

*CANADIAN SIDELIGHTS AND PROSPECTIVE CHANGES
IN PENNSYLVANIA PROCEDURE.*

This was the title of an address given by D. W. Amram, of the University of Pennsylvania, before the Law Association of Philadelphia last December.

It is sometimes necessary to go from home to learn something about ourselves. On this occasion the practitioners in the Province of Ontario (and incidentally those in the other English-speaking Provinces of the Dominion) are congratulated upon the legislation and rules of practice and procedure in civil actions which obtain here. The writer says that so excellent has been the working of these Acts and Rules that the judges in the State of Pennsylvania in the last revision of their local Rules of Court adopted a number of their provisions.

The writer thus refers to the regulation of matters of procedure in the Province of Ontario:—

“Examination of the Ontario Judicature Act shews that it is largely concerned with laying down broad principles, while leaving methods of procedure entirely to the courts. This is a principle of differentiation of function between legislature and courts for which many of the best men at the Pennsylvania Bar have pleaded for many years, and which has often found expression in the reports and debates of the Pennsylvania Bar Association. The attempt to lay down Rules of Court in acts of legislature has justified the criticism that they hamper rather than promote the efficiency of our procedure. A court which makes its rules may reserve to itself the right to modify them, so that through their too strict interpretation they may not lead to injustice. Where the rule is laid down by the legislature, the sound discretion of the courts cannot be exercised at all and the rule of procedure attains the same dignity and inviolability as a rule of substantive law. The Ontario court in proceeding to formulate and promulgate its rules finds itself unhampered by legislative interference, and is allowed free play for its wisdom to determine how the business of litigation can best be done, so