

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1941-42

Four-to-Three Decisions

No 4-3 (or 3-2) decisions were filed during the 1941-42 term—a consequence of Justice Nelson's illness leaving the court with only six participating justices.

Decisions by Vote Split¹

6-0 (or 5-0) 266/276 (96%)	5-1 7/276 (3%)	4-2 3/276 (1%)	3-2 0/276 (0%)
<i>Home Owners' Loan Corp. v. Papara</i>	<i>Michels v. Michels</i>	<i>Wendt v. Manegold Stone Co.</i>	
<i>Horlick v. Sidley</i>	<i>State Bank of Mt. Horeb v. Banking Com.</i>	<i>Rew v. Marshek</i>	
<i>In re McGovern's Will</i>	<i>Rhyner v. Hartl</i>	<i>In re O'Connor's Guardianship</i>	
<i>Anderson v. Anderson</i>	<i>Hadrian v. Milwaukee E. R. & T. Co.</i>		
<i>Dach v. General Casualty Co.</i>	<i>Applleton Chair Corp. v. United Brotherhood of Carpenters & Joiners, etc.</i>		
<i>Grossman v. Kuehn</i>	<i>Elies v. Elies</i>		
<i>Hicks v. Hardy</i>	<i>Onsrud v. Kenyon</i>		
<i>In re Krause's Estate</i> [241 Wis. 41]			
<i>In re Satow's Estate</i>			
<i>Kasper v. Kocher</i>			
<i>Keller v. Friedrichs</i>			
<i>Kiel v. Frank Shoe Mfg. Co.</i>			
<i>Milwaukee v. Milbrew, Inc.</i>			
<i>Morse Chain Co. v. T. W. Meiklejohn, Inc.</i>			
<i>Post v. Thomas</i>			
<i>Prueher v. Bloomer</i>			
<i>Rehfuss v. La Crosse</i>			
<i>Ritholz v. Ammon</i>			
<i>Roswell v. Chicago, M., S. P. & P. R. Co.</i>			
<i>Samp v. Industrial Com.</i>			
<i>Sharp v. State</i>			
<i>State ex rel. Federal Paving Corp. v. Prudisch</i>			
<i>State ex rel. McCarty v. Ganter</i>			
<i>State ex rel. Pallange v. Wisconsin Real Estate Brokers' Board</i>			
<i>Stebbins v. Cosden Oil Co.</i>			
<i>UPS v. PSC</i>			
<i>Van Lydegraf v. Scholz</i>			
<i>Whitman v. Department of Taxation</i>			
<i>Yanggen v. Wisconsin Michigan Power Co.</i>			
<i>Acherman v. Robertson</i>			
<i>Becker v. Highway Trailer Co.</i>			
<i>Callahan v. Rando</i>			
<i>Doherty v. Rice</i>			
<i>In re Briese's Estate</i>			
<i>In re Greene's Will</i>			
<i>In re Henry S. Cooper, Inc.</i>			

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¹ There were no 7-0, 6-1, 5-2, or 4-3 decisions this term—a consequence of Justice Nelson's illness leaving the court with only six participating justices. In few instances, a justice authored a separate opinion that concurred in part and dissented in part. For this and other tables, each such vote has been categorized as either a dissent or a concurrence according to the following guidelines. If a justice's opinion dissented from the result on one or more issues, it was classified as a dissent. If the opinion concurred with the result on all issues but disputed the majority's reasoning on one or more issues, it was classified as a concurrence.

<i>In re Krause's Estate</i> [240 Wis. 502]			
<i>In re Pitcher's Estate</i>			
<i>Johnson v. Prange-Geussenhainer Co.</i>			
<i>Kellogg-Citizens Nat'l Bank v. Francois</i>			
<i>Mahar v. Uihlein</i>			
<i>Marki v. State</i>			
<i>Oshkosh Pure Ice Co. v. Industrial Com.</i>			
<i>Standard Oil Co. v. Clintonville</i>			
<i>State ex rel. Ferebee v. Dillett</i>			
<i>State ex rel. Scandrett v. Nelson</i>			
<i>State v. Tyler</i>			
<i>Thalhofer v. Patri</i>			
<i>Tollander v. Bonneville</i>			
<i>Weathered Misses Shop v. Coffey</i>			
<i>Burden v. Doucette</i>			
<i>Gray v. Gray</i>			
<i>Guderyon v. Wisconsin Tel. Co.</i>			
<i>Gussert v. Green Bay Home Bldg. Co.</i>			
<i>Horn v. Snow White Laundry & Dry Cleaning Co.</i>			
<i>In re Sawall's Estate</i>			
<i>Johnson v. Associated Seed Growers</i>			
<i>Koppelkam v. First Wisconsin Trust Co.</i>			
<i>May Tire & Service, Inc. v. Sinclair Refining Co.</i>			
<i>Poyer v. State</i>			
<i>Rasmussen v. Jensen</i> [240 Wis. 242]			
<i>Rasmussen v. Jensen</i> [240 Wis. 252]			
<i>Riedi v. Heinzl</i>			
<i>Rood v. Merchants Ins. Co.</i>			
<i>Sang v. Sang</i>			
<i>Singer v. Horn</i>			
<i>Wausaukee v. Lauerman</i>			
<i>Wilson v. Andrews</i>			
<i>Jackowska-Peterson v. D. Reik & Sons Co.</i>			
<i>American Surety Co. v. Northern Trust Co.</i>			
<i>Atlas Inv. Co. v. Christ</i>			
<i>Bauer v. Bahr</i>			
<i>Beattie v. Strasser</i>			
<i>Bowman Dairy Co. v. Wisconsin Tax Com.</i>			
<i>Brown v. L. S. Lunder Const. Co.</i>			
<i>Connor v. State</i>			
<i>Fay v. Green Bay</i>			
<i>Forkenbridge v. Excelsior Mut. Bldg. & Loan Asso.</i>			
<i>Gast v. Dallmann</i>			
<i>In re Krause's Will</i> [240 Wis. 72]			
<i>In re Krause's Will</i> [240 Wis. 68]			
<i>In re Pardee's Estate</i>			
<i>In re Terrill</i>			
<i>Kopf v. Engelke</i>			
<i>Kowalsky v. Whipkey</i>			
<i>Kushman v. State</i>			
<i>Menden v. Wisconsin Electric Power Co.</i>			

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<i>Olson v. Superior</i>			
<i>Outgamie County v. Iola</i>			
<i>Reynolds v. Wargus</i>			
<i>Schmutzler v. Brandenburg</i>			
<i>State ex rel. Lisbon Town Fire Ins. Co. v. Crosby</i>			
<i>State ex rel. Sprinkman v. Huiras</i>			
<i>State v. Hoffmann</i>			
<i>Banking Com. v. Rothe</i>			
<i>Bloomer Brewery v. Industrial Com.</i>			
<i>Carlson v. Strasser</i>			
<i>Eberdt v. Muller</i>			
<i>Estate of Miller v. State</i>			
<i>Estate of Mitchell v. Department of Taxation</i>			
<i>Fox v. Kaminsky</i>			
<i>Hutzler v. McDonnell</i>			
<i>Kerin v. Industrial Com.</i>			
<i>Kresge v. Miner Amusement Co.</i>			
<i>Maas v. W. R. Arthur & Co.</i>			
<i>Milwaukee Malleable & Grey Iron Works v. Industrial Com.</i>			
<i>Schmidt v. Hilty-Forster Lumber Co.</i>			
<i>State ex rel. Algoma v. Peterson</i>			
<i>State ex rel. Boyd v. Aarons</i>			
<i>State ex rel. Welch v. Chatterton</i>			
<i>State v. Carroll</i>			
<i>State v. Wagner</i>			
<i>Vaudreuil Lumber Co. v. Eau Claire County</i>			
<i>Wisconsin Dep't of Taxation v. Miller</i>			
<i>Mayhew v. Mayhew</i>			
<i>Anderson v. Kendrigan</i>			
<i>Angers v. Sabatinelli</i>			
<i>Bloedow v. Nitschke</i>			
<i>Bohren v. Lautenschlager</i>			
<i>Cronce v. Schuetz</i>			
<i>Drewniak v. State</i>			
<i>Duel v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Estate of Svacina v. East Wisconsin</i>			
<i>Federal Land Bank v. Olson</i>			
<i>Fond Du Lac Citizens Loan & Inv. Co. v. Webb</i>			
<i>Haight v. Luedtke</i>			
<i>In re Hauck's Estate</i>			
<i>In re Wenninger's Estate</i>			
<i>Johnson v. Town Board of Wyocena</i>			
<i>Keller v. Hartford Fire Ins. Co.</i>			
<i>Kroger Grocery & Baking Co. v. Industrial Com.</i>			
<i>Luthey v. Kronschnabl</i>			
<i>Marquis v. Peterson</i>			
<i>Newell v. Schultz Bros. Co.</i>			
<i>Reburg v. Lang</i>			
<i>Standard Oil Co. v. Industrial Com.</i>			
<i>Wisco Hardware Co. v. Hardware Dealers Mut. Fire Ins. Co.</i>			
<i>Bank of Black Creek v. Maconeghy</i>			
<i>Better Properties v. Kocher</i>			

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<i>Bobczyk v. Integrity Mut. Ins. Co.</i>			
<i>Bowen v. Industrial Com.</i>			
<i>Brener v. Raasch</i>			
<i>Collatz v. Fox Wisconsin Amusement Corp.</i>			
<i>Curtis v. Gillie</i>			
<i>Derleder v. Piper</i>			
<i>Dibble v. Dibble</i>			
<i>Ebenreiter v. Woulf</i>			
<i>Eggebeen v. Sonnenburg</i>			
<i>Frank v. Schroeder</i>			
<i>In re Butter's Will</i>			
<i>In re Von Nobel's Estate</i>			
<i>Kalb v. Luce</i>			
<i>Kniess v. American Surety Co.</i>			
<i>Koepke v. Sass</i>			
<i>Linden v. City Car Co.</i>			
<i>Marathon Finance Corp. v. Rice Lake Auto Co.</i>			
<i>Martin v. Smith</i>			
<i>Olson v. Gilbertson</i>			
<i>Order of Sisters of St. Joseph v. Plover</i>			
<i>Prey v. Allard</i>			
<i>Randall v. Beidle</i>			
<i>Schoenburg v. Klapperich</i>			
<i>State v. Dingman</i>			
<i>State v. Miller</i>			
<i>State v. Shepard</i>			
<i>Zamecnik v. Royal Transit</i>			
<i>Estate of Ryerson v. State</i>			
<i>Banking Com. v. Magnin</i>			
<i>Beck v. Baird</i>			
<i>Borkenhagen v. Baertschi</i>			
<i>Bump Pump Co. v. Waukesha Foundry Co.</i>			
<i>Cespuglio v. Cespuglio</i>			
<i>Interstate Fin. Corp. v. Dunphy</i>			
<i>Krueger v. Hansen</i>			
<i>Leanna v. Goethe</i>			
<i>McGeever v. State</i>			
<i>Miller v. Northern Bank</i>			
<i>Milwaukee Sanitarium v. Lynch</i>			
<i>Ott v. Tschantz</i>			
<i>Penterman v. Penterman</i>			
<i>Pfuehler v. General Casualty Ins. Co.</i>			
<i>Ready v. Hafeman</i>			
<i>State ex rel. Wendt v. Board of Trustees of Police Pension Fund</i>			
<i>State v. Zuehlke</i>			
<i>Stern v. Miner</i>			
<i>Toebe Academy of Beauty Culture, Inc. v. Kelly</i>			
<i>Tomany v. Camozzi</i>			
<i>Voll v. Industrial Com.</i>			
<i>Volland v. McGee</i>			
<i>Waukesha v. Schessler</i>			
<i>Waukesha County v. Green Lake County</i>			
<i>Milwaukee v. Heyer [238 Wis. 583]</i>			

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<i>Banking Com. of Wisconsin v. Jordan</i>			
<i>Barkdoll v. Wink</i>			
<i>Bolter v. Wilson</i>			
<i>Briese's Estate</i>			
<i>Estate of O'Malley v. O'Malley</i>			
<i>Eulrich v. Clintonville</i>			
<i>Hickey v. Wisconsin Mut. Ins. Co.</i>			
<i>In re Guardianship of Letourneau</i>			
<i>In re Holmes' Estate</i>			
<i>In re Turnock's Estate</i>			
<i>In re Wehner's Will</i>			
<i>Levin v. Grant</i>			
<i>McClutchev v. Milwaukee County</i>			
<i>Milwaukee Co. v. Tomahawk</i>			
<i>New Amsterdam Casualty Co. v. Simpson</i>			
<i>Olen v. Waupaca County</i>			
<i>Ollmann v. Kowalewski</i>			
<i>O'Neill v. Maryland Casualty Co.</i>			
<i>Reissmann v. Jelinski</i>			
<i>Schrader v. Otto</i>			
<i>State ex rel. Martin v. Juneau</i>			
<i>Tees v. Lee</i>			
<i>Woodke v. Procknow</i>			
<i>Brehmer v. Severied (per curiam, 6-0)</i>			
<i>Dolly Madison Dairies v. Industrial Com. (per curiam, 6-0)</i>			
<i>Fields v. Peters (per curiam, 6-0)</i>			
<i>Meiklejohn v. Schramm (per curiam, 6-0)</i>			
<i>Seifert v. Solomon (per curiam, 6-0)</i>			
<i>Snider v. Solomon (per curiam, 6-0)</i>			
<i>Torkelson v. Torkelson (per curiam, 6-0)</i>			
<i>Dacho v. Tarr (per curiam, 6-0)</i>			
<i>Dier v. Miller (per curiam, 6-0)</i>			
<i>Sherman v. Woodland Builders Corp. (per curiam, 6-0)</i>			
<i>Tubergen v. Koenig (per curiam, 6-0)</i>			
<i>Ausman v. Mlaker (per curiam, 6-0)</i>			
<i>Dauffenbach v. Sides (per curiam, 6-0)</i>			
<i>Groff v. Marathon County (per curiam, 6-0)</i>			
<i>In re Will of Messner v. Reiningger (per curiam, 6-0)</i>			
<i>Markert v. Truettner (per curiam, 6-0)</i>			
<i>Melcher v. Melcher (per curiam, 6-0)</i>			
<i>O'Brien v. Dane County (per curiam, 6-0)</i>			
<i>In re Bagley's Will (per curiam, 6-0)</i>			
<i>In re Will of Bain (per curiam, 6-0)</i>			
<i>Kisten v. Powell (per curiam, 6-0)</i>			
<i>La Crosse Trust Co. v. Gantert (per curiam, 6-0)</i>			
<i>Rhead v. Industrial Com. (per curiam, 6-0)</i>			
<i>Schneider v. Vasiljevic (per curiam, 6-0)</i>			
<i>Schultz v. Spain (per curiam, 6-0)</i>			

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<i>Sfetsos v. Industrial Com. (per curiam, 6-0)</i>			
<i>Sheboygan v. Sheboygan (per curiam, 6-0)</i>			
<i>Waisman v. Wagner (per curiam, 6-0)</i>			
<i>Welch v. Milwaukee E. R. & T. Co. (per curiam, 6-0)</i>			
<i>Eckman v. Milwaukee E. R. & T. Co. (per curiam, 6-0)</i>			
<i>Harnischfeger Corp. v. Industrial Com. (per curiam, 6-0)</i>			
<i>Mahoney v. Geneva Lake Good Roads Ass'n (per curiam, 6-0)</i>			
<i>Martin v. Morris (per curiam, 6-0)</i>			
<i>Redden v. Redden (per curiam, 6-0)</i>			
<i>Strauss v. Howdin Distilled Products (per curiam, 6-0)</i>			
<i>Dominy v. Scandrett (per curiam, 6-0)</i>			
<i>In re Wettstein's Will (per curiam, 6-0)</i>			
<i>Richtman v. Honkamp (per curiam, 6-0)</i>			
<i>Dunham v. Wendorf (per curiam, 6-0)</i>			
<i>In re Gorton's Estate (per curiam, 6-0)</i>			
<i>Realty Inv. Co. v. Miller (per curiam, 6-0)</i>			
<i>Turner-Roe v. Hardware Mut. Casualty Co. (per curiam, 6-0)</i>			
<i>Wellington Hall v. Innes (per curiam, 6-0)</i>			
<i>Burdick v. Kriplean Bros. (per curiam, 6-0)</i>			
<i>Jesdahl v. Fink (per curiam, 6-0)</i>			
<i>McElroy v. Fritsch (per curiam, 6-0)</i>			
<i>Schaefer v. Schaefer (per curiam, 6-0)</i>			
<i>In re Wisconsin Sav. Loan & Bldg. Ass'n (5-0)</i>			
<i>Milwaukee v. Heyer [241 Wis. 56] (5-0)</i>			
<i>Devroy v. State (5-0)</i>			
<i>In re Marshall's Will (5-0)</i>			

Frequency in the Majority

These tables display how frequently each justice voted in the majority. The first table includes all cases in which a justice voted, while the second table includes only cases decided by split votes.

All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	276	276	100%
Fairchild	272	275	99%
Fritz	270	274	99%
Rosenberry	275	276	99.6%
Fowler	272	276	99%
Martin	274	275	99.6%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	10	10	100%
Fairchild	7	10	70%
Fritz	6	10	60%
Rosenberry	9	10	90%
Fowler	6	10	60%
Martin	9	10	90%

Opinions Authored²

The first table indicates how many majority opinions a justice authored in cases decided by each of the four possible majority vote totals. The second table shows how many concurrences and dissents each justice wrote. If a justice concurred or dissented without authoring an opinion, he is not credited.

Opinion Author	6-0 (or 5-0)	5-1	4-2	3-2
Wickhem	34	1	1	0
Fairchild	33	2	1	0
Fritz	37	1	0	0
Rosenberry	36	1	1	0
Fowler	41	2	0	0
Martin	38	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	1	0
Fairchild	0	3
Fritz	0	0
Rosenberry	0	0
Fowler	0	3
Martin	0	0

² *Per curiam* decisions are omitted. There were no 7-0, 6-1, 5-2, or 4-3 decisions this term—a consequence of Justice Nelson’s illness leaving the court with only six participating justices.

Agreement Among Pairs of Justices

The following tables show the percentage of decisions in which every possible pair of justices found themselves on the same side—either both in the majority or both dissenting. The first table covers all decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Fritz and Fowler voted together in 40% of the decisions, while the figure for Justices Wickhem and Rosenberry was 90%.

Agreement Between Pairs of Justices—All Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Martin
Wickhem	272/275=99%	270/274=99%	275/276=99.6%	272/276=99%	274/275=99.6%
	Fairchild	266/273=97%	273/275=99%	268/275=97%	270/274=99%
		Fritz	269/274=98%	268/274=98%	270/273=99%
			Rosenberry	271/276=98%	273/275=99%
				Fowler	270/275=98%
					Martin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Martin
Wickhem	7/10=70%	6/10=60%	9/10=90%	6/10=60%	9/10=90%
	Fairchild	3/10=30%	8/10=80%	3/10=30%	6/10=60%
		Fritz	5/10=50%	4/10=40%	7/10=70%
			Rosenberry	5/10=50%	8/10=80%
				Fowler	5/10=50%
					Martin