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One Way to Prevent Some of the 'Law's Delays'

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ONE WAY TO PREVENT SOME OF THE "LAW'S DELAYS."—In view of discussions concerning "The Law's Delays" which have been had before several Bar Association meetings lately, the case of *In re McHugh*, 116 N. W. 459, decided by the Supreme Court of Michigan, is of interest. In this case two attorneys had been summoned by the trial court to answer a charge of contempt in failing to appear in court on the day set for the trial of one accused of murder whose defense they had undertaken, their failure to appear being alleged to be "for the purpose of obstructing the course of justice." After a hearing they were found guilty of contempt and each was fined two hundred and fifty dollars, one of them being sentenced, in addition, to imprisonment for thirty days. The Supreme Court affirmed the contempt proceedings of the trial court.

It was urged that the sentences were unwarrantably severe, but the appellate court held that the amount of punishment must be determined by the trial judge from the facts as they were placed before him, and that it was not in excess of that provided by law.

The respondents seem to have sought delay upon pretexts and, shortly before the time set for the murder trial, left the jurisdiction of the court, apparently feigning illness, for the shores of Canada, across the Detroit river. When the circumstances of the case are considered the punishment, while perhaps a little unusual, does not appear too harsh.

While delays are often unavoidable, unquestionably too many have been caused by a failure of counsel to realize that they are officers of the court; that they are admitted to practice and entitled to special privileges for the purpose of enabling them to assist, rather than to impede, the judiciary in the administration of justice; and that their duty is especially to avoid deceit and subterfuge in their dealings with the courts. The courts, on the other hand, having full power in such cases to prevent unreasonable delays, too often neglect to exercise it. Such cases as this afford a salutary example to both bench and bar.

As Mr. Cockran well said in his recent address before the Ohio Bar Association: "Delays will be ended when bench, bar, and community realize that to delay justice is but one shade less corrupt, criminal and debased than to sell justice."