

The Long Road Home

As you are well aware, in October 2002 the Michigan Supreme Court moved to its permanent quarters at the Michigan Hall of Justice. The journey from the informal meeting places of the early Court to the stately confines of the Hall of Justice is an interesting one with many twists and turns along the way.

Houses and Taverns

On July 24, 1805, the first Supreme Court of the new Michigan Territory was created. As the seat of Territorial government, Detroit was the site of the earliest sessions of the Territorial Court. Reflecting the pioneering spirit and adventurous nature of its constituents, the Court's early meetings were often informal and sometimes even a little raucous.

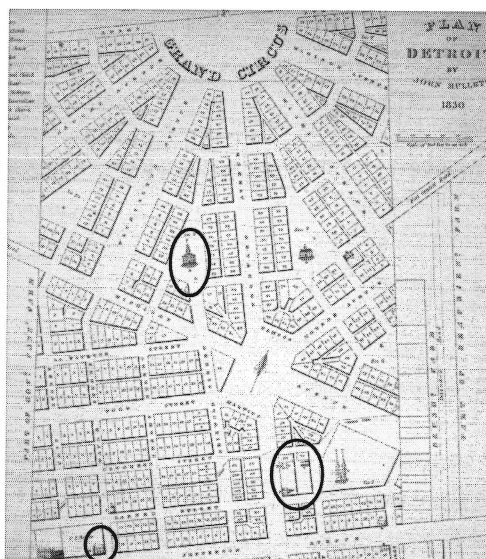
There were no official court chambers so sessions of the Court were held in private houses and homeowners were paid a small fee.¹ The first meeting of the Court took place at the home of prominent Detroit resident James May, with subsequent sessions being held at the homes of other Detroit residents such as John Dodemead, Gabriel Godfrey, Jr., John Harvey, Louis Moran, and

John Kinzie.² At other times, sessions of the Court were held in the private chambers of the presiding judge.³

Without an official meeting place, the Court apparently did not feel tied to any particular rules of decorum regarding the times and locations of its sessions. Sessions of the Court were sometimes held in the afternoon and at night at local taverns. "An article in *The Gazette* of October 25, 1825, says that the court sat 'sometimes at midday and sometimes at midnight; sometimes in the council house and sometimes in the clerk's office; some-

times at a tavern and sometimes on a woodpile.'"⁴ An earlier observation printed in *The Detroit Gazette* in 1823 stated:

In September 1820, the court frequently held its sessions from 2 P.M. till 12, 1, and 3 o'clock in the morning of the next day; and cases were disposed of in the absence of both clients and counsel. During these night sittings, suppers of meat and bottles of whiskey were brought into court, and a noisy and merry banquet was partaken at the bar by some, while others were addressing the court in solemn argument, and others presenting to the judges on the bench, meat, bread, and whiskey, and inviting them to partake.⁵



*This map of early Detroit shows three of the early meeting places of the Court:
The James May residence (lower left)
The Capitol (top)
The Council House (center).*
Picture courtesy of the Clements Library.

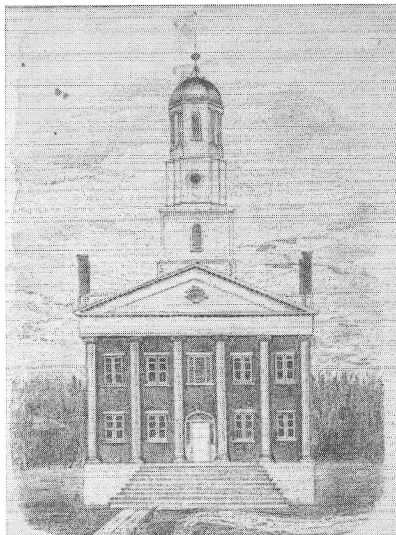
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Of particular concern to the citizens of the Territory was the fact that Court was often convened at the sole convenience of the judges without proper notice to the public.⁶ A "memorial of 1823 states that during a session of four months the court held its sittings at night, instead of in the daytime, and at private offices, without giving knowledge of its whereabouts to the people."⁷

By 1828, the Territorial Court had begun to meet in more appropriate locations such as the newly built Capitol at Detroit and the Council House.⁸



The Capitol at Detroit was one of the early meeting places of the Court.

Photo courtesy of the Detroit Institute of Arts.

A Traveling Show

The creation of the state Supreme Court by the Constitution of 1835, two years before Michigan was officially admitted into the Union, ushered in the period of the nomadic Michigan Supreme Court. The 1835 Constitution established a peripatetic Supreme Court of three justices. Sessions of the Court began to move around the state with annual sessions, each beginning on a specific day established by law, held in Wayne, Washtenaw, and Kalamazoo.⁹ An Act of March 25, 1840, provided for four annual sessions of the Court to be held in Detroit, Ann Arbor, Kalamazoo, and Pontiac.¹⁰ An April 1851 Act provided for five annual sessions of the Court to be held in Detroit, Kalamazoo, Adrian, Pontiac, and Lansing.¹¹ A law of February 16, 1857, reduced the number of annual sessions to four, with two sessions to be held in Lansing and two to be held in Detroit.¹²

During the years of the traveling Court, sessions of the Court were held not only in various cities, but also in various locations within each city. The annual Detroit sessions of the Michigan Supreme Court were held in no less than 5 locations:

The State Supreme Court held its sessions in the old Williams Block, on the southeast corner of Jefferson Avenue and Bates Street, until the spring of 1844, when it began to hold its sessions in the

old seminary building...Sessions continued to be held there until 1855, when...the court removed to the old Wayne County Building, on the southeast corner of Congress and Griswold Streets, remaining there until May 3, 1858, when it moved to the Odd Fellows' Hall, on Woodward Avenue. From there the court was moved to the Seitz Building, on the south side of Congress near Griswold Street...It remained there until removed to Lansing.¹³

Finally, by an Act written on April 22, 1873, the traveling days of the Court were brought to an end and all sessions of the Supreme Court were thereafter held in Lansing.¹⁴

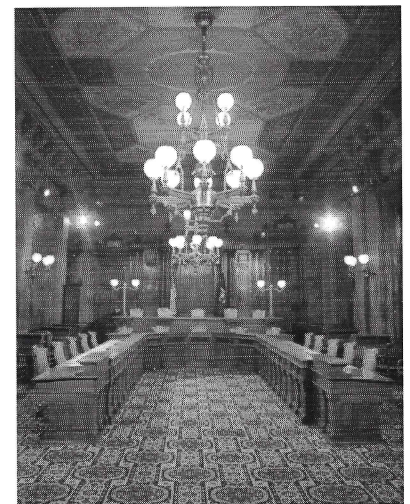
The Capitol

The Supreme Court Courtroom in the Capitol Building in Lansing was the home of the Court from January 1879 until January 1970. During those 90 years, 60 justices sat on the bench¹⁵ and nearly 38,000 cases and almost 10,000 oral arguments were heard.¹⁶

The Capitol in Lansing, the third in Michigan, was constructed between 1872 and 1878.

The Building Commissioner's aim was to 'erect a Capitol worthy of the dignity of the State – massive and elegant; void of all trivial ornamentation, and pleasing in workmanship...' The building completed late in 1878 was constructed of Amherst sandstone, Joliet limestone, 19,000,000 bricks, iron, Michigan pine and walnut, and glass and tin from Great Britain.¹⁷

The Supreme Court Courtroom, now referred to as the Old Supreme Court Chambers, is located on the third story of the Capitol. The room, measuring 30 by 54 ½ feet, has 20-foot ceilings and is elaborately finished.¹⁸



The Old Supreme Court Chambers in the Capitol.

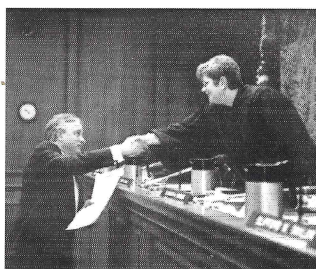
At the closing of that courtroom, Chief Justice Thomas E. Brennan remarked:

It is good for us to...remind ourselves that this old courtroom we close today has been the chambers of the Court and not the Court itself, because

a Court is not a room or a building: it is people. This courtroom is old at 90 years; the Supreme Court is young at 133.¹⁹

The G. Mennen Williams Law Building

In January 1970, the Michigan Supreme Court was moved into “temporary” quarters in the G. Mennen Williams Law Building in Lansing. The Court occupied the 2nd floor of the building, sharing it with the Attorney General. In the 32 years that the Court sat in the G. Mennen Williams Law Building, 26 different justices served on the Court, 63,000 matters were filed, and 83 volumes of the Court’s opinions were issued.²⁰



Views of the Courtroom and Bench in the G. Mennen Williams Law Building.

The Courtroom in the Law Building was functional and plain, featuring maple paneled walls and a maple bench with a backdrop of ¼ inch green marble. There were four maple attorney tables, a walnut podium, and bench seating for 80 spectators in the back of the courtroom.

Home at Last:

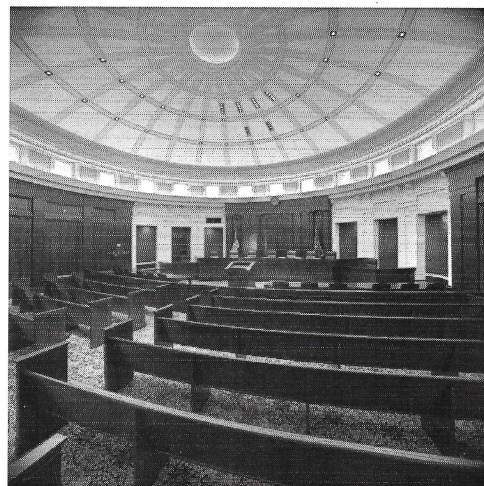
The Michigan Hall of Justice

The Michigan Hall of Justice was dedicated on October 8, 2002 and the Michigan Supreme Court held its first oral arguments in the new 6th floor courtroom on November 19, 2002. Although the Michigan Supreme Court shares the Hall of Justice with the Court of Appeals and with several judicial administration organizations, the Hall of Justice is the first Michigan building to be entirely dedicated to the judicial branch of government.

As described by the architectural and design teams of the Hall of Justice:

The Supreme Court lobby is hierarchically placed on the uppermost level of the building and is crowned by the domed skylight.

The courtroom itself is defined by a shallow coffered dome and ringed in clerestory windows, which permit the penetration of natural day-light. The interior elevations, furnishings, and the mahogany bench are contemporary interpretations of the 1872 courtroom.



The Supreme Court courtroom at the Hall of Justice.

In his speech at the dedication of the Hall,

Justice Cavanagh reflected on the circular courtroom:

An element of native justice, which survives today, is the sentencing circle – the community gathered in the round, young and old having a voice. As we move today into our new round courtroom, we are mindful of the significance of gathering in a circle to those who first served as judges and lawgivers here in the upper Great Lakes [the People of the Three Fires].

For more about the architecture and décor of the Hall of Justice, visit the newest page of our website, Homes of the Michigan Supreme Court, at www.micourthistory.org under the resources icon.

The Supreme Court lobby at the Hall of Justice.



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Annual Membership Luncheon

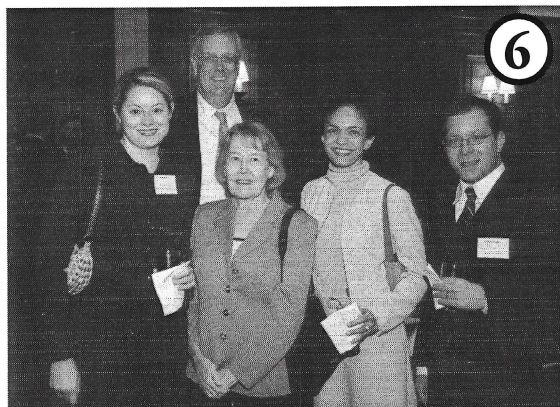
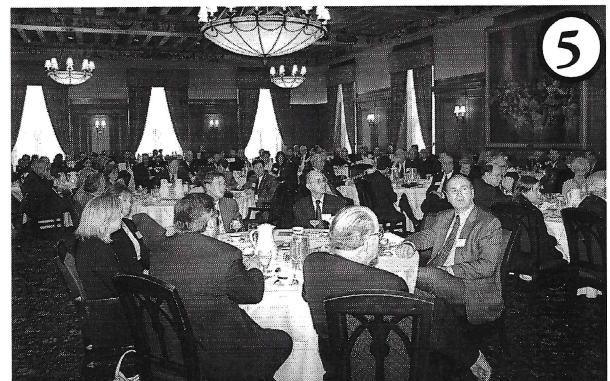
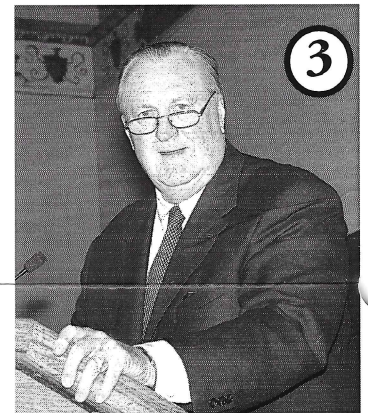
On April 22, the Michigan Supreme Court Historical Society hosted the Annual Membership Luncheon at the Detroit Athletic Club.

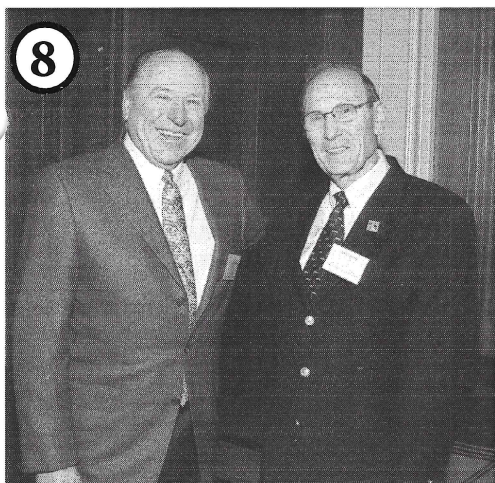
Over 130 members and friends gathered to hear welcoming remarks from Chief Justice Maura D. Corrigan and a legal vignette by attorney-author David G. Chardavoyne.

In her remarks, Chief Justice Corrigan spoke of the many changes that have occurred since her election as Chief: *It has been, and will be for a few months more, my high privilege to witness change and to make my best response to it. I have the same hope for this Society: that it will not only witness change but make its own best response, which is to continue to preserve the Court's heritage and the lessons it has for us. Thank you, all of you. Thank you for guiding us into our future by saving our past.*

Mr. Chardavoyne shared details about the trial and execution of Stephen G. Simmons - the last man executed under Michigan law.

To read the full text of the speeches, or to get more information about the book [A Hanging in Detroit](#), visit our website at www.micourthistory.org and go to Recent News under the News/Events icon.





- 1) David G. Chardavoyne delivers the Legal Vignette.
- 2) Chief Justice Corrigan mingles with the crowd at the pre-luncheon reception.
- 3) Society President Wallace D. Riley welcomes luncheon attendees.
- 4) Guests pose for a photo with Justices Weaver and Markman.
- 5) A full house listens to the Legal Vignette.
- 6) Luncheon attendees pose with former Justice Patricia J. Boyle.
- 7) Society board member Alfred M. Butzbaugh stands with Justice Kelly and Kimberly Cahill.
- 8) Society members George Fulkerson and Patrick Keating.

- 9) Al Calille, Martin Critchell and August Biache.
- 10) Michigan State Bar Foundation Executive Director Linda Rexer has her copy of A Hanging in Detroit autographed by the author.
- 11) Justice Young stands with John Jacobs, Mary Massaron Ross and Camille Horne.
- 12) Justice Weaver and Society Treasurer Lawrence P. Nolan visit with former Chief Justice Dorothy Comstock Riley.
- 13) Justice Taylor and author David G. Chardavoyne.
- 14) Guests pose with former Chief Justice Charles L. Levin.

In Recent News.....

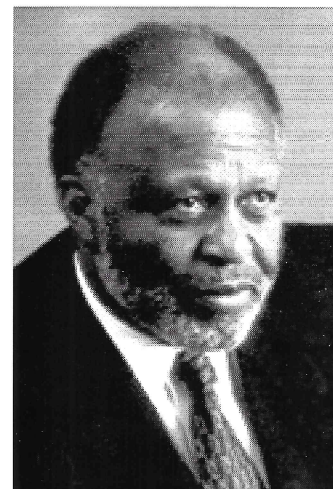
The Society Welcomes Two New Directors

Leonard D. Givens

Leonard D. Givens joined the Michigan Supreme Court Historical Society in 2003. Mr. Givens was graduated from Mansfield State College with a B.S. in History and Education in 1965. He was graduated from Howard University School of Law in 1971.

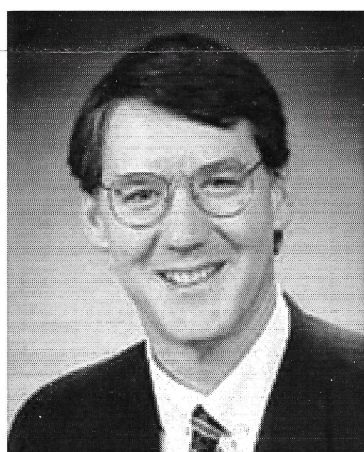
Givens has been a principal in the firm of Miller, Canfield, Paddock, and Stone, PLC since 1978. He focuses on Labor and Employment Law and Minority Business and has experience in all facets of labor and employment law and school law including unfair labor practices, organizing campaigns, secondary boycotts, jurisdictional disputes, negotiating and administering CBAs, arbitrations, employment discrimination, AAPs, unemployment, mediation, fact-finding, 312 interest arbitrations, FLSA, OSHA, MIOSHA, Davis Bacon, wrongful discharge, employment and personnel manuals, IEP hearings, teacher tenure, FOIA, and student rights to privacy.

He is a member of the American Bar Association's Labor Section, is a Council Member of the State Bar of Michigan's Labor Section, is a Fellow of the Michigan State Bar Foundation, and was President of the Detroit Metropolitan Bar Association in 2000-01. In 1997, he delivered a speech entitled "Maintaining a Union Free Environment" at the 9th Annual Society for Human Resource Management Michigan Conference, in Kalamazoo, Michigan.



Carl W. Herstein

Mr. Herstein joined the Board in April of 2004. He was graduated from the University of Michigan with a B.A. in Political Science and History and from Yale Law School with a J.D. in 1976.



Herstein is a partner at Honigman Miller Schwartz & Cohn, LLP and specializes in Real Estate Law. He is a member of the State Bar of Michigan, a Fellow of the State Bar of Michigan Foundation, and is on the Mortgage and Related Financing Devices and Security Agreements Committee of the Real Property Law Section of the State Bar of Michigan. In addition, he is on the Technology Advisory Committee of the Institute for Continuing Legal Education.

He has written articles for the *Michigan Bar Journal*, the *Wayne Law Review*, the Institute for Continuing Legal Education, and the *Michigan Lawyer's Weekly*. He has also been a lecturer on Michigan Usury Law and the Law of Adverse Possession, Prescription and Acquiescence, Institute for Continuing Legal Education and other groups and an Assistant in Instruction of Torts at Yale Law School.

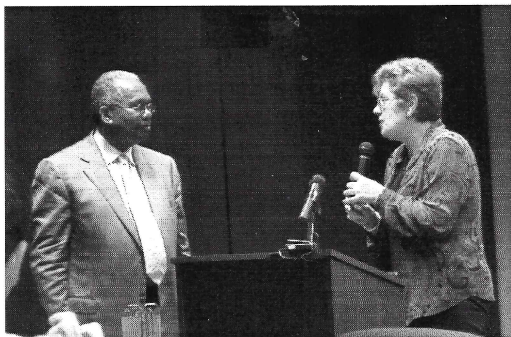
Cover Story Endnotes

- 1 Gilpin, Alec R., *The Territory of Michigan 1805 – 1837*. Michigan State University Press. East Lansing, MI 1970.
- 2 Supreme Courts of the Territory and State, Michigan Supreme Court Historical Society Collection. pg 179.
- 3 *Ibid.*
- 4 *Ibid.*
- 5 *Ibid.*
- 6 Dunbar, *Michigan Through the Centuries*, Vol. 2., pg. 543.
- 7 Supreme Courts of the Territory and State, Michigan Supreme Court Historical Society Collection. pg 179.
- 8 *Ibid.* pg 185
- 9 Campbell, James V., *Judicial History of Michigan*. 1895. pg. 32
- 10 Supreme Courts of the Territory and State, Michigan Supreme Court Historical Society Collection. pg 187.
- 11 *Ibid.*
- 12 *Ibid.*
- 13 *Ibid.*
- 14 *Ibid.*
- 15 Dedication of An Historical Marker Commemorating the Old Supreme Court Courtroom 1879-1970. 430 *Michigan Reports*.
- 16 Dedication of An Historical Marker Commemorating the Old Supreme Court Courtroom 1879-1970. 430 *Michigan Reports*.
- 17 A Portfolio of Michigan Capitol Woodcuts, Reprinted from the February 15, 1879 ISSUE OF *Harpers' Weekly* by the Michigan Capitol Committee and the Friends of the Capitol, Inc.
- 18 *Ibid.*
- 19 Capitol Courtroom Closing. 383 *Michigan Reports*.
- 20 Michigan Supreme Court Special Session Court Closing Ceremony. 466 *Michigan Reports*.

Historical Society and the Learning Center Team Up to Host Brown v. Board of Education Anniversary Event

In recognition of the 50th Anniversary of the Landmark U.S. Supreme Court Case *Brown v. Board of Education*, the Michigan Supreme Court Learning Center and the Michigan Supreme Court Historical Society sponsored a one-hour program in the Conference Center at the Hall of Justice on May 12, 2004.

The program featured welcoming and introductory remarks by Chief Justice Maura D. Corrigan and remarks by Mr. Ernest Green, one of the "Little Rock Nine".



Chief Justice Corrigan offered welcoming and introductory remarks.

As part of her remarks, Chief Justice Corrigan noted:

[We] understand that 50 years is a very brief moment in history... 1954 was really a pretty short time ago, but a great deal has changed since then... We are fortunate to have with us today someone who not only witnessed the changes but was himself an instrument of change... It was one thing for the Supreme Court to say that school segregation violated the Constitution, it was quite another for these nine young students to give life to the Court's decision and to advance the goal of civil rights by placing their own well-being on the line.

Ernest Green was the first African-American graduate of Central High School and is a graduate of Michigan State University. He was chairman of the African Development Foundation under President Clinton and was the Assistant Secretary of Labor for Employment and Training during the Carter administration.

Green presented remarks entitled, "Looking Back and Looking Ahead." He opened his remarks by explaining

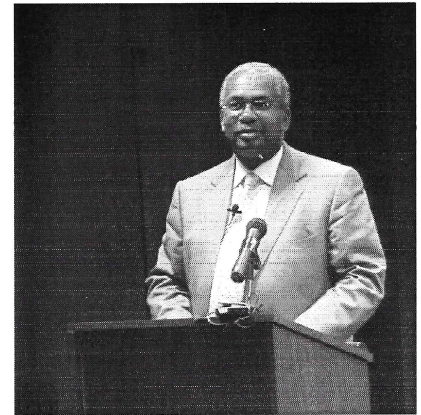
that while the case whose anniversary we were celebrating was *Brown v. Board of Education*, the Brown's were only a part of the story and only one of the cases; the issue involved many families seeking equal educational opportunities. "This issue didn't just involve one family. It involved every family suffering the fundamental injustices of segregation."

He noted that there were many aspects of the case and ramifications of the decision that could be discussed, but that he had chosen to begin with a simple question:

Why is Brown so important that all of these issues still interest us so many years later? The basic answer, I believe, is this... it's central to the issue that has most plagued this country, the issue that has caused it the most turmoil, turbulence and strife than any other. That issue... remains its greatest social burden – the issue of race or more specifically the belief that so many Americans have held that there are superior and inferior races and that society would be better off organized to treat the superior ones better.

Mr. Green went on to tell about his experience as one of the first African-American students to attend a "white" high school. He talked about the camaraderie that was built between himself and his eight African-American classmates. He also spoke about the many indignities that he and the others suffered at the hands of other students, teachers, and community members.

A recording of the program is available by webcast. The webcast is linked through the Learning Center website – you can find it on the Learning Center home page under Educational Resources at <http://courts.michigan.gov/plc/brown-v-board/brown.htm>.



Ernest Green, one of the "Little Rock Nine," addresses the audience.

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