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## [1976] S. C. R. Statistical Analysis

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[1976] S. C. R. Statistical Analysis

# STATISTICAL ANALYSIS OF [1976] S.C.R.\*

## TABLES

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- II. Breakdown by Source
- III. Subject Matter of Litigation
- IV. Majority/Dissent Ratio
- V. Action of Individual Justices
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\* Statistics compiled by R. Mecredy-Williams and Eric Moore, students at Osgoode Hall Law School of York University. All Tables, other than Table I, deal with reported cases only.

TABLE I  
VOLUME OF WORK

			TOTAL
Reported Judgments <sup>1</sup>			
Private	Public		
59 <sup>2</sup>	48 <sup>2</sup>		105 <sup>2</sup>
Reported Motions <sup>3</sup>			
Allowed	Dismissed	Other	
2	0	0	2
Unreported Judgments <sup>4</sup>			
Allowed	Dismissed	Other	
6	48	40 <sup>5</sup>	94
Unreported Motions <sup>6</sup>			
Allowed	Dismissed	Other	
111	222	9 <sup>7</sup>	342

<sup>1</sup> References are included in this category; motions are not. Where one decision covers two or more references or appeals (including appeals and cross-appeals) it is treated as one case. If a case is classified under both "Public" and "Private", it is entered under each of those headings, but only once under "Total". Procedural cases are classified according to their underlying subject matters.

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them.

<sup>2</sup> *Myran v. The Queen*, [1976] 2 S.C.R. 137, has been included under both "Private" ("Trespass") and "Public" ("Native Rights"), but only once under "Total". *Natural Parents v. Superintendent of Child Welfare*, [1976] 2 S.C.R. 751, has been included under both "Private" ("Adoption") and "Public" ("Native Rights"), but only once under "Total".

<sup>3</sup> Where one decision covers two or more motions, one entry has been made except where the results of the motions are not the same, in which case they are entered under "Allowed", "Dismissed", and/or "Other", as appropriate, but only once under "Total".

<sup>4</sup> The rules for multiple entries with respect to unreported judgments are as in note 3.

<sup>5</sup> These decisions were reserved for judgment.

<sup>6</sup> All data under this heading are derived from the [1976] *Bulletin of Proceedings in the Supreme Court of Canada*; the entries in the [1976] S.C.R. are incomplete. It should be noted that motions entered under this heading may be reported in subsequent volumes of the S.C.R.

<sup>7</sup> These motions were reserved for judgment. One unreported motion (not included in this table) was withdrawn.

**TABLE II**  
**BREAKDOWN BY SOURCE<sup>1</sup>**

	<u>PRIVATE</u>			<u>PUBLIC</u>			<u>Total from Source</u>
	Affirmed	Reversed	Other	Affirmed	Reversed	Other	
Newfoundland	0	0	0	1	0	0	1
Nova Scotia	3	0	0	1	0	0	4
Prince Edward Island	1	0	0	1	0	0	2
New Brunswick	0	2	0	0	1	0	3
Quebec	6 <sup>2</sup>	6 <sup>2</sup>	0	3	5	0	19
Ontario	9 <sup>3</sup>	8 <sup>3</sup>	3 <sup>4</sup>	5	2	0	25
Manitoba	1 <sup>5</sup>	5	0	4 <sup>5</sup>	3	0	12
Saskatchewan	2	2	0	0	1	0	5
Alberta	1	4	0	1	4	0	10
British Columbia	3 <sup>6</sup>	2	0	3 <sup>6</sup>	3	0	10
Yukon	0	0	0	0	0	0	0
North West Territories	0	0	0	0	0	0	0
Court Martial							
Appeals Court	0	0	0	0	0	0	0
Federal Boards	0	0	0	0	0	0	0
Federal Court	2	2	0	6	3	0	13
<b>TOTAL</b>	<b>28</b>	<b>31</b>	<b>3</b>	<b>25</b>	<b>22</b>	<b>0</b>	<b>104</b>

<sup>1</sup> 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 matter. Decisions involving multiple appeals (including appeals and cross-appeals) may be classified under two or more of "Affirmed", "Reversed", or "Other", as appropriate, when the lower court has been both affirmed and reversed. A decision is included only once under "Total from Source", unless it involves multiple appeals having different origins. Procedural decisions are classified according to their underlying subject matters.

The source "Exchequer Court" has been omitted: This court was continued in existence and renamed the "Federal Court of Canada" by the *Federal Court Act*, R.S.C. 1970 (2d Supp.), c. 10.

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them.

There were three "Original Jurisdiction" cases reported: one was a reference; two were motions.

<sup>2</sup> *Trans-Canada Shoe Ltd. v. Travelers Indemnity Co.*, [1976] 2 S.C.R. 46, has been considered as two cases for the purposes of this table: One appeal as against the respondent was allowed, while another appeal as against the respondent was dismissed.

<sup>3</sup> *O'Rourke v. Schacht*, [1976] 1 S.C.R. 53, has been considered as three cases for the purposes of this table: One appeal as against the respondent, concerning the subject matter of "Negligence", was allowed, while two other appeals as against the respondent, one concerning the subject matter of "Negligence" and the other "Vicarious Liability", were dismissed.

<sup>4</sup> In *Agnew-Surpass Shoe Stores Ltd. v. Cummer-Yonge Investments Ltd.*, [1976] 2 S.C.R. 221, the appeal from the lower court's imposition of liability upon appellant for both fire damage to premises occupied by appellant (the fire having occurred through appellant's negligence) and loss of rental income, was allowed only in part on the basis that an exculpatory clause in the lease of the premises excused appellant from

liability for fire damage, however occurring. In *Pajelle Investments Ltd. v. Herbold*, [1976] 2 S.C.R. 520, the court held that while a judge has power under section 96(3)(c) of *The Landlord and Tenant Act*, R.S.O. 1970, c. 236, to order an abatement of rent, since the matter had been considered by neither party before the end of the original hearing, the matter should be referred back to the trial court so that the proper abatement of rent could be determined after a reference. In *The Queen in Right of the Province of Ontario v. Côté*, [1976] 1 S.C.R. 595, the appeal of the Minister of Highways was allowed only to the extent of varying the liability as between the defendants Côté and the Minister.

<sup>5</sup> *Myran v. The Queen*, [1976] 2 S.C.R. 137, has been included under both "Private" ("Trespass") and "Public" ("Native Rights").

<sup>6</sup> *Natural Parents v. Superintendent of Child Welfare*, [1976] 2 S.C.R. 751, has been included under both "Private" ("Adoption") and "Public" ("Native Rights").

### TABLE III

#### SUBJECT MATTER OF LITIGATION<sup>1</sup>

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 were two cases dealing principally with "Agency". In both of these cases, all of the five justices sitting were in the majority. One case was affirmed; the other was reversed.

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
ORIGINAL JURISDICTION					
References <sup>2</sup>	2 <sup>3</sup>	1;9/0	—	—	—
		1;7/2	—	—	—
Reported Motions .	2	1;3/2	—	—	—
		1;3/0	—	—	—
APPELLATE					
(a) PRIVATE					
(i) <i>Administration and Succession</i>					
Dependents' Relief	1 <sup>4</sup>	1;5/0		1 <sup>4</sup>	
Devolution					
Executors and Administrators	1 <sup>4</sup>	1;5/0		1 <sup>4</sup>	
Wills	1	1;5/0	1		
(ii) <i>Commercial</i>					
Accounts	1	1;5/0		1	
Agency	2	2;5/0	1	1	
Assignments					
Bankruptcy	2	1;9/0		1	
		1;4/1	1		

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Banks and Banking					
Bills and Notes					
Companies					
Contract	8 <sup>5</sup>	1;7/2	1		
		5;5/0	3	2 <sup>5</sup>	
		2;3/2	1	1	
Debtor and Creditor	1	1;5/0	1		
Insurance	5 <sup>6</sup>	1;6/3		1	
		1;5/4	1		
		1;7/0	1		
		1;5/0	1		
		1;3/2		1 <sup>6</sup>	
Interest					
Partnership					
Sale of Goods					
Subrogation	1	1;5/0	1		
(iii) <i>Domestic Relations</i>					
Adoption	1 <sup>7</sup>	1;9/0	1 <sup>7</sup>		
Annulment					
Breach of Promise					
Child Welfare and Custody	2	1;5/0	1		
		1;3/2		1	
Divorce					
Judicial Separation					
Support					
(iv) <i>Intellectual Property</i>					
Copyrights					
Industrial Designs					
Patents	2	1;9/0 <sup>11</sup>		1	
		1;5/4	1		
Trademarks	1	1;9/0	1		
(v) <i>Land</i>					
Landlord and Tenant	3 <sup>6</sup>	1;9/0			1 <sup>8</sup>
		1;7/2 <sup>9</sup>			1 <sup>9</sup>
		1;3/2		1 <sup>6</sup>	
Mechanics' Liens	2	2;5/0		2	
Mortgages					
Real Property	2	2;5/0		2	
(vi) <i>Natural Resources</i>					
(vii) <i>Torts</i>					
Assault and Battery					
Bailment					

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Conspiracy and Intimidation					
False Imprisonment					
Fault	3 <sup>10</sup>	1;5/0 2;3/2	1 <sup>10</sup>	1 1 <sup>10</sup>	
Libel and Slander					
Negligence	13 <sup>12, 13</sup>	1;9/0 <sup>11</sup> 3;6/3 1;7/1 8;5/0	1 <sup>12</sup> 1 2	2 <sup>12</sup>  6 <sup>13</sup>	1 <sup>11</sup>
Nuisance					
Occupier's Liability					
Trespass	2 <sup>14</sup>	1;9/0 1;6/3	1 <sup>14</sup>	1	
Vicarious Liability	1 <sup>12</sup>	1;6/3	1 <sup>12</sup>		
(viii) <i>Other</i>					
Admiralty	1 <sup>13</sup>	1;5/0		1 <sup>13</sup>	
Animals					
Associations					
Charities					
Choses in Action					
Conflicts					
Damages	4 <sup>5</sup>	3;5/0 1;3/2	1	2 <sup>5</sup> 1	
Privileges					
Restitution	1	1;9/0	1		
Shipping					
Trusts	1	1;5/0	1		
(b) PUBLIC					
Administrative Boards	6 <sup>15</sup>	4;9/0 1;5/3 1;7/0	1	4 <sup>15</sup> 1	
Certiorari	1 <sup>15</sup>	1;9/0		1 <sup>15</sup>	
Civil Rights	1 <sup>16</sup>	1;5/2		1 <sup>16</sup>	
Constitutional	4 <sup>16</sup>	2;9/0 1;5/2 1;4/3	2	1 <sup>16</sup> 1	
Criminal	10 <sup>17, 18</sup>	1;9/0 2;7/2 2;6/3 2;5/4 1;8/0 1;6/2 1;5/3	1  2   1 <sup>18</sup>	2   2 <sup>17</sup> 1 1	



	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Crown and Sovereign Immunity					
Elections					
Expropriation	1	1;5/0		1	
Habeus Corpus					
Interpretation of Statute	3 <sup>17,18</sup>	1;5/4		1 <sup>17</sup>	
		1;6/2	1 <sup>18</sup>		
		1;5/0		1	
Immigration	1	1;9/0	1		
Labour	4	1;5/4	1		
		1;7/0		1	
		1;4/3	1		
		1;5/0		1	
Mandamus					
Municipal Law	2	1;9/0 <sup>19</sup>		1	
		1;3/2		1	
Native Rights	2 <sup>7,14</sup>	2;9/0	2 <sup>7,14</sup>		
Prohibition					
Public Utilities					
Taxation	7	1;5/4	1		
		5;5/0	4	1	
		1;3/2	1		
(c) PROCEDURAL <sup>20</sup>					
Appeal	2	1;9/0	1		
		1;7/0		1	
Costs					
Declaratory Action					
Evidence	4	1;9/0	1		
		1;7/2	1		
		1;8/0	1		
		1;5/3	1		
Injunctions					
Jurisdiction	1	1;5/4	1		
Limitation Period	1	1;5/0	1		
Procedure	3	1;9/0		1	
		1;8/0		1	
		1;5/0	1		
Res Judicata	1	1;5/4		1	
Standing	1	1;9/0	1		

<sup>1</sup> Multiple entries have been made where a case contained more than one subject matter of importance. A decision involving one or more references, appeals (including appeals and cross-appeals) or motions, is considered as 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 references, appeals or motions.

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them.

Four new subject matter headings have been introduced this year: "Dependents' Relief" under "Administration and Succession"; "Restitution" under "Other" private law and; "Res Judicata" and "Standing" under "Procedural".

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

<sup>3</sup> *Re: Anti-Inflation Act*, [1976] 2 S.C.R. 373, has been considered as two cases for the purposes of this table. With respect to the first question submitted to the Court, namely, "Is the *Anti-Inflation Act*, S.C. 1974-75-76, c. 75, *ultra vires* the Parliament of Canada either in whole or in part?", Beetz J. (de Grandpré J. concurring) dissented from the majority judgments of Laskin C.J.C. (Judson, Spence and Dickson JJ. concurring) and Ritchie J. (Martland and Pigeon JJ. concurring) which held the Act to be *intra vires* in its entirety. With respect to the second question, namely, "If the *Anti-Inflation Act* is *intra vires* the Parliament of Canada, is the Agreement entitled "Between the Government of Canada and the Government of the Province of Ontario" effective under the *Anti-Inflation Act* to render that Act binding on, and the Anti-Inflation Guidelines made thereunder applicable to, the provincial public sector in Ontario as defined in the Agreement?", Laskin C.J.C. (Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. concurring) held that the Agreement was not effective.

<sup>4</sup> *Gilles v. Althouse*, [1976] 1 S.C.R. 353, has been included under both "Dependents' Relief" and "Executors and Administrators" for the purposes of this table.

<sup>5</sup> *Penvidic Contracting Co. v. International Nickel Co.*, [1976] 1 S.C.R. 267, has been included under both "Contract" and "Damages" for the purposes of this table.

<sup>6</sup> *Ross Southward Tire Ltd. v. Langevin*, [1976] 2 S.C.R. 35, has been included under both "Insurance" and "Landlord and Tenant" for the purposes of this table.

<sup>7</sup> *Natural Parents v. Superintendent of Child Welfare*, [1976] 2 S.C.R. 751, has been included under both "Adoption" and "Native Rights".

<sup>8</sup> In *Pajelle Investments Ltd. v. Herbold*, [1976] 2 S.C.R. 520, the court held that while a judge has power under section 96(3)(c) of *The Landlord and Tenant Act*, R.S.O. 1970, c. 236, to order an abatement of rent, since the matter had been considered by neither party before the end of the original hearing, the matter should be referred back to the trial court so that the proper abatement of rent could be determined after a reference.

<sup>9</sup> *Agnew-Surpass Shoe Stores Ltd. v. Cummer-Yonge Investments Ltd.*, [1976] 2 S.C.R. 221, Laskin C.J.C. (Judson and Spence JJ. concurring) dissented in part from the majority judgment of Pigeon J. (Ritchie, Dickson and Beetz JJ. concurring); de Grandpré J. (Martland J. concurring) dissented. The appeal from the lower court's imposition of liability upon appellant for both fire damage to premises occupied by appellant (the fire having occurred through appellant's negligence) and loss of rental income, was allowed only in part on the basis that an exculpatory clause in the lease of the premises excused appellant from liability for fire damage, however occurring.

<sup>10</sup> *Trans-Canada Shoe Ltd. v. Travelers Indemnity Co.*, [1976] 2 S.C.R. 46, has been considered as two cases for the purposes of this table: See Table II—Breakdown by Source, note 2.

<sup>11</sup> In *The Queen in Right of the Province of Ontario v. Côté*, [1976] 1 S.C.R. 595, Pigeon J. (Beetz J. concurring) and de Grandpré J. (Martland, Judson and Ritchie JJ. concurring) dissented in part from the majority judgment of Dickson J. (Laskin C.J.C. and Spence J. concurring). The appeal of the Minister of Highways was allowed only to the extent of varying the liability as between the defendants Côté and the Minister.

<sup>12</sup> *O'Rourke v. Schacht*, [1976] 1 S.C.R. 53, has been considered as two cases under "Negligence" and one under "Vicarious Liability": See Table II—Breakdown by Source, note 3.

<sup>13</sup> *Stein v. The Ship "Kathy K"*, [1976] 2 S.C.R. 802, has been included under both "Negligence" and "Admiralty" for the purposes of this table.

<sup>14</sup> *Myran v. The Queen*, [1976] 2 S.C.R. 137, has been included under both "Trespass" and "Native Rights" for the purposes of this table.

<sup>15</sup> *P.P.G. Industries Ltd. v. A.G. Can.*, [1976] 2 S.C.R. 737, has been included under both "Administrative Boards" and "Certiorari" for the purposes of this table.

<sup>16</sup> *A.G. Can. v. Canard*, [1976] 1 S.C.R. 170, has been included under both "Civil Rights" and "Constitutional" law for the purposes of this table.

<sup>17</sup> *Marcotte v. Dep. A.G. Can.*, [1976] 1 S.C.R. 108, has been included under both "Criminal" and "Interpretation of Statute" for the purposes of this table.

<sup>18</sup> *R. v. Popovic*, [1976] 2 S.C.R. 308, has been included under both "Criminal" and "Interpretation of Statute" for the purposes of this table.

<sup>19</sup> In *Cholod v. Baker*, [1976] 2 S.C.R. 484, Pigeon J. (Beetz J. concurring) dissented in part from the majority judgment of Ritchie J. (Laskin C.J.C. and Martland, Judson, Spence, Dickson, and de Grandpré JJ. concurring).

<sup>20</sup> The underlying subject matters of the procedural decisions were as follows: of the nine decisions in which the lower court was affirmed, six concerned "Criminal Law", and one each dealt with "Contract", "Mechanics' Liens" and "Constitutional" law, while of the four decisions in which the lower court was reversed, one each dealt with "Child Welfare and Custody", "Nuisance", "Criminal" and "Labour" law.

### TABLE IV

#### MAJORITY/DISSENT RATIO<sup>1</sup>

Total Number of Cases Reported .....				108 <sup>2</sup>			
Unanimous Decisions .....				69 <sup>2</sup>			
Split Decisions .....				39 <sup>2</sup>			
9/0.....	22 <sup>2,3</sup>	7/0 .....	4	5/0 .....	40	3/0 .....	1
8/1.....	0	6/1.....	0	4/1.....	1		
7/2.....	6 <sup>2,4</sup>	5/2 .....	1	3/2.....	9		
6/3.....	6	4/3.....	2				
5/4 .....	8						
		8/0 <sup>5</sup> .....	3				
		7/1 <sup>5</sup> .....	1				
		6/2 <sup>5</sup> .....	1				
		5/3 <sup>5</sup> .....	3				

<sup>1</sup> Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more references, appeals (including appeals and cross-appeals) or motions is treated as one case for the purposes of this table unless the vote or composition of majority or minority varies among the references, appeals or motions.

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them.

<sup>2</sup> *Re: Anti-Inflation Act*, [1976] 2 S.C.R. 373, has been considered as two cases for the purposes of this table: See Table III—Subject Matter of Litigation, note 3.

<sup>3</sup> In *The Queen in Right of the Province of Ontario v. Côté*, [1976] 1 S.C.R. 595, Pigeon J. (Beetz J. concurring) and de Grandpré J. (Martland, Judson and Ritchie JJ. concurring) dissented in part from the majority judgment of Dickson J. (Laskin C.J.C. and Spence J. concurring). In *Cholod v. Baker*, [1976] 2 S.C.R. 484, Pigeon J. (Beetz J. concurring) dissented in part from the majority judgment of Ritchie J. (Laskin C.J.C. and Martland, Judson, Spence, Dickson and de Grandpré JJ. concurring).

<sup>4</sup> In *Agnew-Surpass Shoe Stores Ltd. v. Cummer-Yonge Investments Ltd.*, [1976] 2 S.C.R. 221, Laskin C.J.C. (Judson and Spence JJ. concurring) dissented in part from the majority judgment of Pigeon J. (Ritchie, Dickson and Beetz JJ. concurring); de Grandpré J. (Martland J. concurring) dissented.

<sup>5</sup> Traditionally, the court has sat as an uneven number of justices. The cases, this year, in which it sat as a body of eight justices were: *R. v. Armstrong*, [1976] 1 S.C.R. 783; *R. v. Bradshaw*, [1976] 1 S.C.R. 162; *Vaillancourt v. The Queen*, [1976] 1 S.C.R. 13; *Hodgins v. Hydro-Electric Commission of the Township of Nepean*, [1976] 2 S.C.R. 501; *R. v. Popovic*, [1976] 2 S.C.R. 308; *Howarth v. National Parole Board*, [1976] 1 S.C.R. 453; *Rilling v. The Queen*, [1976] 2 S.C.R. 183; and *R. v. Biron*, [1976] 2 S.C.R. 56.

TABLE V

ACTION OF INDIVIDUAL JUSTICES<sup>1</sup>

	MAJORITY		DISSENT		TOTAL
	Judgment	Concurrence	Judgment	Concurrence	
Fauteux	0	1	0	0	1
Abbott	1	0	0	0	1
Laskin	23 <sup>2</sup>	37	13	6	79
Martland	18	61 <sup>3</sup>	4	2	85
Judson	4	76 <sup>2,3</sup>	2	5	87
Ritchie	18	51 <sup>3</sup>	1	7	77
Spence	14	51 <sup>2</sup>	6	15	86
Pigeon	17 <sup>3,4</sup>	52	5	4	78
Dickson	17	57	2	6	82
Beetz	6	63 <sup>3,4</sup>	1 <sup>5</sup>	9	79
de Grandpré	17 <sup>3</sup>	50	6	7 <sup>5</sup>	80

The composition of the Court has varied as follows:

Left: Fauteux	22 Dec. 1973	Joined: Dickson	26 Mar. 1973
Abbott	22 Dec. 1973	Beetz	1 Jan. 1974
		de Grandpré	1 Jan. 1974

Laskin appointed C.J.C. 27 Dec. 1973

<sup>1</sup> Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more references, appeals (including appeals and cross-appeals) or motions is considered as one case for the purposes of this table unless it has been re-heard by the court and both hearing and re-hearing are reported together under a single style of cause.

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them.

A justice is entered only once for each case on which he sat (subject to the previously noted exception). If he wrote an opinion, he is entered under "Judgment" (whether "Majority" or "Dissent") only, even if he also concurred with one or more justices. The other justices sitting on the case will each be entered once under "Concurrence" (whether "Majority" or "Dissent"). Thus the "Total" column gives the number of reported cases in which each justice was involved (subject to the previously noted exception).

<sup>2</sup> In *Agnew-Surpass Shoe Stores Ltd. v. Cummer-Yonge Investments Ltd.*, [1976] 2 S.C.R. 221, Laskin C.J.C. (Judson and Spence JJ. concurring) dissented in part from the majority judgment of Pigeon J. (Ritchie, Dickson and Beetz JJ. concurring); de Grandpré J. (Martland J. concurring) dissented.

<sup>3</sup> In *The Queen in Right of the Province of Ontario v. Côté*, [1976] 1 S.C.R. 595, Pigeon J. (Beetz J. concurring) and de Grandpré J. (Martland, Judson and Ritchie JJ. concurring) dissented in part from the majority judgment of Dickson J. (Laskin C.J.C. and Spence J. concurring).

<sup>4</sup> In *Cholod v. Baker*, [1976] 2 S.C.R. 484, Pigeon J. (Beetz J. concurring) dissented in part from the majority judgment of Ritchie J. (Laskin C.J.C. and Martland, Judson, Spence, Dickson and de Grandpré JJ. concurring).

<sup>5</sup> The judgment of Beetz J. (de Grandpré J. concurring) in *Re: Anti-Inflation Act*, [1976] 2 S.C.R. 373, has been considered to be a dissenting judgment for the purposes of this table: See Table III—Subject Matter of Litigation, note 3.

TABLE VI

TYPE OF WORK<sup>1</sup>

	Common Law <sup>2</sup>	Civil Law <sup>2</sup>	Constitutional	Criminal	Other Public Law	Reported Motions
Fauteux	0	1	0	0	0	0
Abbott	0	1	0	0	0	0
Laskin	34	1	6	16	25	2
Martland	40	5	6	17	21	1
Judson	40	4	6	16	24	2
Ritchie	34	9	6	13	18	1
Spence	46	1	6	16	21	1
Pigeon	29	11	6	15	22	0
Dickson	37	5	4	17	22	1
Beetz	30	9	6	16	23	0
de Grandpré	31	8	4	17	24	0

<sup>1</sup> Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more references, appeals (including appeals and cross-appeals) or motions is considered as one case for the purposes of this table unless it has been re-heard by the court and both hearing and re-hearing are reported together under a single style of cause. Procedural decisions are classified according to their underlying subject matters. Cases dealing with multiple subject matters may be classified under one or more of "Common Law", "Civil Law", "Criminal", "Constitutional", or "Other Public Law".

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them.

*Myran v. The Queen*, [1976] 2 S.C.R. 137, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Common Law" and "Other Public Law" because of multiple subject matter, i.e., "Trespass" and "Native Rights".

*Natural Parents v. Superintendent of Child Welfare*, [1976] 2 S.C.R. 751, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Common Law" and "Other Public Law" because of multiple subject matter, i.e., "Adoption" and "Native Rights".

*A.G. Can. v. Canard*, [1976] 1 S.C.R. 170, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon and Beetz JJ., has been included under both "Constitutional" and "Other Public Law" because of multiple subject matter, i.e., "Constitutional" and "Civil Rights".

*Marcotte v. Dep. A.G. Can.*, [1976] 1 S.C.R. 108, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., and *R. v. Popovic*, [1976] 2 S.C.R. 308, heard before Laskin C.J.C. and Martland, Judson, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., have each been included under both "Criminal Law" and "Other Public Law" because of multiple subject matter, i.e., "Criminal Law" and "Interpretation of Statute".

<sup>2</sup> "Common Law" includes equity. Private law cases are classified as "Common Law" or "Civil Law" depending upon their province of origin.

TABLE VII

ACTION OF THE JUSTICES<sup>1</sup>

This table indicates, first, the number of judgments (either majority or dissenting) written by a particular justice; and, second, the number of times a particular justice (named at left of table) concurred with the judgment of another justice (named above table). For example, Laskin C.J.C. wrote 24 majority and 13 dissenting judgments. Further, he concurred in the majority judgments of Martland J. seven times; Judson J., twice, etc.; and concurred in the dissenting judgments of Spence J. three times; Pigeon J. twice, etc.

	Judgments	Concurrences										
		Fauteux	Abbott	Laskin	Martland	Judson	Ritchie	Spence	Pigeon	Dickson	Beetz	de Grandpré
Fauteux												
Majority	0	—	1	0	0	0	0	0	0	0	0	0
Dissent	0	—	0	0	0	0	0	0	0	0	0	0
Abbott												
Majority	1	0	—	0	0	0	0	0	0	0	0	0
Dissent	0	0	—	0	0	0	0	0	0	0	0	0
Laskin												
Majority	24 <sup>2,3</sup>	0	0	—	7	2	3	10 <sup>3</sup>	4	7	1	4
Dissent	13	0	0	—	0	0	0	3	2	1	0	0
Martland												
Majority	18 <sup>4</sup>	0	0	11	—	2	13 <sup>4</sup>	9	12 <sup>4,5</sup>	10 <sup>5</sup>	1	7 <sup>6</sup>
Dissent	4	0	0	0	—	0	0	0	1	0	0	1
Judson												
Majority	4	0	0	17 <sup>2,3</sup>	13 <sup>4</sup>	—	12 <sup>4</sup>	11 <sup>3</sup>	8 <sup>4</sup>	9	1	9 <sup>6</sup>
Dissent	2	0	0	2	2	—	0	0	0	0	0	1
Ritchie												
Majority	18 <sup>4</sup>	0	1	8	9	2	—	7	8 <sup>4,5</sup>	8 <sup>5</sup>	3	8 <sup>6</sup>
Dissent	1	0	0	1	2	0	—	1	1	1	0	1
Spence												
Majority	14	0	0	16 <sup>2</sup>	7	2	8	—	4	12	2	1
Dissent	6	0	0	11	0	0	0	—	2	1	0	1
Pigeon												
Majority	17 <sup>6,7</sup>	0	0	7	10 <sup>8</sup>	1	5	8	—	10	4 <sup>8</sup>	9
Dissent	5	0	0	1	1	0	0	0	—	0	0	2
Dickson												
Majority	17	0	0	12	10	2	9	9	8	—	2	6
Dissent	2	0	0	3	1	0	0	1	0	—	0	1
Beetz												
Majority	6	0	0	11	7	3	3	7	14 <sup>5,6,7</sup>	11 <sup>5</sup>	—	9
Dissent	1	0	0	3	0	0	1 <sup>9</sup>	1	4 <sup>9</sup>	0	—	1
de Grandpré												
Majority	17 <sup>6,10,11</sup>	0	0	7	11 <sup>8,10</sup>	2	6	11 <sup>11</sup>	6 <sup>5</sup>	9 <sup>5</sup>	3 <sup>8</sup>	—
Dissent	6	0	0	0	1	2	1 <sup>9</sup>	1	2 <sup>9</sup>	0	1	—

<sup>1</sup> Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision is considered as one case for the purposes of this table unless it has been re-heard by the court and both hearing and re-hearing are reported together under a single style of cause, or it involves multiple references, appeals (including appeals and cross-appeals) or motions and the vote or composition of majority or minority varies among the references, appeals or motions.

*Prata v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 376, *Lowe v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 385, and *Sciara v. Minister of Manpower and Immigration*, [1976] 1 S.C.R. 386, have been considered as a single case for the purposes of this table: These appeals were heard at the same time and raised the same issues, and one judgment was delivered disposing of them. *Re: Anti-Inflation Act*, [1976] 2 S.C.R. 373, has been considered as two cases for the purposes of this table: See Table III—Subject Matter of Litigation, note 3.

Where a justice in an 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.

The totals in this Table are sometimes not in accord with those of Table V because of different rules of classification reflecting the different purposes of the tables. In Table V a particular justice was entered only once for any given case on which he sat, under "Judgment" if he wrote an opinion, if any, or under "Concurrence" otherwise.

<sup>2</sup> In *Agnew-Surpass Shoe Stores Ltd. v. Cummer-Yonge Investments Ltd.*, [1976] 2 S.C.R. 221, Laskin C.J.C. (Judson and Spence JJ. concurring) dissented in part from the majority judgment of Pigeon J. (Ritchie, Dickson and Beetz JJ. concurring); de Grandpré J. (Martland J. concurring) dissented.

<sup>3</sup> In *Hawrelak v. City of Edmonton*, [1976] 1 S.C.R. 387, Laskin C.J.C. adopted the reasons for judgment given by Spence J. and gave further reasons of his own; Judson J. concurred in the majority judgments of each of Laskin C.J.C. and Spence J.

<sup>4</sup> In *A.G. Can. v. Canard*, [1976] 1 S.C.R. 170, Martland J. (Judson J. concurring) adopted the reasons for judgment given by each of Ritchie and Pigeon JJ. as well as delivering reasons of his own; and Ritchie J. adopted the reasons for judgment given by Pigeon J. as well as delivering reasons of his own.

<sup>5</sup> In *Morgentaler v. The Queen*, [1976] 1 S.C.R. 616, Martland, Ritchie, Beetz and de Grandpré JJ. concurred in the majority judgments of each of Pigeon and Dickson JJ.

<sup>6</sup> In *The Queen in Right of the Province of Ontario v. Côté*, [1976] 1 S.C.R. 595, Pigeon J. (Beetz J. concurring) and de Grandpré J. (Martland, Judson and Ritchie JJ. concurring) dissented in part from the majority judgment of Dickson J. (Laskin C.J.C. and Spence J. concurring).

<sup>7</sup> In *Cholod v. Baker*, [1976] 2 S.C.R. 484, Pigeon J. (Beetz J. concurring) dissented in part from the majority judgment of Ritchie J. (Laskin C.J.C. and Martland, Judson, Spence, Dickson and de Grandpré JJ. concurring).

<sup>8</sup> In *Natural Parents v. Superintendent of Child Welfare*, [1976] 2 S.C.R. 751, Pigeon and de Grandpré JJ. concurred in the majority judgments of each of Martland and Beetz JJ.

<sup>9</sup> In *Canadian General Insurance Co. v. MacKinnon*, [1976] 2 S.C.R. 606, Beetz and de Grandpré JJ. concurred in the dissenting judgments of each of Ritchie and Pigeon JJ.

<sup>10</sup> In *R. v. Biron*, [1976] 2 S.C.R. 56, de Grandpré J. adopted the reasons for judgment given by Martland J. and gave further reasons of his own.

<sup>11</sup> In *Gehrmann v. Lavoie*, [1976] 2 S.C.R. 561, de Grandpré J. adopted the reasons for judgment given by Spence J., but expressed his disagreement with one of Spence J.'s conclusions.