
[1965] S. C. R. Statistical Analysis

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Citation Information

Sherman, Irvin. "[1965] S. C. R. Statistical Analysis." *Osgoode Hall Law Journal* 4.2 (1966) : 276-280.
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STATISTICAL ANALYSIS OF [1965] S.C.R.*

TABLES

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TABLE I. SUBJECT MATTER OF LITIGATION

APPELLATE JURISDICTION

Private	No. of Cases Reported	Exchequer Court or Court of Appeal Affirmed Reversed		No. of Judges Sitting
Appeal	2	2	—	1.1x0 1.5x0
Accounts				
Adoption				
Agency				
Animals				
Annulments				
Assignments				
Associations				
Bonus & Banking	1	—	1	1.5x0
Bankruptcy	1	—	1	1.5x0
Breach of Promise				
Charities				
Choses in Action				
Conflicts	1	1	—	1.5x0
Contracts	4	2	2	(3.5x0 1.4x1)
Copyrights				
Damages	4	—	4	(2.3x2 1.5x0 1.4x1)
Debtor & Creditor				
Devolution				
Divorce				
Executors & Administrators				
Husband and Wife				
Infants				
Insurance	1	1	—	1.5x0
Interest				
Judicial Separation				
Landlord and Tenant				
Libel and Slander	2	1	1	2.4x1
Malicious Prosecution	1	—	1	1.4x1
Master and Servant				
Mechanics Liens				
Mines and Minerals	1	1	—	1.5x0
Mortgages	1	1	—	1.5x0
Motor Vehicles	3	2	1	(2.3x2 1.5x0)
Negligence	5	3	2	2.3x2 2.5x0 1.6x3
Occupiers Liability				
Patents and Trademarks	4	3	1	4.5x0

* Statistics compiled by Irvin Sherman, B.A. (Dalhousie), LL.B. (Osgoode), a member of the 1966 graduating class.

	No. of Cases Reported	Exchequer Court or Court of Appeal		No. of Judges Sitting
		Affirmed	Reversed	
Petroleum & Natural Gas	1	1	—	1.5x0
Partnership				
Physicians	1	1	—	1.3x2
Real Property				
Royalties				
Sale of Goods				
Shipping				
Subrogation				
Suretyship				
Usufruct				
Watercourses				
Wills	6	6	—	(5.4x1 (1.3x2)
Societies	1	1	—	1.5x0
Guardians	1	1	—	1.5x0
Actions	1	1	—	1.5x0
Public				
Administrative Boards	2	2	—	2.7x0
Aliens				
Certiorari	1	1	—	1.5x0
Combines				
Constitutional Law	4	1	3	(1.5x4 (1.6x1 (2.9x0 (2.3x2 (3.4x1 (3.5x0 (2.4x3 (1.5x2 (1.6x1 (1.7x0
Criminal Law	13	7	6	(1.5x0 (1.4x1 (1.5x0 (1.6x3 (1.6x3 (3.5x0 (1.3x2 (2.4x1 (5.5x0
Crown	2	2	—	(1.5x0 (1.4x1
Habeas Corpus	2	1	1	(1.5x0 (1.6x3
Immigration	1	—	1	1.6x3
Labour	3	3	—	3.5x0
Mandamus	1	1	—	1.3x2
Municipal Corporations	7	2	5	(2.4x1 (5.5x0
Prohibition				
Public Utilities				
*Railroads	3	2	1**	3.5x0
Royal Commissions				
Schools				
Securities				
Taxation	6	2	4	(4.5x0 (1.3x0 (1.8x1
Workmens' Compensation				
Company	2	1	1	(1.3x2 (1.5x0
Procedural				
Appeal	2	2	—	(1.5x0 (1.3x0
Costs				
Declaratory Action				

* appeal allowed against certain defendants, dismissed against remaining defendants.

** Federal Board (Railway Commissioners) reversed

	No. of Cases Reported	Exchequer Court or Court of Appeal Affirmed Reversed		No. of Judges Sitting
Evidence				
Injunction	2	1	1	(1.8x1 (1.4x1)
Judgments and Orders				
Jury Trial				
Procedure	4	2	2	(1.6x1 (2.5x0 (1.4x1)
Statutory Interpretation				

TABLE II. VOLUME OF WORK

Year	Habeas Corpus	Motions Dismissed	Motions Varied	Reported Public Private		Total
1965	2	3	—	37	41	83
	Unreported Judgments Allowed Dismissed		Habeas Corpus Allowed Dismissed		Total	
	2†**	38	1	1		42

† cross appeal allowed, appeal dismissed

** of 2 grounds for appeal, one was dismissed, the other allowed

Unreported Motions Allowed Dismissed		Habeas Corpus Applications Refused Granted		Total
12*	64	6	—	82

* includes one motion wherein the motion to quash was granted as to costs only.

TABLE III. PROVINCIAL BREAKDOWN

	Motion Dismissed Varied		Reported Public Private		Total
Newfoundland	—	—	—	—	—
Nova Scotia				1	1
Prince Edward Island					
New Brunswick			1		1
Quebec			9	10	19
Ontario	1		11	12	24
Manitoba			1	1	2
Saskatchewan			1	3	4
Alberta				6	6
British Columbia	1		5	4	10
Yukon					
North West Territories					
Exchequer Court	1		5	7	13
Federal Board			2		2
Original			1		1

TABLE IV. ACTION OF INDIVIDUAL JUDGES

	Majority			Dissent			Total
	J*	C	T	J	C	T	
Taschereau	6	28	34	1	3	4	38
Cartwright	15	32 ²	47	9 ¹	1	10	57
Fauteux	8	18	26	1	2	3	29
Abbott	7	34	41	4	2	6	47
Martland	12	37	49	3	—	3	52
Judson	11	34	45	9 ⁴	6	15	60
Ritchie	13	44	57	2	1	3	60
Hall	12 ³	35	47	1	1	2	49
Spence	15	34 ²	49	8	2	10	59

- 1 dissented in part in one judgment
- 2 agreed with majority but confined reasons for decision to narrower grounds
- 3 includes chambers application
- 4 includes a judgment wherein he adopted the reasons of the court below
- 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	2	11	10	4	12
Cartwright	17	4	11	4	21
Fauteux	1	10	8	4	6
Abbott	6	10	9	3	19
Martland	13	2	6	4	27
Judson	20	5	8	4	22
Ritchie	17	6	11	4	22
Hall	7	8	6	3	25
Spence	17	2	11	4	23

TABLE V. CASES AND MAJORITY RATIO

Total number of cases reported — 83							
Unanimous decisions — 49							
9-0	2	7-0	3	5-0	42	3-0	1
8-1	1	6-1	2	4-1	16	2-1	—
7-2	—	5-2	1	3-2	9	1-0	1
6-3	2	4-3	2				
5-4	1						

TABLE VI. ACTION OF THE JUSTICES

		Spence	Hall	Ritchie	Judson	Martland	Abbott	Fauteux	Cartwright	Taschereau
Taschereau	M.O							1*		5†
	C	2	2	3	4	1	6		3	
	D.O									
	C	1		1		2				
Cartwright	M.O			1					10	
	C	5	3	7		7	1	2		1
	D.O	3	1	1	6	1				1
	C			1						
Fauteux	M.O							7		
	C	1	1	2	2	3	5			3
	D.O								1	
	C						1		1	
Abbott	M.O						7			
	C	2	3	3	2	5		6	4	4
	D.O	1		1		1		1		
	C			2						
Martland	M.O					10				
	C	4	5	9	4		2	3	6	
	D.O			1			1		1	
	C									
Judson	M.O			1	8					
	C	5	5	3		2	3	4	6	1
	D.O	1	1	5		1			1	
	C	2				2	1		1	
Ritchie	M.O			12						
	C	7	4		3	8	5	6	6	2
	D.O	1							1	
	C							1		
Hall	M.O		10							
	C	4		5	4	5	4	4	2	4
	D.O						1			
	C							1		
Spence	M.O	10					1			
	C		5	7	3	4	4	4	7	2
	D.O			1	2	1			1	
	C					1		1		

Key
M—Majority
D—Dissent
O—Wrote Judgment
C—Concurred

*Indicates concurrence with the judgment of the majority but wrote a substantial separate opinion.
†Delivered the majority judgment.