

[1975] S. C. R. Statistical Analysis

John Bankes

Daniel Johnson

Eric Moore

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STATISTICAL ANALYSIS OF [1975] S.C.R.*

TABLES

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- VI. Action of the Justices

* Statistics compiled by John Bankes, Daniel Johnson and Eric Moore, students at Osgoode Hall Law School of York University. All Tables, other than Table II, deal with reported cases only.

TABLE I

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 were two cases dealing primarily with "Wills." One case, where all eight justices sitting on the case were in the majority, was reversed. The other case, where all five justices sitting on the case were in the majority, was affirmed.

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
ORIGINAL JURISDICTION					
References ²	1 ³	1;5/2	—	—	—
Reported Motions	4 ⁴	3;5/0	—	—	—
		1;3/2	—	—	—
APPELLATE					
(a) PRIVATE					
(i) Administration and Succession					
Devolution					
Executors and Administrators					
Wills	2	1;8/0		1	
		1;5/0	1		
(ii) Commercial					
Accounts					
Agency	1	1;5/0	1		
Assignments					
Bankruptcy					
Banks and Banking					
Bills and Notes	2	2;5/0	1	1	
Companies	2 ⁵	1;5/0	1 ⁶		
		1;3/2	1 ⁶		
Contract	10 ⁶	1;7/0		1	
		8;5/0	7 ⁶		1 ⁷
		1;4/1	1		
Debtor and Creditor					
Insurance	3	1;5/0	1		
		1;4/1	1		
		1;3/2	1		
Interest	2 ^{6,8}	1;5/0	1 ⁶		
		1;3/2	1 ⁸		

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Partnership					
Sale of Goods	1 ⁹	1;7/0	1 ⁹		
Subrogation	1	1;5/0		1	
<i>(iii) Domestic Relations</i>					
Adoption					
Annulment					
Breach of Promise					
Child Welfare					
Divorce	3	1;9/0 2;5/0	1	2	
Judicial Separation					
Support					
<i>(iv) Intellectual Property</i>					
Copyrights					
Industrial Design					
Patents					
Trademarks	1 ¹⁰	1;5/4			1 ¹⁰
<i>(v) Land</i>					
Landlord and Tenant					
Mechanics Liens	1	1;5/0	1		
Mortgages	3 ⁸	1;5/4 1;5/0 1;3/2		1 1	
Real Property	5	2;7/0 2;5/0 1;4/1	1 ⁸ 1 2 1	1	
<i>(vi) Natural Resources</i>					
<i>(vii) Torts</i>					
Assault and Battery					
Bailment					
Conspiracy and Intimidation					
False Imprisonment					
Fault	1	1;5/0		1	
Libel and Slander					
Negligence	18 ^{11,12,13}	4;9/0 2;5/4 6;5/0 3;4/1 3;3/2	2 ¹¹ 1 3 ^{12,13} 2	2 ¹¹ 1 3 ¹² 1 3	
Nuisance					

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Occupier's Liability	2	2;4/1		2	
Trespass	1	1;9/0	1		
Vicarious Liability	1	1;5/0		1	

(viii) *Other*

Admiralty					
Animals					
Associations					
Charities					
Choses in Action					
Conflicts					
Damages	7 ^{10,14}	1;9/0 1;5/4 5;5/0	1 3 ¹⁴	2 ¹⁴	1 ¹⁰
Privileges					
Shipping					
Trusts					

(b) PUBLIC

Administrative Boards	1	1;6/3		1	
Certiorari					
Civil Rights	2	1;7/2 1;6/3	1		1
Constitutional	4 ¹⁵	2;9/0 1;7/0 1;6/1	1 ¹⁵ 1	1 ¹⁵	
Criminal	20 ¹⁶	4;9/0 3;7/2 4;6/3 1;5/4 2;8/0 1;6/1 1;5/2 2;5/0 2;3/2	1 3 3 1 1 1 1 1 1	3 1 1 2 ¹⁶	
Crown and Sovereign Immunity					
Elections					
Expropriation	2	2;5/0	1	1	
Habeus Corpus					
Interpretation of Statute	4 ¹⁷	1;9/0 1;7/0 2;5/0	1 ¹⁷ 1		2
Immigration	1	1;5/4		1	

	No. of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Labour	9 ^{17,18}	2;9/0	1 ¹⁷	1	
		1;7/2	1		
		1;5/4	1		
		1;7/0		1	
		1;5/2	1 ¹⁸		
		3;5/0	2	1	
Mandamus	3	3;5/0	2	1	
Municipal Law	4 ¹³	4;5/0	3 ¹³	1	
Native Rights					
Prohibition					
Public Utilities	1	1;5/0		1	
Taxation	5	1;9/0	1		
		2;5/0	2		
		1;4/1	1		
		1;3/2	1		

(c) PROCEDURAL¹⁹

Appeal	1 ¹⁶	1;8/0		1 ¹⁸	
Costs					
Declaratory Action	1	1;6/3		1	
Evidence	1	1;5/0	1		
Injunctions	1 ⁹	1;7/0	1 ⁹		
Jurisdiction	3 ¹⁸	1;7/0		1	
		1;5/2	1 ¹⁸		
		1;5/0		1	
Limitations Period					
Procedure	3	1;9/0		1	
		2;5/0		2	

¹ Multiple entries have been made where a case contained more than one subject matter of importance. Where one decision was handed down to cover two or more references, appeals (including appeals and cross-appeals) or motions, it is treated as one case 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.

Two new subject matter headings have been introduced this year: "Fault" and "Trespass" under the "Tort" section of "Private."

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

³ *Ross v. Registrar of Motor Vehicles*, [1975] 1 S.C.R. 5; on removal from the Supreme Court of Ontario. The subject matter of this case was classified as "Criminal."

⁴ Two of these reported motions, *WCB v. Greer*, [1975] 1 S.C.R. 359, and *Stewart v. Routhier*, [1975] 1 S.C.R. 588, varied reported judgments.

⁵ *Edmonton Country Club Ltd. v. Case*, [1975] 1 S.C.R. 534, has been considered as two cases under "Companies" for the purposes of this table: While the court (Ritchie, Spence, Pigeon, Laskin and Dickson JJ.) was unanimous in dismissing the appeal, Laskin J. (Spence J. concurring) dissented from the majority's dismissal of the cross-appeal.

⁶ *Levy v. Manley*, [1975] 2 S.C.R. 70, has been included under both "Contract" and "Interest" for the purposes of this table.

⁷ In *Bilodeau v. Bergeron & Fils Ltée*, [1975] 2 S.C.R. 345, an appeal as against one respondent was dismissed, while an appeal as against the other respondent was allowed only to the extent of reinstating a reservation of liability as between the defendants.

⁸ *Ferland v. Sun Life Assurance Co. of Canada*, [1975] 1 S.C.R. 266, has been included under both "Interest" and "Mortgages" for the purposes of this table.

⁹ *Trudel v. Clairol Inc. of Canada*, [1975] 2 S.C.R. 236, has been included under both "Sale of Goods" and "Injunctions" for the purposes of this table.

¹⁰ *Chateau-Gai Wines Ltd. v. Institut National des Appellations d'Origine des Vins et Eaux-de-Vie*, [1975] 1 S.C.R. 190, has been included under both "Trademarks" and "Damages" for the purposes of this table: The lower court's decision was affirmed with respect to the question of liability, but was varied by way of reducing the quantum of damages.

¹¹ *MacMillan Bloedel (Alberni) Ltd. v. British Columbia Hydro and Power Authority*, [1975] 1 S.C.R. 263, has been considered as two cases under "Negligence" for the purposes of this table: The appeal and a cross-appeal by one respondent were allowed, while cross-appeals by the other respondents were dismissed. *Corothers v. Slobodian*, [1975] 2 S.C.R. 633, has been considered as two cases under "Negligence" for the purposes of this table: An appeal as against two of the respondents was allowed, while an appeal as against two other respondents was dismissed.

¹² *Lessard v. Pacquin*, [1975] 1 S.C.R. 665, has been considered as two cases under "Negligence" for the purposes of this table: An appeal as against two of the respondents was allowed, while an appeal as against two other respondents was dismissed.

¹³ *County of Parkland No. 31 v. Stetar*, [1975] 2 S.C.R. 884, has been included under both "Negligence" and "Municipal Law" for the purposes of this table.

¹⁴ *Pantel v. Air Canada*, [1975] 1 S.C.R. 472, has been considered as two cases under "Damages" for the purposes of this table: One appeal as against the respondent was allowed, while two other appeals as against the respondent were dismissed.

¹⁵ *Jones v. Attorney-General of New Brunswick*, [1975] 2 S.C.R. 182, has been considered as two cases under "Constitutional" for the purposes of this table: The appeal was dismissed, but a cross-appeal allowed.

¹⁶ *Alec v. The Queen*, [1975] 1 S.C.R. 720, has been included under both "Criminal" and "Appeal" for the purposes of this table.

¹⁷ *CLRB v. CNR*, [1975] 1 S.C.R. 786, has been included under both "Interpretation of Statute" and "Labour" for the purposes of this table.

¹⁸ *Association of Radio and Television Employees of Canada (CUPE-CLC) v. CBC*, [1975] 1 S.C.R. 118, has been included under both "Labour" and "Jurisdiction" for the purposes of this table.

¹⁹ The underlying substantive matters of the procedural decisions were as follows; of the three decisions in which the lower court was affirmed, one case concerned "Administration and Succession," one "Commercial" and one "Labour," while, of the seven decisions in which the lower court was reversed, three concerned "Torts," and one each dealt with "Commercial," "Other" private law, "Constitutional" and "Criminal."

TABLE II
VOLUME OF WORK

Reported Judgments ¹			TOTAL
Private	Public		
66 ²	55 ²		120 ²
Reported Motions ³			
Allowed	Dismissed	Other	
3	1	0	4
Unreported Judgments ⁴			
Allowed	Dismissed	Other	
0	53	0	53
Unreported Motions ⁵			
Allowed	Dismissed	Other	
79	207	1 ⁶	287

¹ 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 heads, but only once under "Total." Procedural cases are classified according to their underlying subject matters.

² *County of Parkland No. 31 v. Stetar*, [1975] 2 S.C.R. 884, has been included under both "Private" ("Negligence") and "Public" ("Municipal Law"), but only once under "Total."

³ 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."

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

⁵ All data under this heading are derived from the [1975] *Bulletin of Proceedings in the Supreme Court of Canada*; the entries in the [1975] 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.

⁶ This motion, *Lengley v. Administrator of the Provincial Hospital, Saint John*, [1975] *Bulletin of Proceedings in the Supreme Court of Canada* 359, was referred back to the trial judge for an adjudication.

TABLE III
BREAKDOWN BY SOURCE¹

	PRIVATE			PUBLIC			Total from Source
	Affirmed	Reversed	Other	Affirmed	Reversed	Other	
Newfoundland	1	0	0	0	0	0	1
Nova Scotia	2	4	0	2	1	0	9
Prince Edward Island	0	0	0	1	0	0	1
New Brunswick	1	3	0	1 ²	1 ²	0	6
Quebec	9 ³	5 ³	2 ⁴	4	4	0	24
Ontario	8	9	0	8	8	0	33
Manitoba	0	3	0	2	1	0	6
Saskatchewan	2 ⁵	2 ⁵	0	3	2	0	9
Alberta	8 ⁶	1	0	4 ⁶	2	0	14
British Columbia	5 ⁷	3 ⁷	0	3	4	0	15
Yukon	0	0	0	0	0	0	0
North West Territories	0	0	0	0	0	0	0
Federal Court	0	0	0	3	1	0	4
Exchequer Court	1	0	0	1	0	0	2
Federal Boards	0	0	0	0	0	0	0
TOTAL	37	30	2	32	24	0	124

¹ A decision involving multiple appeals (including appeals and cross-appeals) or motions is treated as one case for the purpose of this table unless the lower court is both affirmed and reversed or the appeals or motions have different origins. Cases which are classified under both "Private" and "Public" are entered under each heading but only once under "Total from Source." Procedural cases are classified according to their underlying subject matters.

There were five "Original Jurisdiction" cases reported; one was a reference, four were motions.

² *Jones v. Attorney-General of New Brunswick*, [1975] 2 S.C.R. 182, has been considered as two cases for the purposes of this table: The appeal was dismissed but the cross-appeal allowed.

³ *Pantel v. Air Canada*, [1975] 1 S.C.R. 472, has been considered as two cases for the purposes of this table: One appeal against the respondent was allowed while two other appeals against the respondent were dismissed. *Lessard v. Pacquin*, [1975] 2 S.C.R. 665, has been considered as two cases for the purposes of this table: An appeal against one of the respondents was allowed while an appeal against another respondent was dismissed.

⁴ In *Chateau-Gai Wines Ltd. v. Institut National des Appellations d'Origine des Vins et Eaux-de-Vie*, [1975] 1 S.C.R. 190, the lower court's decision was affirmed on the question of liability, but varied by way of reducing damages. In *Bilodeau v. Bergeron & Fils Ltée*, [1975] 2 S.C.R. 345, an appeal as against one respondent was dismissed, while an appeal as against another respondent was allowed only to the extent of reinstating a reservation of liability as between the defendants.

⁵ *Corothers v. Slobodian*, [1975] 2 S.C.R. 633, has been considered as two cases for the purposes of this table: An appeal as against two of the respondents was allowed, while an appeal as against two other respondents was dismissed.

⁶ *County of Parkland No. 31 v. Stetar*, [1975] 2 S.C.R. 884, has been included under both "Private" ("Negligence") and "Public" ("Municipal Law") but only once under "Total from Source."

⁷ *MacMillan Bloedel (Alberni) Ltd. v. British Columbia Hydro and Power Authority*, [1975] 1 S.C.R. 263, has been considered as two cases for the purposes of this table: The appeal and a cross-appeal by one respondent were allowed, while cross-appeals by the other respondents were dismissed.

TABLE IV
ACTION OF INDIVIDUAL JUSTICES¹

	MAJORITY		DISSENT		TOTAL
	JUDGMENT	CONCURRENCE	JUDGMENT	CONCURRENCE	
Fauteux	6	18	0	3	27
Abbott	5	25	0	4	34
Hall	0	0	0	1	1
Laskin	28 ²	46	16	4	94
Martland	17	58	3	4	82
Judson	9	75	2	9	95
Ritchie	21	60	4	6	91
Spence	15	63 ²	10	7	95
Pigeon	22	64	7	1	94
Dickson	14	68	4	4	90
Beetz	4	38	0	2	44
de Grandpré	11	29	4	1	45

¹ Both "Original Jurisdiction" and "Appellate" cases 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.

A justice is entered only once for each case in 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).

Doré v. Attorney-General of Canada, [1975] 1 S.C.R. 756, has been considered as two cases for the purposes of this table: The appeal was dismissed after a hearing in which Fauteux C.J.C. delivered the majority judgment (Abbott and Ritchie JJ. concurring), and Pigeon J. delivered a dissenting opinion (Martland J. concurring). After being re-heard, the lower court's decision was unanimously reversed in majority judgments given by Laskin C.J.C. (Martland, Judson, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. concurring) and Ritchie J.

² The judgment of Laskin J., (Spence J. concurring) in *Edmonton Country Club Ltd. v. Case*, [1975] 1 S.C.R. 534, has, for the purposes of this table, been considered as a majority judgment: See Table I — Subject Matter of Litigation, note 5.

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
Hall	28 Feb. 1973	de Grandpré	1 Jan. 1974

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

TYPE OF WORK¹

	<u>Common Law²</u>	<u>Civil Law²</u>	<u>Criminal</u>	<u>Constitutional</u>	<u>Other Public Law</u>	<u>Reported Motions</u>
Fauteux	4	6	8	2	6	1
Abbott	5	7	9	2	10	1
Hall	0	0	1	0	0	0
Laskin	40	8	18	3	23	3
Martland	31	7	18	4	21	2
Judson	37	8	20	4	24	2
Ritchie	40	10	15	4	19	3
Spence	44	6	18	4	20	3
Pigeon	31	14	20	4	23	2
Dickson	36	6	16	3	27	3
Beetz	17	6	9	1	12	0
de Grandpré	18	6	9	1	12	0

¹ 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. Procedural decisions are classified according to their underlying subject matter. Cases dealing with multiple subject matter may be classified under one or more of "Common Law," "Civil Law," "Criminal," "Constitutional," or "Other Public Law."

Dore v. Attorney-General of Canada, [1975] 1 S.C.R. 756, has been considered as two cases for the purposes of this table: See Table IV — Action of Individual Justices, note 1.

County of Parkland No. 31 v. Stetar, [1975] 2 S.C.R. 884, heard before Martland, Laskin, Dickson, Beetz and de Grandpré JJ., has been included under both "Common Law" and "Other Public Law" because of multiple subject matter, i.e. "Negligence" and "Municipal Law."

² "Common Law" includes equity. Private law cases based upon federal or provincial statutes are classified as common or civil law depending upon their province of origin.

TABLE V

MAJORITY/DISSENT RATIO¹

Total Number of Cases Reported	125 ²
Unanimous Decisions	82 ²
Split Decisions	43 ²
9/0	14
8/1	0
7/2	5
6/3	7
5/4	7
7/0	8
6/1	2
5/2	3
4/3	0
5/0	57 ²
4/1	9
3/2	10 ²
3/0	0
2/1	0
8/0	3 ³

¹ A decision involving multiple references, appeals (including appeals and cross-appeals) or motions is treated as one case for the purpose of this table unless the vote or composition of majority or minority varies among the references, appeals or motions.

² *Edmonton Country Club Ltd. v. Case*, [1975] 1 S.C.R. 534, has been considered as two cases for the purposes of this table: See Table I — Subject Matter of Litigation, note 5.

³ 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: *Alec v. The Queen*, [1975] 1 S.C.R. 720; *Goldsworthy v. Thompson*, [1975] 2 S.C.R. 271; *R. v. Lovis*; *R. v. Mancini*, [1975] 2 S.C.R. 294.

TABLE VI
ACTION OF THE JUSTICES¹

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 28 majority and 17 minority judgments. Further, he concurred in the majority judgments of Fauteux C.J.C., twice, Abbott J., once, etc. The only justice with whom he concurred in a dissenting opinion was Spence J.: 4 times.

	Judgments	Concurrences											
		Fauteux	Abbott	Hall	Laskin	Martland	Judson	Ritchie	Spence	Pigeon	Dickson	Beetz	de Grandpré
Fauteux													
Majority	6	-	2	0	0	2	1	3	1	7	2	0	0
Dissent	0	-	0	0	0	1	1	1	0	0	0	0	0
Abbott													
Majority	5	5	-	0	1 ²	3	0	3	3 ²	7	3	0	0
Dissent	0	0	-	0	2	0	1	1	0	0	0	0	0
Hall													
Majority	0	0	0	-	0	0	0	0	0	0	0	0	0
Dissent	0	0	0	-	1	0	0	0	0	0	0	0	0
Laskin													
Majority	28	2	1	0	-	5	4	11 ³	8 ³	5	8	1	2
Dissent	17	0	0	0	-	0	0	0	4	0	0	0	0
Martland													
Majority	17	2	1	0	17	-	3	6	7	11	8	0	3
Dissent	3	0	0	0	0	-	0	1	0	2	0	0	1
Judson													
Majority	9	3	4	0	21 ^{2,4}	13	-	13 ⁴	8 ²	5	9	0	3
Dissent	2	0	0	0	3	1	-	0	0	2	0	0	3
Ritchie													
Majority	21	3	3	0	16	10	4	-	6	7	7	1	4
Dissent	4	0	0	0	2	2	0	-	0	0	0	0	2
Spence													
Majority	15	1	2	0	21	9	6	10	-	5	7	1	2
Dissent	10	0	0	0	8	0	0	0	-	0	0	0	0
Pigeon													
Majority	22	2	0	0	16	13	4	10	5	-	7	1	7
Dissent	7	0	0	0	0	1	0	0	0	-	0	0	0

	Judgments	Concurrences											
		Fauteux	Abbott	Hall	Laskin	Martland	Judson	Ritchie	Spence	Pigeon	Dickson	Beetz	de Grandpré
Dickson													
Majority	15	1	1	0	19	8	3	12	9	9	-	1	5
Dissent	4	0	0	0	2	0	0	0	2	0	-	0	0
Beetz													
Majority	4	0	0	0	12	6	1	2	1	5	2	-	9
Dissent	0	0	0	0	0	2 ⁵	0	0	1 ⁵	0	1	-	0
de Grandpré													
Majority	0	0	0	0	9	7	2	3	2	3	2	1	-
Dissent	4	0	0	0	0	1	0	0	0	0	0	0	-

¹ 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.

Edmonton Country Club Ltd. v. Case, [1975] 1 S.C.R. 534, and *Dore v. Attorney-General of Canada*, [1975] 1 S.C.R. 756, have each been considered as two cases for the purposes of this table: See Table I — Subject Matter of Litigation, note 5, and Table IV — Action of Individual Justices, note 1.

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 IV because of different rules of classification reflecting the different purposes of the tables. In Table IV 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 once for a concurrence.

² In *Minister of Finance of B.C. v. First National Bank of Nevada*, [1975] 1 S.C.R. 525, Abbott and Judson JJ. concurred in the majority judgments of each of Spence and Laskin JJ.

³ In *Johnson v. The Queen*, [1975] 2 S.C.R. 160, Laskin J. concurred in the majority judgments of each of Ritchie and Spence JJ.

⁴ In *Deuterium of Canada Ltd. v. Burns and Roe of Canada Ltd.*, [1975] 2 S.C.R. 124, Judson J. concurred in the majority judgments of each of Ritchie and Laskin JJ.

⁵ In *B. G. Linton Construction Ltd. v. CNR*, [1975] 2 S.C.R. 678, Beetz J. concurred in the dissenting judgments of each of Laskin C.J.C. and Spence J.

