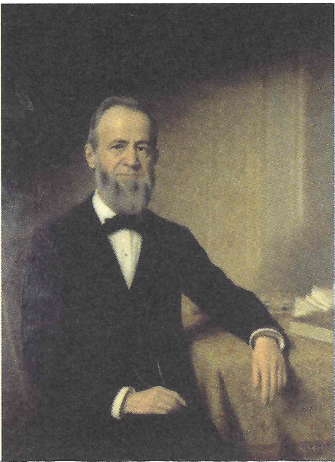


## TERMS OF SERVICE

### Longest to Shortest-Serving Justices and the Allen B. Morse Connection

So highly regarded was Thomas M. Cooley nationally, as well as in Michigan Supreme Court history, that legal scholar Paul D. Carrington profiled him as one of five exemplars in his book *Stewards of Democracy*, and former Justice Thomas Brennan and others chose to name their new law school after him in 1972.

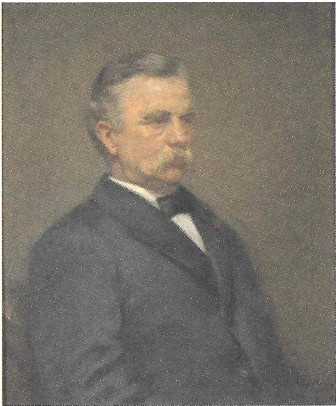


Justice Thomas M. Cooley, portrait by L. T. Ives, 1885.

However, in April 1885 Justice Cooley also became the first incumbent Michigan Supreme Court justice to be defeated in an election.

Cooley’s defeat in the election of 1885 was part of a Democratic sweep statewide. He was replaced by Allen B. Morse, a former prosecutor, state senator, and mayor from Ionia County. On October 1, 1885, three months before his challenger was to be sworn in, Justice Cooley resigned his position as Chief Justice of the Michigan Supreme Court. Cooley had served for 28 years and two days, the second-longest term of service in Michigan Supreme Court history. The longest was Cooley’s fellow “Big Four” justice James M. Campbell, who served more than 32 years.

Governor Russell Alger then appointed Morse to succeed Cooley as Chief Justice. Justice Morse served on the Michigan Supreme Court from October 1, 1885, to October 4, 1892. Morse resigned before serving a full eight-year term to accept the Democratic nomination for Governor. Although his nomination was unanimous, Morse ultimately lost the subsequent general election.



Justice Allen B. Morse, portrait by John Henderson, 1898.

According to *Bench and Bar of Michigan: A History and Biography* by George Reed, Morse’s defeat in that gubernatorial contest was not an indication of his popularity in the state. “He received 3,000 more votes than Grover Cleveland and 5,000 more than other candidates on the State ticket.” However, it was not enough votes to secure his spot as Governor and he lost the race to Republican John Tyler Rich.

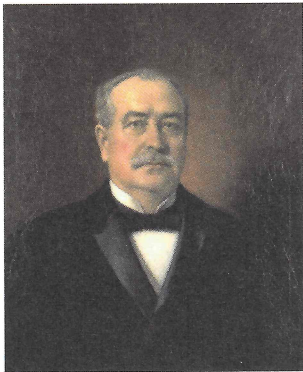
Morse returned to the practice of law after his defeat and was appointed U.S. Consul to Glasgow, Scotland, in April 1893. His official Michigan Supreme Court portrait was dedicated on April 5, 1898. He died on July 1, 1921.

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George Durand, portrait by Percy Ives, 1898.

Upon Morse's resignation in 1892, Governor Edwin Winans appointed George Durand to the Michigan Supreme Court to fill the unexpired term. Durand's public service career had included serving as director of schools, alderman, and mayor of Flint, state representative, and Congressman. In 1876, a town in southeast Shiawassee County was

even named after him.

Durand's practice of law, however, and in particular his appellate advocacy in both the Michigan and U.S. Supreme Courts, is what he is best known for historically.

In the case of *Belles v. Burr*, Durand successfully represented Eva Belles, a mother who wanted to vote in the Flint school board election. The decision by the Michigan Supreme Court was a decisive step toward the nineteenth amendment and women's right to vote.

Durand served only two months and 27 days on the Michigan Supreme Court, the shortest time period of any Michigan Supreme Court justice. However, upon his retirement from the state bench, he did not fade into obscurity.

Indeed, in the year after Durand's service on the Michigan Supreme Court, he served as a special U.S. prosecutor in a case of violations of customs law and the Chinese Exclusion Act, resulting in indictments and numerous convictions of many important government and business officials.

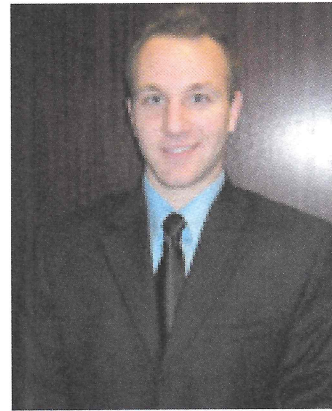
In 1893, Durand also served as president of the State Bar of Michigan and as the first president of the State Board of Law Examiners. Durand died on June 8, 1903.

It is fascinating to look back at the history of the Michigan Supreme Court and learn more about Justice Allen B. Morse whose service on the court was flanked by one of the longest-serving justices (Thomas M. Cooley) and the shortest-serving justice (George Durand), both notable men in their own right.

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Much of the information for this article was derived from the *Michigan Supreme Court Historical Reference Guide*. See back panel for ordering information.

## Andrew Paulsen Named 2010 Coleman Intern



Andrew Paulsen, a sophomore at Michigan State University, has been selected to serve as the Coleman Intern for the fall 2010 semester. Mr. Paulsen is studying finance with a minor in history. He hopes to practice law one day.

## Save the Date!

The Officers and Directors  
of the  
**Michigan Supreme Court  
Historical Society**  
cordially invite you  
to attend the

### Annual Membership Luncheon

at twelve o'clock  
Thursday, April 28, 2011  
at the Detroit Athletic Club  
241 Madison Avenue  
Detroit, Michigan

Invitations will be mailed early next  
year.

*Thank you to all of our  
members! Your contributions  
are GREATLY appreciated!!!*

## Biography of John Swainson Published

Michigan State University Press has recently released *Wounded Warrior: The Rise and Fall of Michigan Governor John Swainson*, written by Lawrence M. Glazer.

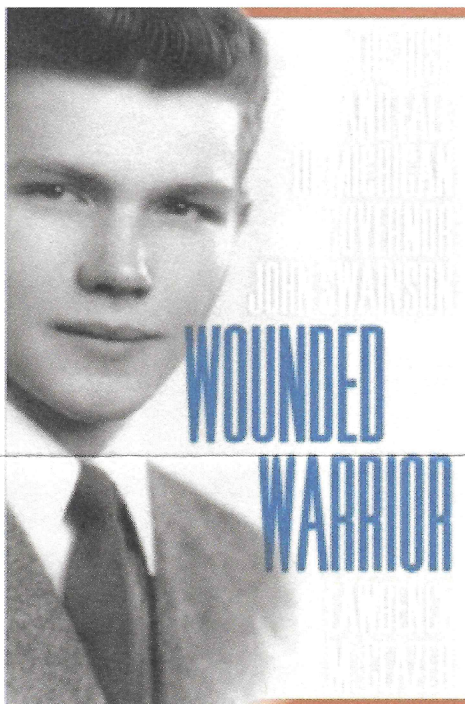
The author writes in the preface to the book of Swainson's Supreme Court portrait presentation in 1984, in which he said, "I will let history, of which I have become quite fond, be the judge of my public career."

Cited as "being nearly forgotten today" Swainson was a war hero who lost both legs in World War II. He was also unique in Michigan history for having served in all three branches of government.

Swainson was elected to the State Senate at the age of 29. In 1958 he was elected to serve as the Lieutenant Governor under Governor G. Mennen Williams during his sixth term, and as Governor of Michigan in his own right two years later.

After his defeat for re-election in 1962, Swainson resumed his law practice, then ran for and won a spot on the Wayne County Circuit Court, where he served with his future Michigan Supreme Court colleague Thomas Brennan. And like Brennan's Bob O'Leary in *The Bench*, Swainson visited other amputees to encourage them in their recovery.

In 1970 Swainson and Williams were both chosen by the Democratic party to be the candidates for the Michigan Supreme Court. Both won. Swainson served on the Michigan Supreme Court until 1975 when he was convicted of lying to the federal grand jury. He was named President of the Michigan Historical Commission in 1985. He died in 1994.



## End-of-Year Membership Renewal

If you have not made a contribution to the Society for this year, it is not too late! Please consider a donation of \$100 or more to the Society to help us with our mission of preserving Court memorabilia and promoting the study of Michigan's legal heritage. Your financial support helps us to commission research, restore paintings, and so much more!

Call (517) 373-7589 to renew your membership over the phone, visit our website at [www.micourthistory.org](http://www.micourthistory.org), or mail a check to: Michigan Supreme Court Historical Society, First Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915.



## Advocates Guild Special Issue!

Also included in this issue of the *Society Update* is a special insert: the newsletter of the Advocates Guild, which includes photos from the recent Advocates Guild Dinner, held on the first night of the Court's new term.

The Advocates Guild was created in 2007 to honor the achievements of attorneys before the Michigan Supreme Court.

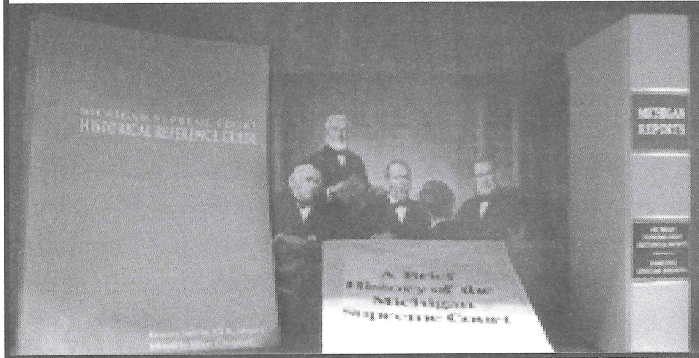
Membership in the Advocates Guild is open to any Society member who has had a calendared appeal before the Michigan Supreme Court.

For more information or to join, please contact, executive director Carrie Pickett at (517) 373-7589 or email [cpickett@micourthistory.org](mailto:cpickett@micourthistory.org).



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8x10 Color Photograph of the "Big Four"  
Compilation Portrait.....\$10



***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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