

# FOREWORD

*Justice Stephen Markman, Michigan Supreme Court*

There is perhaps no institution more indispensable to a free society than that of the rule of law. This book is about the venues within which this institution is most clearly on display in Michigan, its eighty-three county courthouses. While the rule of law is a magisterial institution, not each of these courthouses can be similarly described. Some courthouses are plain, some are antiquated and not always charmingly so, and some are little more than functional. Yet, what these courthouses have in common is that each stands at the center of its community, each has been the source of strength and continuity in these communities, and each has played a considerable part in the history and progress of each of these communities for over 170 years.

We often take for granted the rule of law that is in evidence every day within our county courthouses—the rules of procedure that apply equally to all, the impartiality of the judge, the jury of peers, the openness to the press and public, the application of a statutory and common law that have been given meaning over the decades and centuries, the requirements that innocence be presumed and guilt be determined beyond a reasonable doubt, the guarantees of a written constitution, and even the work of the court reporter to ensure that meaningful appellate review can be obtained of what has occurred at trial. Yet, the rule of law is an institution absent throughout most of the world, and absent throughout most of history. For most people and for most times, it has been the exception, not the norm. What occurs with little ceremony every day in Harrisville, Hastings, and Hart reflects an institution that has contributed to unprecedented levels of individual freedom, economic prosperity, and governmental stability in our country. Within the four corners of the courthouses meticulously pictured and described in this book, Michigan has pursued, and mostly has succeeded in securing, the ideals of “Freedom, Equality, Truth, and Justice,” inscribed upon the stone of our state’s Hall of Justice in our capital city.

While this book is predominantly a history of the

county courthouses of Michigan, it is also incidentally a history of the small towns in which these courthouses are mostly located. In other words, it is a history of Michigan. Thoroughly researched, it tells the stories of the architectural, social, and political centerpieces of these towns. There are the political quarrels, the competitions and tensions among communities, the fires and explosions, the heroes and the embezzlers, and the prominent, the eccentric, and the obscure. There are the figures of Michigan history—Schoolcraft, Cass, Mason, Blair, Cooley, and Bishop Baraga—and the figures of national prominence—Jackson, Van Buren, Bryan, McKinley, and Roosevelt.

And, of course, there are the criminal trials in which those whom the people have appointed to carry out the first responsibility of government, the “establish[ment] of justice” and the “insur[ance] of domestic tranquility,” are engaged on the frontlines in this task of upholding our first civil right, the right to be free from criminals and violent predators. Here, we learn about the matter of the poisoned cake, the Meredith sharpshooter, the stagecoach robberies, the Kentucky Raid, the Battle of Sherman, the Mormon Migration, the horse and the pig thieves, the axe murderer who himself became the victim of a homicide, the war on the railroads, the murder of Nega, the lynching on the courthouse lawn, the Cadillac militia, and law and order in Copper Country. In between its descriptions of the memorable, this book takes care never to lose sight of the courthouse, foremost, as the venue of the routine trial, the day-to-day dispensation of justice, the quotidian obligations of law enforcement, and the array of measures by which our nation upholds the rights, and the entitlement to equal treatment, of Americans.

Also, while taking note of the occasional departures from the norm, John Fedynsky makes clear that Michigan, as with other Upper Midwestern states, has been blessed with an honest and responsible judiciary from its very earliest days. As William J. Cox observed in his *Primer of Mich-*

*igan History*, even the earliest settlers of Michigan “took an active interest in the wise and honest government of their adopted state,” and this is clearly reflected in the history of our judicial branch. “We the people” of Michigan have been well served by our judiciary. With few exceptions, our judges been honest and competent arbiters and have avoided confusing the majesty of the law with their own personal standing.

This book will certainly become the definitive work on an overlooked part of Michigan history, surpassing Maurice Cole’s excellent and long out-of-print book *Michigan’s Courthouses*. It is a wonderful compilation of facts and anecdotes, recounting the historical and architectural details, while celebrating the gargoyles and cannons. It is both a reference and a book to be read.

I envy John Fedynsky the opportunity in preparing this work to have traveled the roads, and backroads, of Michigan, and to have visited so many of its small towns. There are no more engaging and evocative towns than

those of Michigan—New England not excepted. To spend time in these communities is to experience a not-yet-disappeared America of traditional values and pleasures. Former governor John Engler once made a commitment—and to the best of my recollection he lived up to it—to visit each of Michigan’s eighty-three counties every year during his three terms in office. Yet, I cannot imagine that he enjoyed the same luxuries of time as has John Fedynsky over the past several years in immersing himself in these communities—communities in which there is a “special richness of life that brings back warm memories and a smile,” to quote Manny Crisostomo’s portrait of small-town Michigan, *Main Street*. One will gather at least some of that sense from this book.

As one who at an early age has worked and distinguished himself in both the state and federal judicial systems, and now as an assistant attorney general, John Fedynsky is unusually well situated to undertake a book of this sort. And he succeeds magnificently, in my judgment.