

## [1969] S. C. R. Statistical Analysis

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# STATISTICAL ANALYSIS OF [1969] S.C.R.\*

## TABLES

1. Subject Matter of Litigation
2. Provincial Breakdown
3. Action of Individual Judges  
Type of Work
4. Cases and Majority Ratio
5. Action of the Justices

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\*Statistics compiled by Robert A. Alexander, B.A., L.L.B. and David W. McKay, B.A., L.L.B., members of the 1970 graduating class, Osgoode Hall Law School.

TABLE I

## SUBJECT MATTER OF LITIGATION

## APPELLATE

	No. of Cases Reported	Exchequer Court or Court of Appeal		No. of Judges Sitting
		Affirmed	Reversed	
<b>(a) PRIVATE</b>				
<b>(i) <i>Administration and Succession</i></b>				
Devolution ....				
Executors & Administrators				
Wills	2	2		2.5x0
<b>(ii) <i>Commercial</i></b>				
Accounts				
Agency				
Assignments				
Banks & Banking	1	1		1.5x0
Bills & Notes	1		1	1.5x0
Bankruptcy				
Companies	2	1	1	1.5x0 1.4x1
Contracts	3	2	1	3.5x0
Debtor & Creditor				
Insurance	3	3		1.5x0 1.5x4 1.3x2
Interest				
Partnership				
Sale of Goods	1	1		1.5x0
Subrogation				
<b>(iii) <i>Domestic Relations</i></b>				
Adoption				
Annulment				
Breach of Promise				
Child Welfare	1		1	1.9x0
Divorce	1	1		1.3x0
Judicial Separation				
<b>(iv) <i>Industrial Property</i></b>				
Copyrights				
Patents	2	1	1	2.5x0
Trademarks				

	No. of Cases Reported	Exchequer Court or Court of Appeal Affirmed	Reversed	No. of Judges Sitting
<b>(v) Land</b>				
Landlord & Tenant	1	1		1.5x0
Mechanics Liens	1		1	1.5x0
Mortgages				
Real Property	3	3		3.5x0
<b>(vi) Natural Resources</b>				
<b>(vii) Torts</b>				
Assault & Battery	1		1	1.3x2
Bailment	1		1	1.5x0
Libel & Slander				
Negligence	9	4	5	2.4x1 6.5x0 1.3x2
Occupier's Liability	1		1	1.5x0
Master-Servant	1	1		1.5x0
<b>(viii) Other</b>				
Animals				
Associations				
Charities				
Choses in Action				
Conflicts				
Damages	2	1	1	1.5x0
Privileges				1.4x1
Shipping				
<b>(b) PUBLIC</b>				
Administrative Boards	1		1	1.5x0
Certiorari				
Civil Rights	2	2		1.9x0 1.6x3
Constitutional				
Criminal	12	5	7	4.5x0 1.7x2 1.6x3 1.3x0 2.5x4 1.5x2 1.7x0 1.3x2
Crown	1		1	1.3x2

	No. of Cases Reported	Exchequer Court or Court of Appeal		No. of Judges Sitting
		Affirmed	Reversed	
Habeas Corpus				
Immigration	1		1	1.5x0
Labour	5	2	3	4.5x0
				1.4x1
Mandamus	1	1		1.5x0
Prohibition				
Public Utilities				
Taxation	15	7	8	10.5x0
				2.4x1
				1.7x0
				1.6x1
				1.9x0
Expropriation	3	3		2.5x0
				1.3x2

## PROCEDURAL

Appeal	1		1	1.5x0
Costs				
Declaratory Action				
Evidence	2	1	1	2.5x0
Injunction				
Limitation Period				
Jurisdiction				
Procedures	4	3	1	3.5x0
				1.9x0

TABLE II

## PROVINCIAL BREAKDOWN

	PUBLIC		PRIVATE		TOTAL
	A	R	A	R	
Newfoundland .....					
Nova Scotia .....					
Prince Edward Island .....					
New Brunswick .....				1	1
Quebec .....	6	5	8	4	23
Ontario .....	7	8	7	5	27
Manitoba .....				1	1
Saskatchewan .....	2	1	1		4
Alberta .....	1	2	3	1	7
British Columbia .....	2	2	4	3	11
Yukon .....					
North West Territories ....	1				1
Exchequer Court .....	3	4	1	1	9
Federal Boards .....		1			1
Original					
	—	—	—	—	—
TOTAL .....	22	23	24	16	85

TABLE III

## ACTION OF INDIVIDUAL JUDGES

	Majority			Dissent			TOTAL
	J*	C	T	J	C	T	
Cartwright .....	15	24	39	3	1	4	43
Fauteux .....	9	31	40	0	1	1	41
Abbott .....	6	31	37	2	2	4	41
Martland .....	12	38	50	3	1	4	54
Judson .....	13	37	50	2	3	5	55
Ritchie .....	8	49	57	3	1	4	61
Hall .....	8	51	59	5	1	6	65
Spence .....	10	40	50	2	7	9	59
Pigeon .....	17	31	48	6	1	7	55

\* In a few cases, 2 or more judges gave leading opinions.

J—Leading judgment, either majority or dissenting.

C—Concurred

T—Total

TYPE OF WORK

	Common Law*	Civil Law	Criminal	Constitutional	Other Public Law
Cartwright ....	21	0	4	2	14
Fauteux .....	5	11	9	2	14
Abbott .....	7	10	7	2	15
Martland .....	20	5	7	2	18
Judson .....	20	4	9	2	19
Ritchie .....	23	5	8	2	22
Hall .....	24	5	8	2	23
Spence .....	24	4	6	2	21
Pigeon .....	11	11	9	2	19

\* Includes also Equity and Statute Law.

TABLE IV

## CASES AND MAJORITY RATIO

Total Number of Cases Reported .....	85
Unanimous Decisions .....	64
Split Decisions .....	21

9x0 .....	4	5x2 .....	1	4x1 .....	7
5x4 .....	3	3x0 .....	2	3x2 .....	6
7x0 .....	3	5x0 .....	56	6x3 .....	2
7x2 .....	1	6x1 .....	1		



TABLE V

## ACTION OF THE JUSTICES

	Cartwright	Fauteux	Abbott	Martland	Judson	Ritchie	Hall	Spence	Pigeon
Cartwright									
MO	15								
C				5	8	4	3	5	2
DO	3								
C								1	
Fauteux									
MO		9							
C	3		5	3	5	1	1	1	13
DO		0							
C						1			
Abbott									
MO			6						
C	3	6		3	6		1		14
DO			2						
C						2			
Martland									
MO				12					
C	8	6	4		8	2	4	2	5
DO				3					
C					1	1			
Judson									
MO					13				
C	8	4	2	10		5	4	1	6
DO					2				
C									1
Ritchie									
MO						8			
C	9	3	5	11	7		4	4	7
DO						3			
C							1		

	Cartwright	Fauteux	Abbott	Martland	Judson	Ritchie	Hall	Spence	Pigeon
Hall									
MO							8		
C	8	5	6	10	7	4		6	7
DO							5		
C	2								
Spence									
MO								10	
C	7	3	0	9	6	5	5		6
DO								2	
C	2					1	3		1
Pigeon									
MO									17
C	7	6	2	6	6	2	1	3	
DO									6
C	1						1		

## KEY

M—Majority

D—Dissent

O—Wrote Judgment

C—Concurred

As an example of how this table works, look to Judson and observe:

- (1) He delivered 13 majority judgments.
- (2) He concurred with Cartwright 8 times.
- (3) He wrote 2 dissenting judgments, and concurred with Pidgeon's dissenting opinion once.

