

[1981] S. C. R. Statistical Analysis

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[1981] S.C.R.
STATISTICAL ANALYSIS®

GENERAL TABLES

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TABLE 1¹
VOLUME OF WORK

			TOTAL ²
Reported Judgments ³			
Private	Public		
35	73		105
Reported Motions			
Granted	Refused	Other	
1	2	0	3
Unreported Motions			
Granted	Refused	Other	
128	332	13	473

¹ All data considered in this table derive from the [1981] *Supreme Court Reports* and the [1981] *Bulletin of proceedings taken in the Supreme Court of Canada*.

² The following cases have been included under both "Private" and "Public" categories but only once under "Total": *Les Terrasses Zarolega Inc. v. La Régie des installations olympiques*, [1981] 1 S.C.R. 94, ("Administrative Boards" and "II Property"); *Oznaga v. La Société d'exploitation des loteries et courses du Québec*, [1981] 2 S.C.R. 113, ("Statutory Interpretation" and "III Registration & Prescription"); and *Quebec Workmen's Compensation Commission v. Gagnon*, [1981] 2 S.C.R. 676, ("Administrative Boards" and "III Obligations").

³ Appellate decisions and references are included under this heading; motions are not. A decision involving one or more appeals (including cross-appeals) or references is considered to be one case for the purpose of this category. Procedural cases are classified according to their underlying subject matter. If a case is classified under both "Private" and "Public," it is entered under each of these headings, but only once under "Total."

TABLE II¹
BREAKDOWN BY SOURCE

	PRIVATE ²			PUBLIC			Total from Source
	Affirmed	Reversed ³	Other ⁴	Affirmed	Reversed	Other	
Alberta	1	0	0	7	1	0	9
British Columbia	2	1	0	3	2	0	7
Manitoba ⁵	0	1	0	3	4	2	10
New Brunswick	1	0	0	1	1	0	2
Newfoundland & Labrador ⁵	0	0	0	0	1	1	2
Northwest Territories	0	0	0	0	0	0	0
Nova Scotia	0	1	0	1	1	0	3
Ontario	3	6	0	12	8	0	29
Prince Edward Island	0	0	0	0	0	0	0
Quebec ⁵	8	7	1	11	3	4	29
Saskatchewan	0	0	0	3	1	0	4
Yukon Territory	0	0	0	0	0	0	0
Court Martial Appeal Ct	0	0	0	0	0	0	0
Federal Board	0	0	0	0	0	0	0
Federal Court	2	4	0	5	2	0	12
TOTAL	17	20	1	46	24	7	107

¹ Only appellate decisions (including references on appeal from the decision of a lower court) are included in this table. Decisions may be classified under both "Private" and "Public" due to multiple subject matters. A decision involving one or more appeals (including cross-appeals) is entered once under "Affirmed," "Reversed," or "Other" unless the lower court was both affirmed and reversed, in which case the decision is entered once under two or more of "Affirmed," "Reversed," or "Other." A decision is entered only once under "Total from Source" unless it involves multiple appeals having different origins. Procedural decisions are classified according to their underlying subject matter.

² The following cases have been included under both "Private" and "Public" categories but only once under "Total From Source": *Les Terrasses Zarolega Inc. v. La Régie des installations olympiques*, [1981] 1 S.C.R. 94; *Oznaga v. La Société d'exploitation des loteries et courses du Québec*, [1981] 2 S.C.R. 113; and *Quebec Workmen's Compensation Commission v. Gagnon*, [1981] 2 S.C.R. 676.

³ In the following cases, the court affirmed in part and reversed in part the decision of the lower court: *New Brunswick v. Leeming* [1981] 1 S.C.R. 129, ("Private"); *B.C. Marine and Straits Towing v. Yorke*, [1981] 1 S.C.R. 363, ("Public"); *St-Hilaire v. Bégin*, [1981] 2 S.C.R. 79, ("Quebec - Private"); *Provincial Bank of Canada v. Gagnon*, [1981] 2 S.C.R. 98, ("Quebec - Private"); and *Lloyd v. R.*, [1981] 2 S.C.R. 645, ("British Columbia - Public").

⁴ The following cases have been classified as "Other": *Quebec (A.G.) v. Blaikie*, [1981] 1 S.C.R. 312, (appellant requested a rehearing to obtain a declaration as to the scope of section 133 of the *B.N.A. Act* regarding delegated legislation); *Reference Re Resolution to amend the Constitution*, [1981] 1 S.C.R. 754, (the Court answered certain constitutional reference questions); *Oznaga v. La Société d'exploitation des loteries et courses du Québec*, [1981] 2 S.C.R. 113, (appeal was allowed and motion to dismiss was dismissed except for one part); *Feeny v. R.*, [1981] 2 S.C.R. 130, (appeal was quashed); and *R. v. Clement*, [1981] 2 S.C.R. 468, (appeal was allowed and the order quashing the charge was set aside).

⁵ In *Reference Re Resolution to amend the Constitution*, multiple appeals were joined together from Manitoba, Newfoundland and Labrador, and Quebec. They have been included under "Total from Source" for each jurisdiction.

TABLE III¹
SUBJECT MATTER OF LITIGATION²

This table indicates, first, the breakdown by subject matter of the reported cases; second, the number of cases decided by a given majority/dissent ratio within a given subject matter; and third, the number of "Appellate" cases in which the Supreme Court affirmed, reversed, or took other action with respect to the decision of the court immediately below.

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
ORIGINAL JURISDICTION					
References					
Reported Motions ³	3	2-7:0 1-3:0			2 1
APPELLATE					
(a) PRIVATE (Common Law & Civil Law)					
(i) Administration & Succession					
Dependent's Relief					
Devolution					
Executors & Administrators					
Wills					
(ii) Commercial					
Accounts					
Agency & Partnership					
Assignments					
Bankruptcy					
Banks & Banking	2	2-5:0	1	1	0
Bills & Notes	3	1-7:0 2-5:0	1 2	0 0	0 0
Companies					
Contract	4	1-7:0 2-5:0 1-3:2	1 0 0	0 2 1	0 0 0
Debtor & Creditor					
Guarantees & Sureties	1	1-5:0	1	0	0
Insurance	3	1-7:0 1-5:0 1-3:2	1 0 0	0 1 1	0 0 0
Interest					
Sale of Goods	1	1-5:0	0	1	0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
(iii) <i>Family Law</i>					
Adoption	2	1-7:0 1-5:0	0 1	1 0	0 0
Child Welfare, Custody & Access					
Divorce					
Judicial Separation					
Maintenance & Support					
Matrimonial Property					
Family Law - Other					
(iv) <i>Intellectual Property</i>					
Copyrights					
Industrial Designs					
Patents	1	1-5:0	0	1	0
Trademarks					
Intellectual Property - Other					
(v) <i>Land</i>					
Hypothecs & Mortgages	1	1-5:0	0	1	0
Landlord & Tenant					
Construction & Mechanics' Liens	1	1-5:0	1	0	0
Real Property	1	1-5:0	0	1	0
(vi) <i>Torts</i>					
Assault & Battery					
Bailment					
Conspiracy & Intimidation					
Conversion & Detinue					
False Imprisonment					
Libel & Slander					
Negligence	5	5-5:0	2	3	0
Nuisance					
Occupiers' Liability					
Trespass					
Vicarious Liability					
(vii) <i>Other</i>					
Associations					
Barristers & Solicitors					
Charities					
Choses in Action					
Conflict of Laws	1	1-5:0	1	0	0
Damages	1	1-5:0	1	0	0
Maritime, Admiralty & Shipping	4	3-7:0 1-5:0	1 1	2 0	0 0
Master & Servant					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Natural Resources					
Pensions					
Privilege	1	1-5:0	0	1	0
Trusts & Trustees					
Unjust Enrichment & Restitution					
(b) PRIVATE (Civil Law)					
Preliminary Title					
I Persons & Moral Persons					
I Marriage, Separation & Divorce	1	1-5:0	1	0	0
II Property	1	1-7:0	1	0	0
II Dismemberments of Property					
III Succession & Liberalities	1	1-5:0	0	1	0
III Obligations	3	3-5:0	1	2	0
III Proof					
III Sale, Exchange & Lease	2	2-5:0	0	2	0
III Mandate, Partnerships & Suretyships	1	1-5:0	1	0	0
III Pledges, Privileges & Hypothecs	1	1-5:0	0	1	0
III Registration & Prescription	1	1-5:0	0	0	1 ⁴
III Minor Nominate Contracts					
IV Commercial Law & Insurance					
Civil Law - Other	3	1-7:0 2-5:0	1 2	0 0	0 0
(c) PUBLIC					
Aboriginal Rights	1	1-9:0	0	1	0
Administrative Boards	7	2-9:0 1-7:0 4-5:0	2 1 4	0 0 0	0 0 0
Assessment					
<i>Certiorari</i>					
<i>Charter</i>					
Civil Rights	3	1-9:0 1-7:0 1-4:3	1 0 1	0 1 0	0 0 0
Combines					
Communications					

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Constitutional	12	3-9:0 1-8:1 1-7:2 1-6:3 6-7:0	2 1 0 0 3	1 0 0 0 2	0 0 1 ⁵ 1 ⁶ 1
Criminal	32	7-9:0 1-8:1 1-7:2 2-6:3 1-8:0 1-5:3 15-7:0 3-5:0 1-4:1	6 1 1 1 1 1 8 3 0	1 0 0 1 0 0 5 0 1	0 0 0 0 0 0 27, ⁸ 0 0
Crown & Sovereign Immunity					
Elections					
Environmental					
Expropriation	1	1-5:0	1	0	0
Extradition					
Habeas Corpus					
Human Rights					
Immigration					
International	1	1-9:0	1	0	0
Labour	8	2-9:0 4-7:0 1-4:3 1-5:0	1 2 0 1	1 2 1 0	0 0 0 0
Mandamus					
Municipal & Planning	3	3-5:0	2	1	0
Prohibition					
Public Utilities					
Securities					
Statutory Interpretation	3	3-5:0	1	1	1 ⁴
Taxation	2	2-5:0	1	1	0
Transportation					
Unemployment	1	1-5:0	1	0	0
(d) PROCEDURAL					
Appeal	5	2-9:0 1-7:0 2-5:0	1 0 1	1 0 1	0 1 ⁷ 0

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Costs					
Declaratory Action					
Evidence	6	2-9:0	2	0	0
		2-6:3	1	1	0
		1-7:0	0	1	0
		1-5:2	0	1	0
Injunctions					
Jurisdictions	3	1-9:0	0	1	0
		2-7:0	1	1	0
Limitation Period					
Procedural - Other	7	1-9:0	1	0	0
		1-8:1	1	0	0
		1-7:2	1	0	0
		2-7:0	0	2	0
		1-5:0	1	0	0
		1-4:1	0	1	0
Procedure	2	1-7:0	1	0	0
		1-5:0	0	1	0
Res Judicata					
Standing	1	1-7:2	1	0	0

¹ A decision involving one or more appeals (including cross-appeals), motions, or references is considered to be one case for the purposes of this table unless the results differ with respect to affirmation or reversal, or the vote or composition of majority or minority varies among the appeals, motions, or references.

Multiple entries are made if a case involves more than one subject matter of importance. Appeals from decisions on references brought before lower courts are classified according to subject matter under "Appellate."

² The following cases have been included under two or more subject categories: *Paquette v. Galipeau*, [1981] 1 S.C.R. 29, ("Adoption," "Conflict of Laws," and "I Marriage, Separation & Divorce"); *Boggs v. R.*, [1981] 1 S.C.R. 49, ("Constitutional" and "Criminal"); *Les Terrasses Zarolega Inc. v. La Régie des installations olympiques*, [1981] 1 S.C.R. 94, ("Administrative Boards" and "II Property"); *R. v. Aziz*, [1981] 1 S.C.R. 188, ("Constitutional" and "Criminal"); *Desaulniers v. Ford Motor Company of Canada*, [1981] 1 S.C.R. 260, ("Sale of Goods" and "III Sale, Exchange & Lease"); *R. v. Sherwood*, [1981] 1 S.C.R. 335, ("Criminal" and "Appeal"); *Thériault v. R.*, [1981] 1 S.C.R. 336, ("Criminal" and "Procedural - Other"); *Wire Rope Industries of Canada (1966) Ltd. v. B.C. Marine Shipbuilders Ltd.*, [1981] 1 S.C.R. 363, ("Jurisdictions" and "Maritime, Admiralty & Shipping"); *Canada (Employment and Immigration Commission) v. MacDonald Tobacco*, [1981] 1 S.C.R. 401, ("Administrative" and "Unemployment"); *Le Comité régional des usagers des transports en commun de Québec v. Québec Urban Transit Commission*, [1981] 1 S.C.R. 424, ("Procedure," "III Obligations," and "Sale, Exchange & Lease"); *Lavoie v. Michaud*, [1981] 1 S.C.R. 445, ("II Successions & Liberalities" and "Real Property"); *Wabasso Ltd. v. National Drying Machinery Co.*,

[1981] 1 S.C.R. 578, ("Negligence" and "III Obligations"); *Athabasca Tribal Council v. Amoco Canada*, [1981] 1 S.C.R. 699, ("Administrative Boards" and "Civil Rights"); *Jaegli Enterprises Ltd. v. Taylor*, [1981] 2 S.C.R. 2, ("Negligence" and "Procedural - Other"); *McClelland & Stewart Ltd. v. Mutual Life Assurance Company of Canada*, [1981] 2 S.C.R. 6, ("Contracts" and "Insurance"); *Park v. R.*, [1981] 2 S.C.R. 64, ("Criminal" and "Evidence"); *Lee v. Canada (A.G.)*, [1981] 2 S.C.R. 90, ("Administrative Boards" and "Labour"); *Provincial Bank of Canada v. Gagnon*, [1981] 2 S.C.R. 98, ("Banks & Banking" and "Civil Law - Other"); *Oznaga v. La Société d'exploitation des loteries et courses du Québec*, [1981] 2 S.C.R. 113, ("Statutory Interpretation" and "III Registration & Prescription"); *Feeny v. R.*, [1981] 2 S.C.R. 130, ("Criminal" and "Appeal"); *Mollet v. Monette*, [1981] 2 S.C.R. 133, ("Bills & Notes" and "Civil Law - Other"); *Matheson v. R.*, [1981] 2 S.C.R. 214, ("Evidence" and "Criminal"); *Oliver v. R.*, [1981] 2 S.C.R. 240, ("Criminal" and "Appeal"); *National Bank of Canada v. Soucisse*, [1981] 2 S.C.R. 339, ("Guarantees & Sureties" and "III Mandate, Partnerships & Suretyships"); *Montreal (City of) v. Civic Parking Center Ltd.*, [1981] 2 S.C.R. 541, ("Municipal Law" and "Taxation"); *Pan American World Airways Inc. v. R.*, [1981] 2 S.C.R. 565, ("Transportation" and "International Law"); *Canada (Minister of Justice) v. Borowski*, [1981] 2 S.C.R. 575, ("Procedural - Other" and "Standing"); *Lloyd v. R.*, [1981] 2 S.C.R. 645, ("Criminal" and "Evidence"); *Zurich Life Insurance Company of Canada v. Davies*, [1981] 2 S.C.R. 670, ("Contracts" and "Insurance"); and *Quebec Workmen's Compensation Commission v. Gagnon*, [1981] 2 S.C.R. 626, ("Administrative Boards" and "III Obligations").

³ Motions were disposed in the following manner: *Nicholson v. Haldimand-Norfolk Regional Board of Commissioners of Police*, [1981] 1 S.C.R. 92, (motion for leave to appeal was refused); *Kirsch v. R.*, [1981] 1 S.C.R. 437, (application for an extension of time limit within which to hear the appeal and for a ruling that the appeal had not been abandoned was dismissed); and *Kirsch v. R.*, [1981] 1 S.C.R. 438, (rehearing of a motion to extend the time to hear the appeal and to reinscribe the appeal for hearing was granted).

⁴ *Oznaga v. La Société d'exploitation des loteries et courses du Québec*, [1981] 2 S.C.R. 113, (appeal was allowed and the motion to dismiss was dismissed except as to one part).

⁵ In *Reference Re Resolution to amend the Constitution*, [1981] 1 S.C.R. 754, the court answered certain constitutional questions.

⁶ In *Quebec (A.G.) v. Blaikie*, [1981] 1 S.C.R. 312, the appellant requested a rehearing to obtain a declaration as to the scope of section 133 of the *B.N.A. Act* regarding delegated legislation.

⁷ In *Feeny v. R.*, [1981] 2 S.C.R. 130, the appeal was quashed.

⁸ In *R. v. Clement*, [1981] 2 S.C.R. 468, the appeal was allowed and the order quashing the charge was set aside.

TABLE IV¹
MAJORITY/DISSENT RATIO

Total Number of Cases Reported		108 ²	
Unanimous Decisions		95	
Split Decisions		14	
9:0	18	8:0	1
8:1	2	7:0	33
7:2	3	6:0	0
6:3	2	5:1	0
5:4	0	4:2	0
		3:3	0
		2:1	0
		1:0	0
5:0	42	4:0	0
4:1	2	3:0	1
3:2	1	2:0	0
		1:0	0
		0:0	0

¹ Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions, or references is considered to be one case for the purposes of this table unless the composition of majority and minority varies among the appeals, motions, or references. If the ratios differ, they will be included in this table but not in the "Total Number of Cases Reported." Dissenting judgments include dissents in part.

² In *Reference Re Resolution to amend the Constitution*, [1981] 1 S.C.R. 754, the voting blocks for two issues differed (7:2 and 6:3).

TABLE VI¹
TYPE OF WORK

	Common Law	Civil Law	Constitutional	Criminal	Other Public Law	Reported Motions
Beetz	7	7	7	19	16	0
Chouinard	9	11	8	24	21	0
Dickson	12	9	11	30	26	3
Estey	17	9	11	28	21	2
Lamer	7	11	9	26	21	2
Laskin	10	3	10	25	19	3
Martland	11	2	10	26	18	2
McIntyre	15	10	11	30	22	3
Ritchie	13	2	9	24	16	2

¹ Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions, or references is considered to be one case for the purposes of this table. Procedural cases and references are classified according to their underlying subject matter. Cases involving multiple subject matters may be classified under one or more of "Common Law," "Civil Law," "Constitutional," "Criminal," or "Other Public Law."

**TABLE VI
ACTION OF THE JUSTICES**

This table indicates, first, the number of cases on which a justice sat; second, the number of cases in which a justice wrote a judgment (whether "Majority" or "Dissent"); and third, the number of cases in which a justice did not write a judgment and concurred with the judgment of another justice. For example, Dickson J. sat on ninety-five cases, and wrote fourteen majority judgments and one dissenting judgment. He concurred with the majority judgment of another justice in seventy-eight cases and with the dissenting judgment of another justice in two cases. Further, he participated in two unattributed judgments of "The Court," and concurred with the majority judgment of Beetz J. once, Chouinard J. eight times, Estey J. six times, and so on. He concurred with the dissenting judgments of Laskin and Lamer JJ. once each.

		Number of Cases	Judgments	Concurrences	The Court	Concurrences with Another Justice									
						Beetz	Chouinard	Dickson	Estey	Lamer	Laskin	Marland	McIntyre	Ritchie	
Beetz	Majority	61	4	57	2	8	6	4	5	21	7	3	1		
	Dissent		0	0		0	0	0	0	0	0	0	0		
Chouinard	Majority	78	12	65	1	1	9	2	8	24	13	5	2		
	Dissent		0	1		0	0	0	0	0	0	0	0		
Dickson	Majority	95	14	78	2	1	8	6	9	33	10	6	3		
	Dissent		1	2		0	0	0	1	1	0	0	0		

	Concurrences with Another Justice												
	Number of Cases	Judgments	Concurrences	The Court									
				Beetz	Chouinard	Dickson	Estey	Lamer	Laskin	Martland	McIntyre	Fitchie	
Estey Majority Dissent	92	8 2	80 2	2	2	8	10	10	1	30	11	6	1
Lamer Majority Dissent	78	13 2	61 2	2	1	7	10	5		23	7	5	1
Laskin Majority Dissent	74	38 2	32 2	0	0	3	8	4	3		6	6	2
Martland Majority Dissent	75	15 2	55 3	2	1	3	8	5	7	22		7	1
McIntyre Majority Dissent	93	9 1	83 0	2	1	11	8	4	9	32	13		3
Fitchie Majority Dissent	72	4 4	63 1	1	1	2	7	4	4	26	13	5	0