires at the end of his term next year, he will tie Campbell for the longest tenure on the Michigan Supreme Court—32 years!



*excerpt from a
Society Update
dated 1997*

History Mystery

FEATURING

“The Case Of The Missing Portraits”

While reviewing the Michigan Supreme Court Portrait Inventory, the Board learned that the Court is missing three portraits formally dedicated in the late 1800's:

Justice Alpheus Felch

Residence: Monroe

Served: 1845 - 1852

Portrait Presentation: January 8, 1895

Michigan Reports: #100

Justice George Martin

Residence: Grand Rapids

Served: 1851 - 1867

Portrait Presentation: October 8, 1889

Michigan Reports: #75

Justice John W. McGrath

Residence: Detroit

Served: 1891 - 1895

Portrait Presentation: April 5, 1898

Michigan Reports: #113

Alpheus Felch: Justice, Governor, U.S. Senator



Alpheus Felch
Michigan Supreme Court, 1843-1845

WHAT'S IN A NAME?

Fans of J.K. Rowling's Harry Potter series may have been struck by the similarity of Alpheus Felch's name to Hogwarts' caretaker Argus Filch, a magical person with no magical powers, or "squib." Pure coincidence, particularly considering how accomplished the real person was.



The other portrait missing from the Society's collection for the past twenty-five years has been that of **Alpheus Felch**. Felch was the sixth justice of the Michigan Supreme Court, serving from 1843 until he was elected Governor in 1845. He went on to be elected to the U.S. Senate and was appointed by President Franklin Pierce to negotiate Spanish and Mexican land claims under the Treaty of Guadalupe Hidalgo. Felch was a Tappan Professor of Law at the University of Michigan and later served on its Board of Regents.

Felch's daughter, Caroline, married his law partner **Claudius Grant**, who served on the Michigan Supreme Court from 1890-1909.

Caroline Felch and Grant had four children, one of whom married Edward Wilson Sparrow, founder of Lansing's largest regional hospital system. In fact, it may have been the tragic death of Felch and Grant's daughter, Helen, during childbirth that inspired Sparrow's generous donation that established the hospital that bears their name.

Because of this connection between Justice Felch and the Sparrow family, a cadre of volunteers with links to hospital's historical society undertook an investigation into what happened to Felch's portrait earlier this year. The portrait was dedicated to the Court on January 8, 1895. From the transcript of the portrait dedication we knew that it had been painted fifty years before its presentation, was commissioned by the Calhoun County Bar Association, and painted by Joseph A. Haskell.

At the time of its presentation, Felch was the oldest living ex-justice. **Chief Justice John McGrath** concluded the special session by acknowledging that,

"A history of our State that omitted the part taken by Governor Felch would be far from correct, and no portrait gallery of the public men of Michigan would be complete unless the portrait of Alpheus Felch were conspicuous therein."

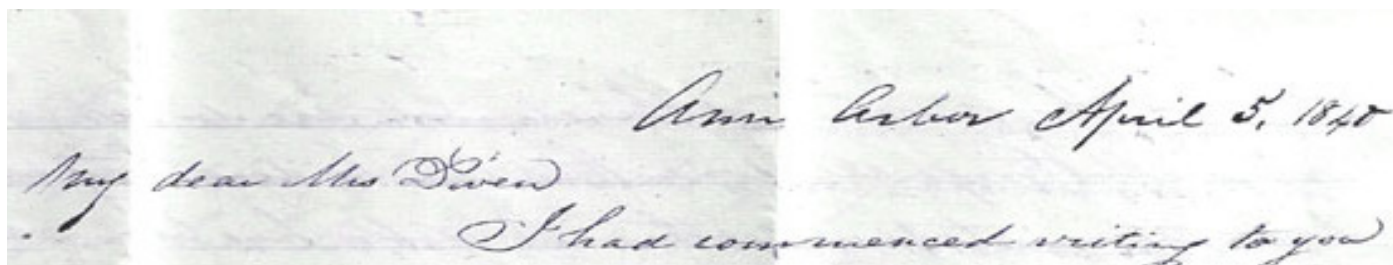
The Society certainly agrees. We are happy to report that both McGrath and Felch are on view to the public via the efforts of the Capitol Committee.

To see Felch's portrait visit the second floor Senate lobby of the State Capitol. McGrath is on the third floor, in the former Supreme Court chambers.

Miles from Home...

George Miles, eighth justice of the Michigan Supreme Court, was born in Amsterdam, New York, on April 5, 1789. He moved with his family to Ann Arbor, Michigan, in May 1837 and began practicing law there. In 1846 Miles was appointed to fill the vacancy created on the Michigan Supreme Court by the resignation of **Daniel Goodwin**. Miles fell ill while riding circuit and died on August 25, 1850, still in service to the Court.

In April 1840, just a few years after moving to Michigan and six years before her husband's appointment to the Michigan Supreme Court, Jane Miles wrote of life in the new state to her friend Amanda Diven, wife of her husband's former law partner, back in New York.



some days since but was prevented from finishing my letter, and the last 10 days have been spent in a sick room -- my dear Pam has had a most painful and so far dangerous illness. She was attacked with a fever so sudden and violent that it set all medicine at defiance; the most active measures were resorted to. At first, there was danger of inflammation of the brain. Blisters relieved her head and it passed to the bowels for four days. There seemed a possibility of her recovery; yesterday her symptoms were more favorable, & today she is quite comfortable -- and we hope with care she may soon be safe again. I can not express my gratitude to the Giver of all good for sparing her to us and trust her life may be spent in His service. I felt assured that she was in the hands of a heavenly Father who doth not willingly afflict us and should it be His will to remove her, it would be for our good. We are all in some way or other kept in remembrance of our mortality. Sin, misery & sorrow are our portion here. A brighter day will dawn upon us. I trust we are journeying to a better country. Oh, for more faith, patience & resignation to the Divine will.

I feel thankful that my own health has improved that I might endure the fatigue consequent upon her sickness. I have not been in bed but one night during the past week, and busy all day. The diseases of this climate are so active that unless all things are done that can be done, they are soon terminated in death. Dr. Wells has been with us day and night nearly since she was first taken. He is a most worthy young man. I had experienced his skillful treatment so effectually that I could place the utmost confidence in him. Pam is a favorite of his among the little girls, and he probably felt more on that account. He has always made his home with us if he was sick and has been a welcome guest.

All my neighbors were very kind in their offers of assistance. I procured a nurse and we felt that it was best to keep her room perfectly quiet.

We were making preparations to send her to Albany to school this Spring with Mr. Wilson. Whether she will recover sufficiently to trust her away is doubtful and our anxiety would be unceasing. Mrs. Wilson intends to go to Allegany with her children. The baby has been quite sick & Mrs. Wilson the ague. She has a beautiful child -- all life & play when well.

Your kind invitation is justly appreciated, my dear friend, but I cannot think of leaving home again. While I live, I shall consult the comforts of my family more than my own pleasures and unless it should be absolutely necessary for my health, I shall remain with them. I cannot reconcile myself to the slavish life you lead -- your strength is not sufficient to endure it long -- and I am daily in hope Mr. Diven will think so.

We had a letter from Father last week. Maria has had another of her attacks of inflammation of the lungs

which has left her in a very miserable state of health. They are in a tavern again & Mother has worked herself almost to death. Sister Catherine had been very ill with acute rheumatism [but] was some better. What is there in this world that we should be so much attached to it. I almost fear to open a letter lest it should announce the death of some of my dear friends and I have little to communicate that will not cause a pang in the hearts of my absent friends.

Mr. Miles & John enjoy good health this spring. As usual the garden is progress[ing]. Hot beds and fruit trees are the objects of attention at present. If we have a favorable season this year, we shall have a fine garden. If you could be here to enjoy it with me, I should prize it more. I had anticipated having Martia's company this summer but I fear that is at an end, although there has been some persons who were benefited by a residence here in summer. I hope you may yet visit me in Michigan and I suppose this will be my home as long as I live.

Mr. Miles will probably go to Allegany in the fall. He thinks it necessary and I should be glad to hear from all old acquaintances. I never hear from there except through you and I hope you may find time to write often. Tell [your son] George, Aunty Miles often thinks of him and Ellen.

I have filled my sheet & I must close although I just think of a dozen things I want to say. I hope that baby is better natured. I think you might give that one to me as the prospects are dark in this quarter. Tell Mr. Diven he must write all he can think of to Mr. Miles, as he always has a fit of blues if he does not often hear from home. Pam sends love to all. My love to all friends and particularly yourself & family.

Yours, J. A. Miles

I am happy to hear of your mother's good health. Give my love to her and Susan. Why does she not answer my letter? What has become of A. Taylor? How is Mr. Thibon's family? And many others I wish to hear from -- D. Robinson, Colins, Welch, Hopkins & Mrs. Dautremont. Terephina promised to write but I have seen no letter. Where is Mrs. Loyd?

This letter was found on eBay by former 37th District Court Judge Don Binkowski, who is a historian and collector of materials relating to Polish-Americans.

Judge Binkowski transcribed the letter and donated both to the Society.

On behalf of the Board of Directors, we gratefully acknowledge this contribution!



If you would like to donate an artifact or photo relating to one of the Justices of the Michigan Supreme Court, please contact executive director Carrie Pickett at (517) 373-7589 or by email at cpickett@micourthistory.org.

ADVOCATES GUILD

MICHIGAN SUPREME COURT HISTORICAL SOCIETY

GREETINGS FROM THE FIRST CHAIR

Mary Massaron Ross

One of the best appellate advocates in American legal history, John W. Davis, reputedly said, “If you want to win a case, paint the Judge a picture and keep it simple.” A great English advocate, Richard Burdon Haldane, observed that “the essence of advocacy ... is candour and frankness about the difficulties of one’s own case.” His comment was echoed by the Right Honorable Lord MacMillan, who said that “one of the most creditable, of the instincts of all intellectual minds is a tendency to assist any one who confesses that he is struggling with a difficulty.” Lord MacMillan suggested that if an advocate’s case is “confronted with a serious difficulty in the shape of an awkward passage in the evidence or an embarrassing precedent,” the advocate ought not “shirk it.” The best advocates work to present the difficult points in a way that invites the court to help find a solution that will achieve a victory for your client.

During its time in existence, the Advocates Guild has sought to foster attention on the role of the appellate advocates in Michigan Supreme Court history. John Davis’s quote reminds us of what the best advocates do at oral argument. Lord MacMillan’s suggestions demonstrate the collaborative aspect of appellate advocacy and judging. One Advocates Guild project is its work to research the history of past advocates before the Court. This year, we have an intern who is developing a history of the Michigan Solicitor Generals. The research that is being done will gather information about Michigan’s former Solicitor Generals and the important cases on which they worked. The Advocates Guild is also always looking for great appellate advocates to research. If you have a suggestion, please let us know.



Advocates Guild First Chair Mary Massaron Ross displays the 2013 Pewabic Pottery tile.

Once more this year, the Advocates Guild together with the justices on the Court held our annual dinner in the Rotunda of the Supreme Court building during the Court’s first week of oral argument during the 2013-2014 term. This dinner has become a tradition of the Court at which this collaborative process is recognized and applauded. And this year was no different. Chief Justice Young offered remarks, and lawyers and justices alike enjoyed some rare time to talk outside the formal framework of an appellate oral argument. We enjoyed wine and hors d’oeuvres in the cloakroom, and then had an elegant dinner in the Rotunda as the sun set over the Capitol. I always leave the dinner with my enthusiasm for my job renewed – and hope that others feel the same.

And to commemorate the occasion, everyone received a Pewabic Pottery plaque with a drawing of the Supreme Court building on the front and the year on the back. Each year, the plaque comes with a new and different glaze. Whenever I look at the plaques, it reminds me of the Guild, and the long history of illustrious advocates that have practiced before the Court.

Be sure to renew your dues to help with this important work. And I look forward to seeing you at next year’s dinner.



The evening's festivities began with appetizers in the Justices' private conference room. Justice Markman greets guests. Clockwise from left are Hon. Michael G. Harrison, Michael Woodworth, and John Fedynsky.



Justice Mary Beth Kelly visits with Advocates Guild members. Clockwise from left are Richard Kraus, Jason Byrne, and June Haas.



Chief Justice Robert P. Young, Jr. enjoys a moment with Advocates Guild members Jim Gross and Mark Bendure.



Neither Professor Gerald Fisher nor Judge Bill Hampton have missed an Advocates Guild Dinner since it began in 2007.



Justice Bridget McCormack chats with Society Treasurer Larry Nolan and board member Michael Harrison before being seated for dinner.



The Dinner was once again a sold out event, filling the sixth floor rotunda outside the Supreme Court's chambers in the Hall of Justice.



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Mission Statement

The Michigan Supreme Court Historical Society, a non-profit 501(c)(3) corporation, collects, preserves, and displays documents, records, and memorabilia relating to the Michigan Supreme Court and the other Courts of Michigan, promotes the study of the history of Michigan's courts, and seeks to increase public awareness of Michigan's legal heritage. The Society sponsors and conducts historical research, provides speakers and educational materials for students, and sponsors and provides publications, portraits and memorials, special events, and projects consistent with its mission.

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Society Update is published quarterly by the Michigan Supreme Court Historical Society. Writing submissions, article ideas, news, and announcements are encouraged. Contact the Society at: 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915 Phone: (517) 373-7589 Fax: (517) 373-7592

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