



[1977] S. C. R. Statistical Analysis

Eric Moore

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

Citation Information

Moore, Eric. "[1977] S. C. R. Statistical Analysis." *Osgoode Hall Law Journal* 17.3 (1979) : 632-648.
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol17/iss3/5>

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 [1977] S.C.R.

TABLES

- I. Volume of Work
- II. Breakdown by Source
- III. Subject Matter of Litigation
- IV. Majority/Dissent Ratio
- V. Type of Work
- VI. Action of the Justices

Statistics compiled by Eric Moore, a member of the 1979 graduating class of Osgoode Hall Law School of York University. All tables except Table I deal with reported cases only.

© Copyright, 1979, Eric Moore.

TABLE I
VOLUME OF WORK

			TOTAL
Reported Judgments ¹			
Private	Public		
69 ²	98 ^{2,3}		163 ^{2,3}
Reported Motions ⁴			
Allowed	Dismissed	Other	
0	3 ³	0	3 ³
Unreported Appeals ⁵			
Allowed	Dismissed	Other	
42	59	0	94
Unreported Motions ⁶			
Allowed	Dismissed	Other	
95	242	0	336
Unreported References ⁷			0

¹ Appellate decisions and references are included under this heading; motions are not. A decision involving one or more appeals (including cross-appeals) or references is considered to be one case for the purposes of this category. Procedural cases are classified according to their underlying subject matters. If a case is classified under both "Private" and "Public," it is entered under each of those headings, but only once under "Total."

² *Ronville Lodge Ltd. v. Township of Franklin*, [1977] 1 S.C.R. 101, has been included under both "Private" ("Real Property") and "Public" ("Municipal Law") but only once under "Total." *CNR v. Nor-Min Supplies Ltd.*, [1977] 1 S.C.R. 322, has been included under both "Private" ("Mechanics' Liens and Contractors' and Suppliers' Privileges") and "Public" ("Railways") but only once under "Total." *La Congrégation des Frères de l'Instruction Chrétienne, district Saint-François-Xavier, La Pointe-du-Lac v. School Comm'rs for Grand-pré*, [1977] 1 S.C.R. 429, has been included under both "Private" ("Landlord and Tenant") and "Public" ("Education") but only once under "Total." *Westeel-Rosco Ltd. v. Bd. of Governors of S. Sask. Hosp. Centre*, [1977] 2 S.C.R. 238, has been included under both "Private" ("Mechanics' Liens and Contractors' and Suppliers' Privileges") and "Public" ("Crown and Sovereign Immunity") but only once under "Total."

³ In *ILGWU Centre Inc. v. La Régie de la Place des Arts*, [1977] 1 S.C.R. 91, the Court affirmed the judgment of the Court of Appeal for Québec, holding that there was no right of appeal to the Court of Appeal from an homologation order of the Superior Court, quashed the appeal brought to the Court as of right from the Superior Court, and dismissed an application for leave to appeal the homologation order of the Superior Court. In *Hogan v. The Queen*, [1977] 1 S.C.R. 413, and *Lavallée v. The Queen*, [1977] 2 S.C.R. 626, the Court concluded that appellant required leave to appeal, quashed the appeal brought as of right, and dismissed an application for leave to appeal.

⁴ A decision involving one or more motions is entered once under one of "Allowed," "Dismissed" and "Other" except if the dispositions of the motions are not the same, in which case the decision is entered once under two or more of "Allowed," "Dismissed" or "Other." A decision is entered only once under "Total."

⁵ A decision involving one or more appeals (including cross-appeals) is entered once under one of "Allowed," "Dismissed" and "Other" except if the dispositions of the appeals are not the same, in which case the decision is entered once under two or more of "Allowed," "Dismissed," or "Other." A decision is entered only once under "Total."

All data under this heading are derived from the [1977] *Bulletin of Proceedings Taken in the Supreme Court of Canada*. It should be noted that decisions entered under this heading may be reported in subsequent volumes of the Supreme Court Reports.

⁶ The rules for multiple entries with respect to unreported decisions involving one or more motions are the same as those in note 5.

⁷ The rules for multiple entries with respect to unreported decisions involving one or more references are the same as those in note 5.

TABLE II

BREAKDOWN BY SOURCE¹

	<u>PRIVATE</u>			<u>PUBLIC</u>			<u>Total from Source</u>
	Affirmed	Reversed	Other	Affirmed	Reversed	Other	
Newfoundland	0	0	0	1	1	0	2
Nova Scotia	2	1	0	2	3	0	8
Prince Edward Island	0	1	0	0	0	0	1
New Brunswick	2	2	0	2	2	0	8
Québec	22 ²	13	0	14 ^{2,3}	9	1 ³	57
Ontario	5 ⁴	4	1 ⁵	14 ⁴	4	0	26
Manitoba	1 ⁶	2 ⁶	0	1	3	1 ⁷	7
Saskatchewan	2 ⁸	3 ^{8,9}	0	0	4 ⁹	0	7
Alberta	0	2	1 ¹⁰	4 ¹¹	0	2 ^{11,12}	8
British Columbia	0	1	0	8	6	0	15
Yukon Territory	0	0	0	0	0	0	0
Northwest Territories	1	0	0	0	0	0	1
Court Martial							
Appeal Court	0	0	0	1	0	0	1
Federal Boards	0	0	0	0	0	0	0
Federal Court	1	4	0	9	6	2 ¹³	22
TOTAL	36	33	2	56	38	6	163

¹ Only appellate decisions (including references on appeal from the decision of a lower court) are included in this table. Decisions may be classified under both "Private" and "Public" because of multiple subject matters. A decision involving one or more appeals (including cross-appeals) is entered once under one of "Affirmed," "Reversed" and "Other" except if the lower court is both affirmed and reversed, in which case the decision is entered once under two or more of "Affirmed," "Reversed" or "Other." A decision is entered only once under "Total from Source" unless it involves multiple appeals having different origins. Procedural decisions are classified according to their underlying subject matters.

² *La Congrégation des Frères de l'Instruction Chrétienne, district Saint-François-Xavier, La Pointe-du-Lac v. School Comm'rs for Grand'pré*, [1977] 1 S.C.R. 429, has been included under both "Private" ("Landlord and Tenant") and "Public" ("Education").

³ In *ILGWU Centre Inc. v. La Régie de la Place des Arts*, [1977] 1 S.C.R. 91, the Court affirmed the judgment of the Court of Appeal for Québec, holding that there was

no right of appeal to the Court of Appeal from an homologation order of the Superior Court, quashed the appeal brought to the Court as of right from the Superior Court, and dismissed an application for leave to appeal the homologation order of the Superior Court.

⁴ *Ronville Lodge Ltd. v. Township of Franklin*, [1977] 1 S.C.R. 101, has been included under both "Private" ("Real Property") and "Public" ("Municipal Law"). *CNR v. Nor-Min Supplies Ltd.*, [1977] 1 S.C.R. 322, has been included under both "Private" ("Mechanics' Liens and Contractors' and Suppliers' Privileges") and "Public" ("Railways").

⁵ In *Crump Mechanical Contracting Ltd. v. Toronto-Dominion Centre Ltd.*, [1977] 1 S.C.R. 25, the appeal was allowed in part only; the cross-appeal was dismissed.

⁶ In *Hartman v. Fisette*, [1977] 1 S.C.R. 248, the Court affirmed the court below on the issue of "Negligence" but reversed it on the issue of "Damages."

⁷ In *Lavallée v. The Queen*, [1977] 2 S.C.R. 626, the Court concluded that the appellant required leave to appeal, quashed the appeal brought as of right, and dismissed an application for leave to appeal.

⁸ In *Prince Albert Pulp Co. v. Foundation Co. of Canada*, [1977] 1 S.C.R. 200, the Court affirmed the court below on the issue of "Contract" but reversed it on the issue of "Interest."

⁹ *Westeel-Rosco Ltd. v. Bd. of Governors of S. Sask. Hosp. Centre*, [1977] 2 S.C.R. 238, has been included under both "Private" ("Mechanics' Liens and Contractors' and Suppliers' Privileges") and "Public" ("Crown and Sovereign Immunity").

¹⁰ In *Van Zyderveld v. Van Zyderveld*, [1977] 1 S.C.R. 714, the appeal was allowed only to the extent of varying the order of the court below.

¹¹ In *Miles v. The Queen*, [1977] 1 S.C.R. 195, the Court concluded that the appellant required leave to appeal, quashed the appeal in so far as it was brought as of right, granted leave to appeal, and dismissed the appeal.

¹² In *Jones v. Bd. of Trustees of Edmonton Catholic School Dist. No. 7*, [1977] 2 S.C.R. 872, the appeal was allowed in part only; the cross-appeal was dismissed.

¹³ In *Hogan v. The Queen*, [1977] 1 S.C.R. 413, the Court concluded that appellant required leave to appeal, quashed the appeal brought as of right, and dismissed an application for leave to appeal. In *Canadian Cablesystems (Ont.) Ltd. v. Consumers' Ass'n of Can.*, [1977] 2 S.C.R. 740, the appeal was quashed for loss of the ground of appeal.

TABLE III**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 principally with "Bills and Notes." In one of these cases the majority consisted of six justices, three justices dissented, and the court below was reversed. In the other case all of the five justices sitting were in the majority, and the court below was affirmed.

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
ORIGINAL JURISDICTION					
References ²					
Reported Motions	3 ^{3,4,5}	1;9/0 ³	-	-	-
		1;8/0 ⁴	-	-	-
		1;5/0 ⁵	-	-	-
APPELLATE					
(a) PRIVATE					
<i>(i) Administration and Succession</i>					
Dependents' Relief					
Devolution					
Executors and Administrators					
Wills					
<i>(ii) Commercial</i>					
Accounts					
Agency Assignments					
Bankruptcy	1	1;5/0	1		
Banks and Banking					
Bills and Notes	2	1;6/3		1	
		1;5/0	1		
Companies					
Contract	9 ^{6,7}	1;9/0	1 ⁶		
		1;5/2		1 ⁷	
		1;4/3		1	
		4;5/0	3	1	
		1;4/1	1		
		1;3/2			1 ⁸

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Debtor and Creditor					
Insurance	9 ⁹	2;9/0 1;6/3 6;5/0	2	1 2	
Interest	1 ⁶	1;9/0		1 ⁶	
Partnership					
Sale of Goods	1	1;5/0		1	
Subrogation					
<i>(iii) Domestic Relations</i>					
Adoption					
Annulment	1	1;5/0	1		
Breach of Promise					
Child Welfare and Custody					
Divorce	2 ¹⁰	1;9/0 1;5/0	1		1 ¹⁰
Judicial Separation					
Maintenance and Support	2 ^{10,11}	1;5/0 1;4/1		1 ¹¹	1 ¹⁰
<i>(iv) Intellectual Property</i>					
Copyrights					
Industrial Designs					
Patents	1	1;9/0	1		
Trademarks					
<i>(v) Land</i>					
Hypothecs and Mortgages	2	2;3/2		2	
Landlord and Tenant	2 ¹²	2;5/0	1 ¹²	1	
Mechanics' Liens and Contractors' and Suppliers' Privileges	7 ^{7,13,14}	1;9/0 1;5/2 5;5/0	1 ¹³ 3	1 ⁷ 2 ¹⁴	
Real Property	3 ¹⁵	1;9/0 1;4/1 1;3/2	1 1 1 ¹⁵		

1/ERRATA

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
<i>(vi) Torts</i>					
Assault and Battery					
Conversion and Detinue	1	1;5/0	1		
Conspiracy and Intimidation					
False Imprisonment					
Fault	1	1;3/2		1	
Libel and Slander					
Negligence	12 ^{16,17,18}	4;9/0 6;5/0 1;4/1 1;3/2	3 ¹⁷ 1 ¹⁸	4 ¹⁶ 3	
Nuisance					
Occupier's Liability	1 ¹⁶	1;9/0		1 ¹⁶	
Trespass					
Vicarious Liability					
<i>(vii) Other</i>					
Admiralty and Shipping					
Animals					
Associations					
Charities					
Choses in Action					
Conflict of Laws	2 ¹¹	1;5/0 1;4/1		1 1 ¹¹	
Damages	4 ^{17,18,19}	4;5/0 1;4/1	2 ¹⁷	2 ^{18,19} 1 ¹⁹	
Master and Servant	1	1;9/0	1		
Restitution	1	1;5/0	1		
Trusts and Trustees	2	2;5/0	1	1	
Workmen's Compensation	1	1;5/0	1		
<i>(b) PUBLIC</i>					
Administrative Boards	6 ^{20,21}	2;9/0 1;8/1 1;8/0 1;7/0 1;5/0	1 1 ²⁰	1 1 ²¹ 1 1	
Assessment	4	1;9/0 3;5/0	2	1	1 ²²

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
Certiorari					
Civil Rights	2 ^{23,24}	1;9/0	1 ²³		
		1;5/4	1 ²⁴		
Constitutional	5 ^{20,25}	1;9/0		1 ²⁵	
		1;8/1	1 ²⁰		
		3;8/0	2	1	
Criminal	33 ^{23,24,26,27,29,30,31,32}	11;9/0	6 ^{23,26}	5 ²⁷	
		2;8/1	2		
		3;7/2 ²⁸	3 ²⁹		
		6;6/3	3 ³⁰	3	
		4;5/4	4 ^{24,31}		
		5;8/0	4 ³²	1	
		2;6/2	1	1	
Crown and Sovereign					
Immunity	1 ¹⁴	1;5/0		1 ¹⁴	
Education	1 ¹²	1;5/0	1 ¹²		
Elections					
Expropriation	5 ³³	1;9/0 ³⁴		1	
		4;5/0	3 ³³	1	
Extradition	1	1;5/4		1	
Habeas Corpus					
Interpretation of Statute	2 ^{32,35}	1;8/0	1 ³²		
		1;5/0		1 ³⁵	
Immigration	1	1;9/0	1		
Labour	6	4;9/0	1	3	
		1;8/0		1	
		1;7/0		1	
Mandamus					
Municipal	8 ^{15,33,36}	5;5/0	4 ³³	1 ³⁶	
		1;4/1		1	
		2;3/2	2 ¹⁵		
Native Rights	1	1;8/0	1		
Prohibition					
Public Utilities	1	1;8/0	1		
Railways	1 ¹³	1;9/0	1 ¹³		
Taxation	9 ^{35,37}	1;9/0	1 ³⁷		
		5;5/0	3	2 ³⁵	
		2;4/1 ³⁸	1	1	
		1;3/2	1		

	Number of Cases Reported	Majority/ Dissent Ratio	Affirmed	Reversed	Other
(c) PROCEDURAL					
Appeal	11 ^{3,4,5,19,21} 29,31,39	4;9/0	3 ³⁹		2 ^{8,80}
		1;7/2	1 ²⁰		
		1;5/4			1 ⁸¹
		3;8/0	1 ⁴		3 ^{4,21,40}
		1;5/0			1 ⁵
		1;4/1		1 ¹⁰	
Costs	1 ³⁷	1;5/4	1 ³⁷		
Declaratory Action	1 ³⁸	1;5/0		1 ⁸⁰	
Evidence	6 ^{11,30}	3;9/0	2	1	
		1;7/2		1	
		1;6/3	1 ³⁰		
		1;4/1		1 ¹¹	
Injunctions					
Jurisdiction	6 ⁴¹	4;9/0	2 ⁴¹	2	
		1;8/0		1	
		1;4/1		1	
Limitation Period	3 ⁹	3;5/0	3 ⁹		
Procedure	9 ^{25,26,27,41}	8;9/0	1 ²⁶	7 ^{25,27}	
		1;7/2	1 ⁴¹		
Res Judicata					
Standing	1	1;9/0		1	

¹ A decision involving one or more appeals (including cross-appeals), motions or references is considered to be one case for the purposes of this table unless the results differ with respect to affirmation or reversal, or the vote or composition of majority or minority varies among the appeals, motions or references. Multiple entries are made if a case involves more than one subject matter of importance.

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

³ *Lavallée v. The Queen*, [1977] 2 S.C.R. 626, has been included under both "Reported Motions" and "Appeal" for the purposes of this table. The Court concluded that appellant required leave to appeal, quashed the appeal brought as of right, and dismissed an application for leave to appeal.

⁴ *ILGWU Centre Inc. v. La Régie de la Place des Arts*, [1977] 1 S.C.R. 91, has been included under "Reported Motions" and has also been considered to be two cases under "Appeal" for the purposes of this table. The Court affirmed the judgment of the Court of Appeal for Québec, holding that there was no right of appeal to the Court of Appeal from an homologation order of the Superior Court, quashed the appeal brought to the Court as of right from the Superior Court, and dismissed an application for leave to appeal the homologation order of the Superior Court.

⁵ *Hogan v. The Queen*, [1977] 1 S.C.R. 413, has been included under both "Reported Motions" and "Appeals" for the purposes of this table. The Court concluded that appellant required leave to appeal, quashed the appeal brought as of right, and dismissed an application for leave to appeal.

⁶ *Prince Albert Pulp Co. v. Foundation Co. of Can.*, [1977] 1 S.C.R. 200, has been included under both "Contract" and "Interest" for the purposes of this table. The lower court was affirmed on the issue of contract, but reversed on the issue of interest.

⁷ *Northern Electric Co. v. Manufacturers Life Ins. Co.*, [1977] 2 S.C.R. 762, has been included under both "Contract" and "Mechanics' Liens and Contractors' and Suppliers' Privileges" for the purposes of this table.

⁸ In *Crump Mechanical Contracting Ltd. v. Toronto-Dominion Centre Ltd.*, [1977] 1 S.C.R. 25, the appeal was allowed in part only; the cross-appeal was dismissed.

⁹ *General Security Ins. Co. v. Belanger*, [1977] 1 S.C.R. 892, and *Highway Victims Indemnity Fund v. Gagné*, [1977] 1 S.C.R. 785, have been included under both "Insurance" and "Limitation Period" for the purposes of this table.

¹⁰ *Van Zyderveld v. Van Zyderveld*, [1977] 1 S.C.R. 714, has been included under both "Divorce" and "Maintenance and Support" for the purposes of this table. The appeal was allowed only to the extent of varying the order of the court below.

¹¹ *Powell v. Cockburn*, [1977] 2 S.C.R. 218, has been included under "Maintenance and Support," "Conflict of Laws" and "Evidence" for the purposes of this table.

¹² *Congrégation des Frères de l'Instruction Chrétienne, district Saint François-Xavier, La Pointe-du-Lac v. School Comm'rs for Grand'pré*, [1977] 1 S.C.R. 429, has been included under both "Landlord and Tenant" and "Education" for the purposes of this table.

¹³ *CNR v. Nor-Min Supplies Ltd.*, [1977] 1 S.C.R. 322, has been included under both "Mechanics' Liens and Contractors' and Suppliers' Privileges" and "Railways" for the purposes of this table.

¹⁴ *Westeel-Rosco Ltd. v. Bd. of Governors of S. Sask. Hosp. Centre*, [1977] 2 S.C.R. 233, has been included under both "Mechanics' Liens and Contractors' and Suppliers' Privileges" and "Crown and Sovereign Immunity" for the purposes of this table.

¹⁵ *Ronville Lodge Ltd. v. Township of Franklin*, [1977] 1 S.C.R. 101, has been included under both "Real Property" and "Municipal" for the purposes of this table.

¹⁶ *Auffrey v. Prov. of N.B.*, [1977] 1 S.C.R. 509, has been included under both "Negligence" and "Occupier's Liability" for the purposes of this table.

¹⁷ *Silburn v. Antagon Construction Co.*, [1977] 2 S.C.R. 271, has been included under both "Negligence" and "Damages" for the purposes of this table.

¹⁸ *Hartman v. Fisette*, [1977] 1 S.C.R. 248, has been included under both "Negligence" and "Damages" for the purposes of this table. Martland J. dissented from the majority judgment of Dickson J. (Judson, Ritchie and Beetz JJ. concurring) affirming the court below on the issue of negligence; but the court was unanimous in reversing the court below on the issue of damages awarded.

¹⁹ *Hamel v. Brunelle*, [1977] 1 S.C.R. 147, has been considered to be two cases under "Damages" and has also been included under "Appeal" for the purposes of this table. The Court unanimously reversed the court below on the issue of damages awarded to appellant; however, de Grandpré J. dissented in part from the majority judgment of Pigeon J. (Martland, Dickson and Beetz JJ. concurring) reversing the court below on the issue of appeal and the damages awarded on behalf of the appellant's children.

²⁰ *Tomko v. LRB (N.S.)*, [1977] 1 S.C.R. 112, has been included under both "Administrative Boards" and "Constitutional" for the purposes of this table.

²¹ *Bar of the Prov. of Québec v. Ste-Marie*, [1977] 2 S.C.R. 414, has been included under both "Administrative Boards" and "Appeal" for the purposes of this table. The Court concluded that it had jurisdiction to hear the appeal, and dismissed the appeal.

²² In *Jones v. Bd. of Trustees of Edmonton Catholic School Dist. No. 7*, [1977] 2 S.C.R. 872, the appeal was allowed in part only.

²³ *Miller v. The Queen*, [1977] 2 S.C.R. 680, has been included under both "Civil Rights" and "Criminal" for the purposes of this table.

²⁴ *Jumaga v. The Queen*, [1977] 1 S.C.R. 486, has been included under both "Civil Rights" and "Criminal" for the purposes of this table.

²⁵ *Amax Potash Ltd. v. Gov't of Sask.*, [1977] 2 S.C.R. 576, has been included under both "Constitutional" and "Procedure" for the purposes of this table.

²⁶ *Hubbert v. The Queen*, [1977] 2 S.C.R. 267, has been included under both "Criminal" and "Procedure" for the purposes of this table.

²⁷ *R. v. Major*, [1977] 1 S.C.R. 826, has been included under both "Criminal" and "Procedure" for the purposes of this table.

²⁸ In *Murphy v. The Queen*, [1977] 2 S.C.R. 603, Laskin C.J.C. and Dickson J. dissented in part from the majority judgment of Spence J. (Martland, Judson, Ritchie, Pigeon, Beetz and de Grandpré JJ. concurring).

²⁹ *Vézeau v. The Queen*, [1977] 2 S.C.R. 277, has been included under both "Criminal" and "Appeal" for purposes of this table.

³⁰ *Leblanc v. The Queen*, [1977] 1 S.C.R. 339, has been included under both "Criminal" and "Evidence" for purposes of this table.

³¹ *Warkentin v. The Queen*, [1977] 2 S.C.R. 355, has been included under both "Criminal" and "Appeal" for the purposes of this table. Dickson J. (Laskin C.J.C. and Spence, Pigeon and Beetz JJ. concurring) concluded that the Court had jurisdiction to hear the appeal; de Grandpré J. (Martland, Judson and Ritchie JJ. concurring) dissented on this issue. Dickson J. (Laskin C.J.C. and Spence and Pigeon JJ. concurring) dissented from the majority judgment of de Grandpré J. (Martland, Judson, Ritchie and Beetz JJ. concurring) affirming the court below on the issue of criminal law.

³² *Howley v. Dep. A.G. Can.*, [1977] 2 S.C.R. 45, has been included under both "Criminal" and "Interpretation of Statute" for the purposes of this table.

³³ *R. ex rel. Cedar Crescent Developments Ltd. v. Kelly*, [1977] 2 S.C.R. 620, has been included under both "Expropriation" and "Municipal" for the purposes of this table.

³⁴ In *Lamb v. Canadian Reserve Oil and Gas Ltd.*, [1977] 1 S.C.R. 517, de Grandpré J. (Pigeon J. concurring) dissented in part from the majority judgment of Martland J. (Laskin C.J.C. and Judson, Ritchie, Spence, Dickson and Beetz JJ. concurring), but agreed with the majority's disposition of the appeal.

³⁵ *Pfizer Co. v. Dep. MNR*, [1977] 1 S.C.R. 456, has been included under both "Interpretation of Statute" and "Taxation" for the purposes of this table.

³⁶ *Duquet v. Town of Sainte-Agathe-des-Monts*, [1977] 2 S.C.R. 1132, has been included under both "Municipal" and "Declaratory Action" for the purposes of this table.

³⁷ *Min. of Mines and Northern Affairs of Ont. v. Sheridan Geophysics Ltd.*, [1977] 2 S.C.R. 384, has been included under both "Taxation" and "Costs" for the purposes of this table. The Court unanimously affirmed the court below on the issue of taxation; however, Laskin C.J.C. (Judson, Spence and de Grandpré JJ. concurring) dissented from the majority judgment of Dickson J. (Martland, Ritchie, Pigeon and Beetz JJ. concurring) affirming the court below on the issue of costs.

³⁸ In *Geophysical Engineering Ltd. v. MNR*, [1977] 2 S.C.R. 1008, Spence J. dissented in part from the majority judgment of de Grandpré J. (Laskin C.J.C. and Judson and Beetz JJ. concurring).

³⁹ *Miles v. The Queen*, [1977] 1 S.C.R. 195, has been considered to be two cases under "Appeal" for the purposes of this table. The Court concluded that appellant required leave to appeal, quashed the appeal insofar as it was brought as of right, granted leave to appeal, and affirmed the court below on the issue of appeal.

⁴⁰ In *Canadian Cablesystems (Ont.) Ltd. v. Consumers' Ass'n of Can.*, [1977] 2 S.C.R. 740, the appeal was quashed for loss of the ground of appeal.

⁴¹ *Vardy v. Scott*, [1977] 1 S.C.R. 293, has been included under both "Jurisdiction" and "Procedure" for the purposes of this table. The Court unanimously affirmed the court below on the issue of jurisdiction; however, Laskin C.J.C. (Spence J. concurring) dissented in part from the majority judgment of Dickson J. (Martland, Judson, Ritchie, Pigeon, Beetz and de Grandpré JJ. concurring) affirming the court below on the issue of procedure.

TABLE IV

MAJORITY/DISSENT RATIO¹

Total Number of Cases Reported					163
Unanimous Decisions					120
Split Decisions					43
9/0	49 ²	8/0	15	7/0.....	1
5/0	54	3/0.....	0		
8/1.....	3	7/1.....	0	6/1.....	0
4/1.....	9 ⁵	2/1.....	0		
7/2.....	5 ³	6/2.....	2	5/2.....	1
3/2.....	8				
6/3.....	8	5/3.....	0	4/3.....	1
5/4.....	6 ⁴	4/4.....	0		

¹ Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions or references is considered to be one case for the purposes of this table unless the vote or composition of majority or minority varies among the appeals, motions or references.

² The judgment of de Grandpré J. (Pigeon J. concurring) in *Lamb v. Canadian Reserve Oil and Gas Ltd.*, [1977] 1 S.C.R. 517, has been considered to be a majority judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 34.

³ The judgment of Laskin C.J.C. (Spence J. concurring) in *Vardy v. Scott*, [1977] 1 S.C.R. 293, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 41. The judgments of Laskin C.J.C. and Dickson J. in *Murphy v. The Queen*, [1977] 2 S.C.R. 603, have been considered to be dissenting judgments for the purposes of this table: see Table III—Subject Matter of Litigation, note 28.

⁴ The judgment of Dickson J. (Laskin C.J.C. and Spence and Pigeon JJ. concurring) in *Warkentin v. The Queen*, [1977] 2 S.C.R. 345, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 31. The judgment of Laskin C.J.C. (Judson, Spence and de Grandpré JJ. concurring) in *Min. of Mines and Northern Affairs of Ont. v. Sheridan Geophysics Ltd.*, [1977] 2 S.C.R. 384, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 37.

⁵ The judgment of de Grandpré J. in *Hamel v. Brunelle*, [1977] 1 S.C.R. 147, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 19. The judgment of Spence J. in *Geophysical Engineering Ltd. v. MNR*, [1977] 2 S.C.R. 1008, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 38. The judgment of Martland J. in *Hartman v. Fisette*, [1977] 1 S.C.R. 248, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 18.

TABLE V
TYPE OF WORK¹

	<u>Common Law^{2,3}</u>	<u>Civil Law³</u>	<u>Constitutional</u>	<u>Criminal</u>	<u>Other Public Law</u>	<u>Reported Motions</u>
Laskin	25	16	5	43	39	3
Martland	24	13	4	44	32	2
Judson	27	24	5	44	45	3
Ritchie	28	16	4	43	38	2
Spence	31	14	5	41	41	3
Pigeon	21	34	5	43	44	2
Dickson	27	26	5	44	40	3
Beetz	26	28	5	43	43	2
de Grandpré	18	26	4	44	40	3
Estey	0	0	0	0	0	0
Pratte	0	0	0	0	0	0

The composition of the Court has changed as follows:

Left: Judson 20 July 1977 Joined: Estey 29 September 1977
 de Grandpré 1 October 1977 Pratte 1 October 1977
 Laskin appointed C.J.C. 27 December 1973

¹ Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions or references is considered to be one case for the purposes of this table. Procedural cases and references are classified according to their underlying subject matters. Cases involving multiple subject matters may be classified under one or more of "Common Law," "Civil Law," "Constitutional," "Criminal" or "Other Public Law."

Ronville Lodge Ltd. v. Township of Franklin, [1977] 1 S.C.R. 101, heard before Laskin C.J.C. and Judson, Ritchie, Spence and Pigeon JJ., has been included under both "Common Law" and "Other Public Law" because of multiple subject matters, i.e., "Real Property" and "Municipal Law."

CNR v. Nor-Min Supplies Ltd., [1977] 1 S.C.R. 322, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Common Law" and "Other Public Law" because of multiple subject matters, i.e., "Mechanics' Liens and Contractors' and Suppliers' Privileges" and "Railways."

La Congrégation des Frères de l'Instruction Chrétienne, district Saint-François-Xavier, La Pointe-du-Lac v. School Comm'rs for Grandpré, [1977] 1 S.C.R. 429, heard before Ritchie, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Civil Law" and "Other Public Law" because of multiple subject matters, i.e., "Landlord and Tenant" and "Education."

Westeel-Rosco Ltd. v. Bd. of Governors of S. Sask. Hosp. Centre, [1977] 2 S.C.R. 238, heard before Laskin C.J.C. and Ritchie, Spence, Dickson and de Grandpré JJ., has been included under both "Common Law" and "Other Public Law" because of multiple subject matters, i.e., "Mechanics' Liens and Contractors' and Suppliers' Privileges" and "Crown and Sovereign Immunity."

Tomko v. LRB (N.S.), [1977] 1 S.C.R. 112, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Constitutional" and "Other Public Law" because of multiple subject matters, i.e., "Constitutional" and "Administrative Boards."

Jumaga v. The Queen, [1977] 1 S.C.R. 486, and *Miller v. The Queen*, [1977] 2 S.C.R. 680, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Criminal" and "Other Public Law" because of multiple subject matters, i.e., "Criminal" and "Civil Rights."

Howley v. Dep. A.G. Can., [1977] 2 S.C.R. 45, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Criminal" and "Other Public Law" because of multiple subject matters, i.e., "Criminal" and "Interpretation of Statute."

Lavallée v. The Queen, [1977] 2 S.C.R. 626, heard before Laskin C.J.C. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Criminal" and "Reported Motions": see Table I—Volume of Work, note 3.

ILGWU Centre Inc. v. La Régie de la Place des Arts, [1977] 1 S.C.R. 91, heard before Laskin C.J.C. and Martland, Judson, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ., has been included under both "Other Public Law" and "Reported Motions": see Table I—Volume of Work, note 3.

Hogan v. The Queen, [1977] 1 S.C.R. 413, heard before Laskin C.J.C. and Judson, Ritchie, Spence and Dickson JJ., has been included under both "Other Public Law" and "Reported Motions": see Table I—Volume of Work, note 3.

² "Common Law" includes equity.

³ Private law cases are classified as "Common Law" or "Civil Law," depending upon their province of origin.

TABLE VI

ACTION OF THE JUSTICES¹

This table indicates, first, the number of cases on which a justice sat; second, the number of cases in which a justice wrote a judgment (whether "Majority" or "Dissent"); third, the number of cases in which a justice did not write a judgment and concurred with the judgment of another justice (whether "Majority" or "Dissent"); and, fourth, the number of times a justice concurred with the judgment of a particular justice. For example, Laskin C.J.C. sat on 121 cases, wrote 38 majority and 11 dissenting judgments, and concurred with the majority judgment of another justice in 60 cases and with the dissenting judgment of another justice in 12 cases without writing a judgment of his own. Further, he concurred in the majority judgments of Martland J. six times; Judson J., twice, etc.; and concurred in the dissenting judgments of Spence J. six times; Dickson J., six times, etc.

	Number of Cases	Judgments	Concurrences	Concurrences with Another Justice													
				Laskin	Martland	Judson	Ritchie	Spence	Pigeon	Dickson	Beetz	de Grandpre	Estey	Pratte			
Laskin	121																
Majority		38	60	-	6	2	8	6	6	11	10	4	13	0	0		
Dissent		11 ^{2,3,4,5}	12 ^{2,5}	-	0	0	0	6 ²	0	0	6 ⁶	0	1	0	0		
Martland	112																
Majority		25	81 ⁷	25	-	1	11 ⁷	5	16 ⁷	11	2	2	11	0	0		
Dissent		3 ^{7a}	3	0	-	1	0	1	0	0	0	0	1	0	0		
Judson	139																
Majority		4	126	32	18	-	10	7	22	9	6	22	0	0			
Dissent		5	4 ⁸	2 ³	2	-	0	0	0	0	0	0	0	0			

¹ Both "Original Jurisdiction" and "Appellate" decisions are included in this table. A decision involving one or more appeals (including cross-appeals), motions or references is considered to be one case for the purposes of this table unless the vote or composition of majority or minority varies among the appeals, motions or references.

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.

² In *Hill v. The Queen*, [1977] 1 S.C.R. 827, both Laskin C.J.C. and Beetz J. gave dissenting reasons for judgment and concurred with the dissenting judgment of Spence J. Dickson J. concurred with the dissenting judgments of each of Laskin C.J.C. and Spence J. De Grandpré J. concurred with the majority judgments of each of Ritchie J. and Pigeon J.

³ The judgment of Laskin C.J.C. (Judson, Spence and de Grandpré JJ. concurring) in *Min. of Mines and Northern Affairs of Ont. v. Sheridan Geophysics Ltd.*, [1977] 2 S.C.R. 384, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 37.

⁴ The judgment of Laskin C.J.C. (Spence J. concurring), in *Vardy v. Scott*, [1977] 1 S.C.R. 293, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 41.

⁵ The judgments of Laskin C.J.C. and Dickson J. in *Murphy v. The Queen*, [1977] 2 S.C.R. 603, have been considered to be dissenting judgments for the purposes of this table: see Table III—Subject Matter of Litigation, note 28. Dickson J. concurred with the dissenting judgment of Laskin C.J.C. as well as giving reasons for judgment of his own.

⁶ The judgment of Dickson J. (Laskin C.J.C. and Spence and Pigeon JJ. concurring) in *Warkentin v. The Queen*, [1977] 2 S.C.R. 345, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 31.

⁷ In *R. v. Newton*, [1977] 1 S.C.R. 399, Martland J. concurred in the majority arguments of each of Ritchie J. and Pigeon J.

^{7a} The judgment of Martland J. in *Hartman v. Fisette*, [1977] 1 S.C.R. 248, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 18.

⁸ The judgment of Spence J. in *Geophysical Engineering Ltd. v. MNR*, [1977] 2 S.C.R. 1008, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 38.

⁹ In *Ringrose v. College of Physicians and Surgeons of Alta.*, [1977] 1 S.C.R. 814, Spence J. concurred in the majority judgments of each of Dickson J. and de Grandpré J.

¹⁰ The judgment of de Grandpré J. (Pigeon J. concurring) in *Lamb v. Canadian Reserve Oil and Gas Ltd.*, [1977] 1 S.C.R. 517, has been considered to be a majority judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 34.

¹¹ In *Mulligan v. The Queen*, [1977] 1 S.C.R. 612, Dickson J. gave dissenting reasons for judgment and concurred with the dissenting judgment of Spence J.

¹² The judgment of de Grandpré J. in *Hamel v. Brunelle*, [1977] 1 S.C.R. 147, has been considered to be a dissenting judgment for the purposes of this table: see Table III—Subject Matter of Litigation, note 19.