

[1978] S. C. R. Statistical Analysis

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STATISTICAL ANALYSIS OF [1978] S.C.R.

TABLES

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Statistics compiled by the Boards of Editors of Volumes 18 and 19 of the Osgoode Hall Law Journal, York University. All tables except Table I deal with reported cases only.

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TABLE I
VOLUME OF WORK

			TOTAL
Reported Judgments ¹			
Private	Public		
59 ²	103 ^{2,3}		160 ^{2,3}
Reported Motions ⁴			
Allowed	Dismissed	Other	
1	1	2 ³	4 ³
Unreported Appeals ⁵			
Allowed	Dismissed	Other	
20	21	59	100
Unreported Motions ⁶			
Allowed	Dismissed	Other	
100	269		369
Unreported References ⁷			0

¹ Appellate decisions and references are included under this heading; motives are not. A decision involving one or more appeals (including cross-appeals) or references is considered to be one case for the purposes of this category. Procedural cases are classified according to their underlying subject matters. If a case is classified under both "Private" and "Public," it is entered under each of those headings, but only once under "Total."

² *Robinson v. Countrywide Factors*, [1978] 1 S.C.R. 753, has been included under both "Private" ("Bankruptcy") and "Public" ("Constitutional") but only once under "Total." *Cablevision (Montreal) Inc. v. Dep. Min. of Rev.* (Que.), [1978] 2 S.C.R. 64, has been included under both "Private" ("Real Property") and "Public" ("Taxation") but only once under "Total."

³ *C.N.R. v. Williams*, [1978] 1 S.C.R. 1092, has been included under both "Reported Judgments" and "Reported Motions." *B.C. Provincial Council v. B.C. Packers Ltd.*, [1978] 2 S.C.R. 97, has been included under both "Reported Judgments" and "Reported Motions."

⁴ A decision involving one or more motions is entered once under one of "Allowed," "Dismissed" or "Other" except if the disposition of the motions are not the same, in which case the decision is entered once under two or more of "Allowed," "Dismissed" or "Other." A decision is entered only once under "Total."

⁵ A decision involving one or more appeals (including cross-appeals) is entered once under one of "Allowed," "Dismissed" and "Other" except if the dispositions of the Motions are not the same in which case the decision is entered once under two or more of "Allowed," "Dismissed" or "Other." A decision is entered only once under "Total."

All data under this heading are derived from the [1978] *Bulletin of Proceedings Taken in the Supreme Court of Canada*. It should be noted that decisions entered under this heading may be reported in subsequent volumes of the Supreme Court Reports.

⁶ The rules for multiple entries with respect to unreported decisions involving one or more motions are the same as those in note 5.

⁷ The rules for multiple entries with respect to unreported decisions involving one or more references are the same as those in note 5.

TABLE II
BREAKDOWN BY SOURCE¹

	<u>PRIVATE</u>			<u>PUBLIC</u>			<u>Total from Source</u>
	Affirmed	Reversed	Other	Affirmed	Reversed	Other	
Newfoundland	1	0	0	1	0	0	2
Nova Scotia	3	1	0	0	2	0	6
Prince Edward Island	1	0	0	0	0	0	1
New Brunswick	0	0	0	2	1	0	3
Quebec	8 ^{2,3}	10 ^{2,3,4,5}	0	16	14 ⁶	0	47
Ontario	12 ⁷	6 ^{7,8,9}	0	17 ¹⁰	6	0	40
Manitoba	1	1	0	0	3 ¹¹	0	5
Saskatchewan	1	3 ^{12,13}	0	0	4	0	8
Alberta	0	6	0	2	1	1 ¹⁴	10
British Columbia	1	3	0	12	5	0	21
Yukon Territory	0	0	0	0	0	0	0
Northwest Territories	0	0	0	1	0	0	1
Court Martial							
Appeal Court	0	0	0	0	0	0	0
Federal Boards	0	0	0	0	0	0	0
Federal Court	0	2	0	8 ^{15,16}	5	0	15
TOTAL	<u>30</u>	<u>28</u>	<u>0</u>	<u>58</u>	<u>42</u>	<u>1</u>	<u>159</u>

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" because of multiple subject matters. A decision involving one or more appeals (including cross-appeals) is entered once under "Affirmed," "Reversed," and "Other" except if the lower court is 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 matters.

² *Martineau v. Martineau*, [1978] 1 S.C.R. 247, has been included under both "Affirmed" and "Reversed" for the purposes of this table. The Court dismissed appeals of two appellants and allowed the appeal of a third appellant.

³ *Cité de Pont Viau v. Gauthier Mfg. Ltd.*, [1978] 2 S.C.R. 516, has been included under both "Affirmed" and "Reversed" for the purposes of this table. The Court dismissed an appeal from a Court of Appeal decision allowing a motion for dismissal of an appeal from a judgment of the Superior Court and allowed an appeal from a Court of Appeal decision dismissing a motion for special leave to appeal.

⁴ *Hôpital Notre-Dame v. Laurent*, [1978] 1 S.C.R. 605, has been included under "Reversed" for the purposes of this table. The Court allowed the appeal of the appellant hospital and dismissed the appeal of the appellant Théoret.

⁵ *Davie Shipbuilding v. Cargill Grain*, [1978] 1 S.C.R. 570, has been included under "Reversed" for the purposes of this table. The Court allowed the appeal of the appellant Davie Shipbuilding and dismissed the appeal of Cargill Grain Co. against Cobra Industries.

⁶ *Cablevision (Montreal) Inc. v. Dep. Min. of Rev. (Que.)*, [1978] 2 S.C.R. 64, has been included under "Public" for the purposes of this table. The Court determined that

aspects of the cablevision transmission network constituted "immovable" property and thus fell under the *Retail Sales Tax Act* (Que.).

⁷ *Nepean Carleton Developments Ltd. v. Hope*, [1978] 1 S.C.R. 427, has been included under both "Affirmed" and "Reversed" for the purposes of this table. The Court allowed the first appeal and dismissed the second appeal.

⁸ *Keizer v. Hanna*, [1978] 2 S.C.R. 342, has been included under "Reversed" for the purposes of this table.

⁹ *Arnold v. Teno*, [1978] 2 S.C.R. 287, has been included under "Reversed" for the purposes of this table. The Court allowed two appeals and dismissed a third appeal.

¹⁰ *Reference re Agricultural Products Marketing Act*, [1978] 2 S.C.R. 1198, has been included under "Affirmed" for the purposes of this table. The Court reversed the Court of Appeal in part on one question.

¹¹ *R. v. Zelensky*, [1978] 2 S.C.R. 940, has been included under "Reversed" for the purposes of this table. The Court varied the order of the Court of Appeal so as to reinstate the composite order of the trial judge directing restitution.

¹² *Robinson v. Countrywide Factors*, [1978] 1 S.C.R. 753, has been included under "Private" for the purpose of this table. The case also has "Public" aspects.

¹³ *Montreal Trust v. Gulf Securities*, [1978] 1 S.C.R. 708, has been included under "Reversed" for the purposes of this table. The Court allowed the appeal against Gulf Securities but dismissed the appeals against the other respondents.

¹⁴ In *Postman v. The Queen*, [1978] 2 S.C.R. 392, the Court quashed the appeal on the grounds that the Supreme Court had no jurisdiction to hear the appeal.

¹⁵ *Doyle v. MNR*, [1978] 1 S.C.R. 547, and *Doyle v. MNR*, [1978] 2 S.C.R. 837, have been included under Federal Court for the purposes of this table. The appeals came from the Exchequer Court of Canada.

¹⁶ *B.C. Provincial Council v. B.C. Packers Ltd.*, [1978] 2 S.C.R. 97, has been included under "Public" for the purposes of this table. The Court also considered a motion for Prohibition against the CLRB.

TABLE III

SUBJECT MATTER OF LITIGATION¹

This table indicates, first, the breakdown by subject matters of the reported cases; second, the number of cases decided by a given majority/dissent ratio within a given subject matter; and, third, with respect to "Appellate" cases only, the number of those cases in which the Supreme Court affirmed, reversed or took other action with respect to the decision of the court immediately below. For example, there are two cases dealing with "Matrimonial Property." In one of the cases the majority consisted of five judges, four justices dissented and the court below was affirmed. In the other case all five judges were in the majority, and the court below was affirmed.

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
ORIGINAL JURISDICTION					
References ²					
Reported Motions	4 ^{3,4}	2;9/0 ³ 2;1/0 ⁴	-	-	-
APPELLATE					
(a) PRIVATE					
<i>(i) Administration and Succession</i>					
Devolution					
Executors and Administrators					
Wills	1 ⁵	1;5/0		1	
<i>(ii) Commercial</i>					
Accounts					
Agency					
Assignments	1 ⁶	1;6/3 ⁶			1 ⁶
Bankruptcy	4 ^{7,8}	1;9/0 1;5/4 ⁷ 1;7/0 1;5/0	1		1 1 1 ⁸
Banks & Banking					
Bills & Notes	1	1;4/4 ⁹	1		
Companies					
Contract	10 ^{10,11,12,13}	2;7/0 ¹⁰ 1;6/0 7;5/0 ^{11,12,13}	2 1 5 ¹³		2 ¹²
Debtor & Creditor					
Insurance	8	1;9/0 1;5/4 1;4/3 4;5/0 1;4/1		3 1	1 1 1 1
Partnership			1		

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Sale of Goods					
Subrogation					
(iii) <i>Domestic Relations</i>					
Adoption					
Annulment					
Breach of Promise					
Child Welfare					
Custody	1	1;5/0		1	
Divorce	1	1;9/0	1		
Judicial Separation					
Marriage Contract	1	1;5/0		1	
Matrimonial Property	2 ¹⁴	1;5/4 ¹⁴	1		
		1;5/0	1		
Support					
(iv) <i>Intellectual Property</i>					
Copyright					
Industrial Design					
Patents					
Trademarks					
(v) <i>Land</i>					
Landlord and Tenant	4	2;6/3		2	
		2;5/0	2		
Mechanics' Liens					
Mortgages					
Real Property	9 ^{11,13,15,16}	1;9/0		1	
		2;7/0		2	
		6;5/0 ^{11,13,15,16}	3	3	
(vi) <i>Natural Resources</i>					
(vii) <i>Torts</i>					
Assault and Battery					
Bailment					
Conspiracy and Intimidation					
False Imprisonment					
Libel and Slander					
Negligence	7 ^{17,18,19,20,21}	2;9/0 ¹⁷	2		
		1;8/1 ¹⁸		1 ¹⁸	
		1;5/2		1	
		3;5/0 ¹⁹	2 ²⁰	1 ²¹	
Occupiers' Liability	1	1;6/3	1		
Vicarious Liability	1 ²²	1;7/2	1		
(viii) <i>Other</i>					
Choses in Action	1 ⁵	1;5/0	1		
Damages	7 ^{10,18,19,22}	2;9/0		2	
		1;8/1 ¹⁸		1 ¹⁸	

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
		1;7/2 ²²	1		
		1;7/0 ¹⁰	1		
		2;5/0 ¹⁹	1	1	
Shipping/Admiralty	1	1;5/0		1	
(b) PUBLIC					
Administrative Boards	7 ^{23,24}	2;9/0	1	1	
		3;5/4 ^{23,24}	2	1	
		1;8/0	1		
		1;5/3			1
Certiorari					
Civil Rights	2 ^{25,26}	1;6/3 ²⁵	1		
		1;5/4 ²⁶			1
Combines	2	2;9/0	2		
Constitutional	14 ^{7,25,26,27,28,29,30}	2;9/0	2 ²⁷		
		2;7/2 ²³	1	1	
		5;6/3 ²⁵	3	2 ²⁰	
		4;5/4 ^{7,26,30}		4	
		1;8/0	1		
Criminal	33 ^{28,31,32,33,34,35,36,37,38,39}	22;9/0 ^{31,32,33,34,35,36}	14	8	
		1;8/1	1		
		3;7/2 ²⁸	1	2	
		1;6/3	1		
		1;5/4 ³⁷			1
		1;8/0			1
		1;5/3			1
		1;7/0 ³⁸	1		
		2;4/3 ³⁰	1	1	
Crown and Sovereign Immunity					
Expropriation	7 ^{40,41}	5;5/0 ^{40,41}	3	2	
		1;4/1			1
		1;3/2	1		
Habeas Corpus	1	1;7/0	1		
Immigration	3 ⁴²	1;9/0 ⁴²			1
		2;8/0	1	1	
Interpretation of Statutes	1 ⁴⁰	1;5/0			1
Labour	5 ³	3;9/0 ³	3		
		1;6/3	1		
		1;7/0			1
Mandamus					
Municipal Law	11 ^{41,43}	1;7/0	1		
		1;4/3	1		
		7;5/0 ^{41,43}	2	5	
		2;4/1	2		

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Native Rights	2	2;9/0	1	1	
Prohibition	1 ³⁶	1;9/0			
Public Utilities					
Securities	1	1;8/1	1		
Taxation	11 ^{15,16,30}	1;5/4 ³⁰		1	
		1;8/0	1		
		9;5/0 ^{15,16}	4	5	

(c) PROCEDURAL

Appeal	6 ^{17,35,42,43,44,45}	3;9/0 ^{17,35,42}	2	1	
		1;7/0 ⁴⁴			1 ⁴⁴
		2;5/0 ⁴³	1 ⁴⁵	1	
Costs	1	1;7/0	1		
Declaratory Action					
Evidence	12 ^{31,32,33,34,38,39}	7;9/0 ^{31,32,33,34}	6	1	
		1;8/0		1	
		3;7/0 ³⁸	2	1	
		1;4/3 ³⁹	1		
Injunction					
Limitation Period	1	1;5/0		1	
Jurisdiction	1	1;6/3	1		
Procedure	5 ^{24,37}	1;9/0	1		
		2;5/4 ^{24,37}	1	1	
		1;7/0		1	
		1;3/2	1		

¹ A decision involving one or more appeals (including cross-appeals), motions or references is considered to be one case for the purpose 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.

² Appeals from decisions on references brought before lower courts are classified according to their subject matters under "Appellate."

³ *B.C. Prov. Council v. B.C. Packers Ltd.*, [1978] 2 S.C.R. 97, has been included under both "Reported Motions" and "Labour" for the purposes of this table. The Court dismissed an appeal from a judgment of the Federal Court of Appeal affirming a lower court decision prohibiting the Canada Labour Relations Bd. from proceeding with applications by the appellant for certification.

⁴ *Univ. of Sask. v. C.U.P.E.*, [1978] 2 S.C.R. 830, has been included under both "Reported Motions" and "Appeal" for the purposes of this table. The Court allowed a motion for extension of time on the basis that the other party would not be seriously prejudiced as a result of the extension.

⁵ *Jacques v. Allain-Robitaille*, [1978] 2 S.C.R. 897, has been included under both "Wills" and "Choses in Action" for the purposes of this table.

⁶ In *Montreal Trust Co. v. Gulf Securities Corp.*, [1978] 1 S.C.R. 708, Pigeon J. (Dickson and de Grandpré JJ. concurring) dissented in part from the majority judgment of Martland J. (Laskin C.J., Judson, Ritchie, Spence and Beetz JJ. concurring) but

agreed with the majority's disposition of the appeal. The appeal was allowed as against the respondent Gulf Securities but dismissed as against the other respondents. For the purposes of this table the judgment has been included under "Reversed."

⁷ *Robinson v. Countrywide Factors Ltd.*, [1978] 1 S.C.R. 753, has been included under both "Bankruptcy" and "Constitutional" for the purposes of this table.

⁸ *The Employers Liability Assurance Corp. v. Ideal Petroleum*, [1978] 1 S.C.R. 230, has been included under "Reversed" for the purposes of this table. The Court refused to annul certain payments made to the respondent, however, it did order repayment of certain dividends to which it was not entitled.

⁹ *Bank of Canada v. Bank of Montreal*, [1978] 1 S.C.R. 1148, held an equal division, Beetz J. (Ritchie, Pigeon, de Grandpré concurring) and Laskin C.J. (Martland, Judson and Dickson JJ. concurring), that the appeal should be dismissed.

¹⁰ *Elsley v. J. G. Collins Insurance Agencies Ltd.*, [1978] 2 S.C.R. 916, has been included under both "Contract" and "Damages" for the purpose of this table.

¹¹ *Geo. Wimpey Can. Ltd. v. Focal Properties Ltd.*, [1978] 1 S.C.R. 2, has been included under both "Contracts" and "Real Property" for the purpose of this table.

¹² *Davie Shipbuilding Ltd. v. Cargill Grain Co.*, [1978] 1 S.C.R. 570, has been included under "Reversed" for the purposes of this table. The Court allowed appeals by Davie Shipbuilding and Foundation Co. and dismissed the cross-appeals of Cargill Grain Co. The Court dismissed an appeal by Cargill Grain Co. against Cobra Industries and a cross-appeal by Cobra Industries against Cargill Grain Co.

¹³ *Nepean Carleton Dev. Ltd. v. Hope*, [1978] 1 S.C.R. 427, has been included under both "Contracts" and "Real Property" for the purposes of this table. The Court allowed an appeal in a claim for specific performance and dismissed an appeal in the alternative for damages.

¹⁴ In *Rathwell v. Rathwell*, [1978] 2 S.C.R. 436, Martland J. (Judson, Beetz and de Grandpré JJ.) dissented in part on the issue of the degree of interest to which the respondent was entitled.

¹⁵ *Cablevision (Montreal) Ltd. v. Dep. Min. of Rev. (Que.)*, [1978] 2 S.C.R. 64, has been included under both "Real Property" and "Taxation" for the purposes of this table.

¹⁶ *City of Saint-Laurent v. Quebec Hydro-Electric Comm'n.*, [1978] 2 S.C.R. 529, has been included under both "Real Property" and "Taxation" for the purposes of this table.

¹⁷ *Joseph Brant Memorial Hospital v. Koziol*, [1978] 1 S.C.R. 491, has been included under both "Negligence" and "Appeal" for the purposes of this table.

¹⁸ *Arnold v. Teno*, [1978] 2 S.C.R. 287, has been included under both "Negligence" and "Damages" for the purposes of this table. This case has been included under "Reversed" for the purposes of this table. The Court allowed two appeals and dismissed a third appeal. De Grandpré J. dissented in part on the issue of contributory negligence.

¹⁹ *Veilleux v. Abitibi Paper Co.*, [1978] 2 S.C.R. 852, has been included under both "Negligence" and "Damages" for the purposes of this table.

²⁰ *The Highway Victims Indemnity Fund v. Martineau*, [1978] 1 S.C.R. 247, has been included under "Affirmed" for the purposes of this table. The Court dismissed the appeal of appellants Robindaine and Martineau and allowed the appeal of the Indemnity Fund.

²¹ *Hôpital Notre-Dame v. Laurent*, [1978] 1 S.C.R. 605, has been included under "Reversed" for the purposes of this table. The Court allowed the appeal of the appellant Hôpital Notre-Dame and dismissed the appeal of the appellant Théoret.

²² *Keizer v. Hanna*, [1978] 2 S.C.R. 342, has been included under both "Vicarious Liability" and "Damages" for the purposes of this table.

²³ *Cotroni v. Quebec Police Comm'n.*, [1978] 1 S.C.R. 1048, has been included under "Administrative Boards" for the purposes of this table. The appellant was appealing a conviction on a charge of contempt of court which resulted from his evasive replies before the Quebec Police Commission.

²⁴ *Martineau v. Matsqui Institution Inmate Disciplinary Bd.*, [1978] 1 S.C.R. 118, has been included under both "Administrative Boards" and "Procedure" for the purposes of this table. Judson J. concurred with the reasons given by Jackett C.J. of the Federal

Court of Appeal and in result with the majority judgment of Pigeon J. (Ritchie, Beetz and de Grandpré JJ. concurring).

²⁵ *A.G. Can. v. City of Montreal*, [1978] 2 S.C.R. 770, has been included under both "Civil Rights" and "Constitutional" for the purposes of this table.

²⁶ *N.S. Bd. of Censors v. McNeil*, [1978] 2 S.C.R. 662, has been included under both "Civil Rights" and "Constitutional" for the purposes of this table.

²⁷ *Reference re Agricultural Products Marketing Act*, [1978] 2 S.C.R. 1198, has been included under "Affirmed" for the purposes of this table. The Court affirmed the Court of Appeal on 12 questions and reversed the Court of Appeal in part on one question.

²⁸ *Dilorio v. Warden of the Montreal Jail*, [1978] 1 S.C.R. 152, has been included under both "Constitutional" and "Criminal" for the purposes of this table.

²⁹ *R. v. Zelensky*, [1978] 2 S.C.R. 940, has been included under "Reversed" for the purposes of this table. The Court varied the order of the Court of Appeal so as to reinstate the composite order of the trial judge directing restitution. Pigeon J. (Beetz and Pratte JJ. concurring) dissented in part from the majority decision of Laskin C.J. (Martland, Ritchie, Spence, Dickson, Estey JJ. concurring).

³⁰ *Simpsons-Sears Ltd. v. The Provincial Secretary of the Province of New Brunswick*, [1978] 2 S.C.R. 869, has been included under both "Constitutional" and "Taxation" for the purposes of this table.

³¹ *Masyza v. The Queen*, [1978] 2 S.C.R. 907, has been included under both "Criminal" and "Evidence" for the purposes of this table.

³² *Demeter v. The Queen*, [1978] 1 S.C.R. 538, has been included under both "Criminal" and "Evidence" for the purposes of this table.

³³ *Alward v. The Queen*, [1978] 1 S.C.R. 559, has been included under both "Criminal" and "Evidence" for the purposes of this table.

³⁴ *Smithers v. The Queen*, [1978] 1 S.C.R. 506, has been included under both "Criminal" and "Evidence" for the purposes of this table.

³⁵ *Heppner v. The Queen*, [1978] 2 S.C.R. 702, has been included under both "Criminal" and "Appeal" for the purposes of this table.

³⁶ *Batchelor v. The Queen*, [1978] 2 S.C.R. 988, has been included under both "Criminal" and "Prohibition" for the purposes of this table.

³⁷ *Atkinson v. The Queen*, [1978] 1 S.C.R. 1018, has been included under both "Criminal" and "Procedure" for the purposes of this table. The judgment of the Court was delivered orally by Laskin C.J. although Laskin C.J., Pigeon, Beetz, and Pratte JJ. dissented.

³⁸ *Boulet v. The Queen*, [1978] 1 S.C.R. 332, has been included under both "Criminal" and "Evidence" for the purposes of this table.

³⁹ *The Queen v. Cooper*, [1978] 1 S.C.R. 860, has been included under both "Criminal" and "Evidence" for the purposes of this table.

⁴⁰ *Laidlaw v. The Municipality of Metropolitan Toronto*, [1978] 2 S.C.R. 736, has been included under both "Expropriation" and "Interpretation of Statutes" for the purposes of this table.

⁴¹ *Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801, has been included under both "Expropriation" and "Municipal Law" for the purposes of this table.

⁴² *MMI v. Hardayal*, [1978] 1 S.C.R. 470, has been included under both "Immigration" and "Appeal" for the purposes of this table.

⁴³ *Adricon Ltée v. Town of East Angus*, [1978] 1 S.C.R. 1107, has been included under both "Municipal Law" and "Appeal" for the purposes of this table.

⁴⁴ *Postman v. The Queen*, [1978] 2 S.C.R. 392, has been included under "Other" for the purposes of this table. The Court quashed the appeal on the grounds that the Supreme Court has no jurisdiction to hear the appeal.

⁴⁵ *Cité de Pont Viau v. Gauthier Mfg. Ltd.*, [1978] 2 S.C.R. 516, has been included under "Affirmed" for the purposes of this table. The Court dismissed one appeal and allowed another.

TABLE IVMAJORITY/DISSENT RATIO¹

Total Number of Cases Reported						162
Unanimous Decisions						118
Split Decisions						44
9/0....4 ^{2,3}	8/0.....7	7/0....14	6/01	5/0 .. 47	1/0.....2	
8/1.....3	7/1.....0	6/1.....0	5/10	4/1....4		
7/2.....5 ⁴	6/2.....0	5/21	4/2.....0	3/2 ...2		
6/3....12 ^{5,6}	5/3.....2	4/34	3/3.....0			
5/4....10 ^{7,8,9}	4/4.....1 ¹⁰					

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 or minority varies among the appeals, motions or references.

² In *Batchelor v. The Queen*, [1978] 2 S.C.R. 988, Dickson J. concurred with the majority judgments of both Laskin C.J. (Judson and Spence JJ. concurring) and Ritchie J. (Martland, Pigeon, Beetz, and de Grandpré JJ. concurring).

³ In *Her Majesty in Right of Alberta v. C.T.C.*, [1978] 1 S.C.R. 61, Martland, Judson, Ritchie, Dickson, and Beetz JJ. concurred with the majority judgments of both Laskin C.J. (Pigeon J. concurring) and Spence J. (de Grandpré concurring).

⁴ In *Dilorio v. Warden of the Montreal Jail*, [1978] 1 S.C.R. 152, Martland, Judson and Ritchie JJ. concurred with the majority judgments of both Pigeon J. and Dickson J. (Spence J. concurring).

⁵ In *R. v. Zelensky*, [1978] 2 S.C.R. 940, Pigeon J. (Beetz and Pratte JJ. concurring) dissented in part.

⁶ In *Montreal Trust v. Gulf Securities*, [1978] 1 S.C.R. 708, Pigeon J. (Dickson and de Grandpré JJ. concurring) dissented in part.

⁷ In *Martineau v. Matsqui Inmate Disciplinary Bd.*, [1978] 1 S.C.R. 118, Judson J. agreed in result with the majority of Pigeon J. and agreed with the reasons of Jaccett C.J. of the Fed. Ct. of Appeal.

⁸ In *Robinson v. Countrywide Factors*, [1978] 1 S.C.R. 753, Laskin C.J. (Martland, Dickson and de Grandpré JJ. concurring) dissented in part.

⁹ In *Rathwell v. Rathwell*, [1978] 2 S.C.R. 436, Martland J. (Judson, Beetz and de Grandpré JJ. concurring) dissented in part.

¹⁰ In *Bank of Canada v. Bank of Montreal*, [1978] 1 S.C.R. 1148, the Court held an equal division (Laskin C.J. and Martland, Judson and Dickson JJ. dissenting) that the appeal should be dismissed.

TABLE V
TYPE OF WORK¹

	<u>Common Law</u>	<u>Civil Law</u>	<u>Constitutional</u>	<u>Criminal</u>	<u>Other Public Law</u>	<u>Reported Motions</u>
Laskin	30	9	17	41	28	2
Martland	33	7	16	43	34	1
Judson	23	2	14	20	21	0
Ritchie	34	9	16	41	36	1
Spence	33	6	16	42	37	1
Pigeon	30	20	16	42	39	2
Dickson	35	16	16	41	39	1
Beetz	32	20	16	41	34	1
de Grandpré	18	9	13	20	21	0
Estey	8	3	2	18	9	1
Pratte	9	8	2	20	13	1

The composition of the Court has changed as follows:

Left: Judson	20 July 1977	Joined: Estey	29 September 1977
de Grandpré	1 October 1977	Pratte	1 October 1977
Spence	29 December 1978		

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 matters. Cases involving multiple subject matters may be classified under one or more of "Common Law," "Civil Law," "Constitutional," "Criminal" or "Other Public Law."

Robinson v. Countrywide Factors, [1978] 1 S.C.R. 753, heard before Laskin C.J., Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. has been included under both "Common Law" and "Constitutional" because of multiple subject matters, *i.e.*, "Bankruptcy" and "Constitutional."

B.C. Provincial Council v. B.C. Packers Ltd., [1978] 2 S.C.R. 97, heard before Laskin C.J., Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Reported Motions" and "Other Public Law" because of multiple subject matters, *i.e.*, "Labour" and a motion for Prohibition.

C.N.R. v. Williams, [1978] 1 S.C.R. 1092, heard before Laskin C.J., has been included under both "Reported Motions" and "Constitutional" because of multiple subject matters.

City of Saint-Laurent v. Quebec Hydro-Electric Comm'n, [1978] 2 S.C.R. 529, heard before Ritchie, Pigeon, Dickson, Beetz and Pratte JJ., has been included under both "Civil Law" and "Other Public" because of multiple subject matters, *i.e.*, "Taxation" and "Real Property."

Dilorio v. Warden of the Montreal Jail, [1978] 1 S.C.R. 152, heard before Laskin C.J., Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Constitutional" and "Criminal" because of multiple subject matters.

N.S. Bd. of Censors v. McNeil, [1978] 2 S.C.R. 662, heard before Laskin C.J., Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Constitutional" and "Other Public Law" because of multiple subject matters, *i.e.*, "Constitutional" and "Civil Rights."

Simpsons-Sears Ltd. v. Provincial Secretary of N.B., [1978] 2 S.C.R. 869, heard before Laskin C.J., Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Constitutional" and "Other Public Law" because of multiple subject matters, *i.e.*, "Constitutional" and "Taxation."

A.G. Can. v. City of Montreal, [1978] 2 S.C.R. 770, heard before Laskin C.J., Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Constitutional" and "Other Public Law" because of multiple subject matters, *i.e.*, "Constitutional" and "Civil Rights."

TABLE VI
ACTION OF THE JUSTICES¹

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"); third, the number of cases in which a justice did not write a judgment and concurred with the judgment of another justice (whether "Majority" or "Dissent"); and, fourth, the number of times a justice concurred with the judgment of a particular justice. For example, Laskin C.J.C. sat on 121 cases, wrote 48 majority and 15 dissenting judgments, and concurred with the majority judgment of another justice in 54 cases and with the dissenting judgment of another justice in four cases without writing a judgment of his own. Further, he concurred in the majority judgments of Martland J. six times; Judson J., twice, etc.; and concurred in the dissenting of Dickson J. four times.

	Number of Cases	Judgments	Concurrences	Concurrences with Another Justice																
				Laskin	Martland	Judson	Ritchie	Spence	Pigeon	Dickson	Beetz	de Grandpré	Estey	Pratte						
Laskin	121																			
Majority		48 ³	54	-	6	2	2	12	6	17	2	4	2	1						
Dissent		15 ²	4	-	0	0	0	0	0	4	0	0	0	0						
Martland	129																			
Majority		18	98 ^{4,5}	32 ⁴	-	0	9	10 ⁴	12 ³	17 ⁵	7	9	2	3						
Dissent		2 ⁶	11	5 ²	-	0	0	1	1	0	0	4	0	0						
Judson	75																			
Majority		4	60 ^{4,5}	16 ⁴	6	-	6	7 ⁴	7 ⁵	12 ⁵	3	5	0	0						
Dissent		0	11 ⁶	6	1 ⁶	-	0	0	0	0	0	4	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 vote or composition of majority or minority varies among the appeals, motions or references.

Where a justice in our opinion indicates approval of another judgment without officially adopting it as his own, no concurrence is entered. Where one judgment is delivered as the opinion of the court, all other justices sitting on the case are entered as concurring with the author of the opinion.

² The judgment of Laskin C.J. (Martland, Dickson and de Grandpré JJ. concurring) in *Robinson v. Countrywide Factors*, [1978] 1 S.C.R. 753, has been considered to be a dissenting judgment for the purposes of this table: see Table IV—Majority/Dissent Ratio, note 8.

³ In *Atkinson v. The Queen*, [1978] 1 S.C.R. 1018, Laskin C.J. gave the judgment of the court (Martland, Ritchie, Spence, Pigeon, Dickson, Beetz, Estey and Pratte JJ.) and dissented along with Pigeon, Beetz and Pratte JJ. This case has been included under "Judgments"/"Majority" for Laskin C.J. and "Concurrences"/"Dissent" for Pigeon, Beetz and Pratte JJ. This case has not been included under "Concurrences with Another Justice" for any of the dissenting justices.

⁴ In *Her Majesty in Right of Alberta v. C.T.C.*, [1978] 1 S.C.R. 61, Martland, Judson, Ritchie, Dickson and Beetz, JJ. concurred in the majority judgments of both Laskin C.J. (Pigeon J. concurring) and Spence J. (de Grandpré concurring).

⁵ In *Dilorio v. Warden of the Montreal Jail*, [1978] 1 S.C.R. 152, Martland, Judson and Ritchie JJ. concurred with the majority judgments of both Pigeon J. and Dickson J. (Spence J. concurring).

⁶ The judgment of Martland J. (Judson, Beetz and de Grandpré JJ. concurring) in *Rathwell v. Rathwell*, [1978] 2 S.C.R. 436, has been considered to be a dissenting judgment for the purposes of this table: see Table IV—Majority/Dissent Ratio, note 9.

⁷ In *Nfld. Ass'n. of Public Employees v. A.G. Nfld.*, [1978] 1 S.C.R. 524, Ritchie J. concurred with the majority judgments of both Laskin C.J. and Spence J. (Martland, Judson, Pigeon, Dickson, Beetz and de Grandpré JJ. concurring).

⁸ The judgment of Pigeon J. (Beetz and Pratte JJ. concurring) in *R. v. Zelensky*, [1978] 2 S.C.R. 940, has been considered to be a dissenting judgment for the purposes of this table: see Table IV—Majority/Dissent Ratio, note 5.

⁹ In *A.G. Que. v. Farrah*, [1978] 2 S.C.R. 638, Pigeon J. concurred with the majority judgment of Pratte J. (Martland, Ritchie and Beetz JJ. concurring) and wrote separate reasons for judgment (Ritchie and Beetz JJ. concurring). This case has been included under both "Concurrences" and "Judgments" for Pigeon J. and Ritchie J. and Beetz J. have been included under concurrences with both Pratte J. and Pigeon J.

¹⁰ In *Batchelor v. The Queen*, [1978] 2 S.C.R. 988, Dickson J. concurred in the majority judgments of both Laskin C.J. and Ritchie J.

¹¹ The judgment of de Grandpré J. in *Arnold v. Teno*, [1978] 2 S.C.R. 287, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 18.