

[1966] S. C. R. Statistical Analysis

Derek Mullan

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/ohlj>
Article

Citation Information

Mullan, Derek. "[1966] S. C. R. Statistical Analysis." *Osgoode Hall Law Journal* 5.1 (1967) : 29-36.
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol5/iss1/2>

This Article is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

STATISTICAL ANALYSIS OF [1966] S.C.R.*

TABLES

1. Subject Matter of Litigation
2. Volume of Work
3. Provincial Breakdown
4. Action of Individual Judges
5. Cases and Majority Ratio
6. 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 JURISD.				
Habeas Corpus				
References				
APPELLATE				
<i>(a) Private</i>				
<i>(i) Administration & Succession</i>				
Devolution				
Executors & Administrators	1	-	1	1.4 x 1
Wills				
<i>(ii) Commercial</i>				
Accounts				
Agency	1	-	1	1.5 x 0
Assignments				
Banks & Banking	1	-	1	1.5 x 0
Bankruptcy				
Companies	3	2	1	3.5 x 0
Contracts	2	-	2	{ 1.5 x 0 1.3 x 2
Debtor & Creditor				
Insurance	4	1	3	{ 3.5 x 0 1.3 x 2
Interest				
Partnerships				
Sale of Goods				
Subrogation				
Suretyship	2	-	2	{ 1.5 x 0 1.4 x 1
<i>(iii) Domestic Relations</i>				
Adoption				
Annulments				
Breach of Promise	1	1	-	1.5 x 0
Divorce				
Husband & Wife				
Judicial Separation				

* Statistics compiled by Derek Mullan, B.A.Sc. (Toronto), a member of the 1967 graduating class at Osgoode Hall Law School.

	No. of Cases Reported	Exchequer Court or Court of Appeal		No. of Judges Sitting
		Affirmed	Reversed	
(iv) Industrial Property				
Copyrights				
Industrial Designs				
Patents	6	6	-	6.5 x 0
Trademarks	1	1	-	1.4 x 1
(v) Land				
Landlord & Tenant	1	1	-	1.5 x 0
Mechanics Liens	1	-	1	1.4 x 1
Mortgages				
Real Property	3	-	3	{ 2.5 x 0 1.4 x 1
(vi) Natural Resources				
Mines & Minerals				
Petroleum & Natural Gas	1	-	1	1.5 x 0
(vii) Tort				
Libel & Slander				
Negligence	7	3	4	{ 5.5 x 0 1.4 x 1 1.3 x 2
Occupier's Liability				
(viii) Other				
Animals				
Associations				
Charities				
Choses in Action				
Conflicts				
Damages	2	1	1	2.4 x 1
Privilege	1	1	-	1.5 x 0
Shipping	3	3	-	3.5 x 0
Usufruct				
Watercourses				
(b) Public				
Administrative Boards ..	1	-	1	1.5 x 0
Certiorari				
Combines				
Constitutional	4	4	-	{ 1.9 x 0 3.7 x 0 1.9 x 0 1.7 x 0 1.6 x 1 6.5 x 0
Criminal	9	7	2	{ 1.7 x 0 1.6 x 1 6.5 x 0
Crown	1	-	1	1.7 x 0
Habeas Corpus	1	-	1	1.5 x 0
Immigration				
Labour	2	1	1	{ 1.5 x 0 1.4 x 1
Mandamus				
Municipal Corporations..	2	2	-	{ 1.5 x 0 1.4 x 1
Prohibition	1	1	-	1.3 x 2
Public Utilities				
Taxation	15	8	7	{ 9.5 x 0 5.4 x 1 1.3 x 2 1.5 x 0
Expropriation	4	1	3	{ 1.4 x 1 2.3 x 2

	No. of Cases Reported	Exchequer Court or Court of Appeal		No. of Judges Sitting
		Affirmed	Reversed	
PROCEDURAL				
Appeal	1	1	-	1.3 x 0
Costs				
Declaratory Action				
Evidence				
Injunction				
Judgments & Orders				
Jurisdiction	1	1	-	1.3 x 0
Procedure				

KEY

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

- (1) 9 criminal cases reported
- (2) The Courts of Appeal were affirmed 7 times and reversed twice.
- (3) One case was decided by a 6 to 1 majority, six cases 5 to 0, one case 7 to 0 and one 9 to 0.

TABLE II VOLUME OF WORK

Year	Habeas Corpus		Motions Dismissed	Motions Varied	Reported		TOTAL
	Allowed	Dismissed			Public	Private	
1966		1	—	—	42	40	83
	Unreported Judgments				Habeas Corpus		
	Allowed	Dismissed			Allowed	Dismissed	
	3	16			—	1	20
	Unreported Motions			Habeas Corpus Applications			
	Allowed	Dismissed		Refused	Granted		
	7	69		4	—		80

TABLE III PROVINCIAL BREAKDOWN

	Reported		TOTAL
	Public	Private	
NFLD.		1	1
NOVA SCOTIA			
P.E.I.			
NEW BRUNSWICK	1		1
QUEBEC	6	10	16
ONTARIO	7	7	14
MANITOBA	3	2	5
SASKATCHEWAN	2	1	3
ALBERTA		5	5
BRITISH COLUMBIA	5	5	10
YUKON			
N.W.T.	1		1
EX. Ct.	17	9	26
FED. Bd.			
ORIGINAL	1		1
			83

TABLE IV ACTION OF INDIVIDUAL JUDGES

	Majority			Dissent			Total
	J*	C	T	J	C	T	
Taschereau	9	14	23	1	—	1	24
Cartwright	21	3	24	5	—	5	29
Fauteux	10	29	39	1	1	2	41
Abbott	7	39	46	—	1	1	47
Martland	11	46	57	1	1	2	59
Judson	13	40	53	6	1	7	60
Ritchie	9	49	58	5	—	5	63
Hall	8	46	54	1	1	2	56
Spence	8	38	46	4	1	5	51

J—Leading judgment or leading dissenting judgment.

C—Concurred.

T—Total.

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

TYPE OF WORK

	Common Law	Civil Law	Criminal Law	Constitutional Law	Other Public Law
Taschereau	3	6	6	2	8
Cartwright	12	2	4	3	8
Fauteux	4	13	9	4	10
Abbott	4	12	6	4	21
Martland	20	4	9	4	21
Judson	20	5	8	4	22
Ritchie	20	6	7	4	25
Hall	14	7	6	2	25
Spence	13	8	6	3	22

TABLE V CASES AND MAJORITY RATIO

Total No. of Cases reported		83	
Unanimous decisions		59	
9 x 0	2	7 x 0	5
8 x 1	—	5 x 0	50
7 x 2	—	4 x 1	16
6 x 3	—	3 x 0	2
5 x 4	—	2 x 1	—
		5 x 2	—
		3 x 2	7

TABLE VI ACTION OF THE JUSTICES

	Spence	Hall	Ritchie	Judson	Martland	Abbott	Fauteux	Cartwright	Taschereau
Taschereau									
MO									9
C	1	2	2	1	2	2	1	3	
DO							1		
C									
Cartwright									
MO								21	
C		1					1		1
DO	1		1		2				1
C									
Fauteux									
MO							8	2	
C		1	3	3	4	5		5	8
DO									1
C		1							
Abbott									
MO						6	1		
C	1	5	4	7	3		8	4	7
DO									
C					1				
Martland									
MO					10			1	
C	2	6	4	7		2	5	16	4
DO							1		
C									1
Judson									
MO		1		10				1	
C		6	5		6	1	7	11	4
DO	2	1						3	
C			1						
Ritchie									
MO			8					1	
C	4	6		7	7	4	3	13	5
DO				2	1			2	
C									
Hall									
MO		8			1				
C	2		6	7	9	3	2	12	5
DO						1			
C							1		
Spence									
MO	3		2		1				
C		5	4	5	4	6		10	4
DO				1	1			2	
C							1		

KEY

M—Majority

D—Dissent

O—Wrote Judgment

C—Concurred

As an example of how this table works look to Judson J. and we see:

- 1) He delivered 10 majority judgments.
- 2) He concurred with Hall J. once and Cartwright J. once but wrote a substantial separate opinion.
- 3) He did not concur in any judgments delivered by Spence J., but did concur in 6 judgments of Hall J., 5 judgments of Ritchie J. etc.
- 4) He dissented twice from majority judgments of Spence J. and in one majority judgment delivered by Hall J.
- 5) He concurred in a dissent against a majority judgment of Ritchie J.

CASE COMMENT

