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[1967] S. C. R. Statistical Analysis

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[1967] S. C. R. Statistical Analysis

STATISTICAL ANALYSIS OF [1967] S.C.R.*

TABLES

- I. Subject Matter of Litigation
- II. Provincial Breakdown
- III. Action of Individual Judges
Type of Work
- IV. Cases and Majority Ratio
- V. Action of the Justices

TABLE I SUBJECT MATTER OF LITIGATION

	No. of Cases Reported	Exchequer Court or Court of Appeal Affirmed	Reversed	No. of Judges Sitting
ORIGINAL JURIS.				
Habeas Corpus				
References	1	1		1.8 ; 1
APPELLATE				
(a) <i>Private</i>				
(i) <i>Administration & Succession</i>				
Devolution				
Executors & Administrators				
Wills	2	2		2.5 ; 0
(ii) <i>Commercial</i>				
Accounts				
Agency				
Assignments				
Banks & Banking	1	1		1.5 ; 0
Bankruptcy	1	1		1.5 ; 0
Companies				
Contracts	4	3	1	4.5 ; 0
Debtor & Creditor				
Interest	2	2		2.5 ; 0
Partnerships				
Sale of Goods	2	2		2.5 ; 0
Subrogation				
Suretyship	1	1		1.5 ; 0
(iii) <i>Domestic Relations</i>				
Adoption				
Annulments				
Breach of Promise				
Divorce				
Husband & Wife				
Judicial Separation				

* Statistics compiled by Rene Mastin and Harvey Strosberg, II year students at Osgoode Hall Law School.

	No. of Cases Reported	Exchequer Court or Court of Appeal		No. of Judges Sitting
		Affirmed	Reversed	
(iv) <i>Industrial Property</i>				
Copyrights				
Industrial Design				
Patents	3	1	2	3.5 ; 0
Trademarks				
(v) <i>Land</i>				
Landlord and Tenant				
Mechanics Liens	1	1		1.5 ; 0
Mortgages				
Real Property				
(vi) <i>Natural Resources</i>				
Mines & Minerals	1	1		1.5 ; 0
Petroleum & Natural Gas				
(vii) <i>Tort</i>				
Libel & Slander	1		1	1.4 ; 0
Negligence	5	1	4	2.5 ; 0
				2.4 ; 1
				1.3 ; 2
Occupier's Liability				
(viii) <i>Other</i>				
Animals				
Associations				
Charities				
Choses in Action				
Conflicts	1	1		1.5 ; 0
Damages	1	1		1.5 ; 0
Privilege				
Shipping	2	2		2.5 ; 0
Usufruct				
Water courses				
(b) <i>Public</i>				
Administrative Boards ...				
Certiorari				
Combines				
Constitutional	3	1	2	{ 1.7 ; 0
				{ 2.4 ; 1
Criminal Law	11	7	4	{ 10.5 ; 0
				{ 1.5 ; 0
Crown	1	1		1.3 ; 0
Habeas Corpus				
Immigration				
Labour	2	2		2.5 ; 0
Mandamus				
Municipal Corporations ...	4	1	3	{ 3.3 ; 2
				{ 1.5 ; 0
Prohibition				
Public Utilities				
Taxation	10	5	5	{ 8.5 ; 0
				{ 1.4 ; 1
				{ 1.3 ; 2
Expropriation	4	1	3	{ 3.5 ; 0
				{ 1.3 ; 2

	No. of Cases Reported	Exchequer Court or Court of Appeal Affirmed	Reversed	No. of Judges Sitting
PROCEDURAL				
Appeal				
Costs				
Declaratory Action				
Evidence				
Injunction				
Judgments & Orders				
Jurisdiction				
Procedure	1	1		14 ; 1

KEY

As an example of how this table operates look to the criminal classification and note:

- (1) 11 criminal cases reported.
- (2) The Courts of Appeal were affirmed 7 times and reversed 4 times.
- (3) One case was decided by a 3 to 0 majority, ten cases by a 5 to 0 majority.

TABLE II PROVINCIAL BREAKDOWN

	Reported		
	Public	Private	Total
NEWFOUNDLAND			
NOVA SCOTIA			
PRINCE EDWARD ISLAND			
NEW BRUNSWICK			
QUEBEC	1	1	2
ONTARIO	8	6	14
MANITOBA	2	3	5
SASKATCHEWAN	2		2
ALBERTA	1	6	7
BRITISH COLUMBIA	9	6	15
YUKON			
NORTH WEST TERRITORIES			
EXCHEQUER COURT	13	5	18
FEDERAL BOARDS			
ORIGINAL			
TOTAL	36	27	63

TABLE III ACTION OF INDIVIDUAL JUDGES

	Majority			Dissent			
	J*	C	T	J	C	T	Total
Taschereau	0	21	21	3	0	3	24
Cartwright	9	23	32	2	0	2	34
Fauteux	5	22	27	0	0	0	27
Abbott	6	21	27	1	3	4	31
Martland	7	38	45	3	0	3	48
Judson	15	22	37	3	2	5	42
Ritchie	12	33	45	0	0	0	45
Hall	10	17	27	0	3	3	30
Spence	6	39	45	2	0	2	47

J—Leading judgment or leading dissenting judgment.

C—Concurred.

T—Total.

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

	Spence	Hall	Ritchie	Judson	Martland	Abbott	Fauteux	Cartwright	Taschereau
Judson									
MO				15					
C	1	5	2		6	0	3	5	
DO				3					
C					3			2	
Ritchie									
MO			12						
C	5	6		7	5	3	2	4	
DO									
C									
Hall									
MO		9				1			
C			3	5	2	2	1	4	
DO		1							
C					3				
Spence									
MO	6								
C		5	7	12	4	2	4	6	
DO									
C									

KEY

M—Majority

D—Dissent

O—Wrote Judgment

C—Concurred

As an example of how this table works look to Hall J. and one sees:

- (1) He delivered 9 majority judgments.
- (2) He concurred with Abbott J. once but wrote a substantial separate opinion.
- (3) He did not concur in any judgments delivered by Spence J. but did concur in 3 judgments of Ritchie J. etc.
- (4) He (dissented once) delivered one dissenting opinion.
- (5) He concurred in 3 dissenting opinions of Martland J.