

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crownhart, Rosenberry, Owen, Doerfler	2	<i>Draper v. Rodd; First Nat'l Bank v. Hartford</i>
Eschweiler, Doerfler, Vinje, Jones	1	<i>Federal Rubber Co. v. Industrial Com.</i>

4-3 Membership in the Majority

Justice	Votes
Crownhart	2
Rosenberry	2
Owen	2
Eschweiler	1
Doerfler	3
Vinje	1
Jones	1

4-3 Majority Opinions Authored

	Opinions
Crownhart	0
Rosenberry	1
Owen	1
Eschweiler	0
Doerfler	0
Vinje	1
Jones	0
Total	3

Decisions by Vote Split¹

7-0 (or 6-0)	6-1	5-2	4-3
258/292 (88%)	28/292 (10%)	3/292 (1%)	3/292 (1%)
<i>Ad. Dernehl & Sons Co. v. Detert</i>	<i>B.F. Sturtevant Co. v. Indus. Comm'n of Wis.</i>	<i>State ex rel. Waldheim & Co. v. Wisconsin Tax Com.</i>	<i>Draper v. Rodd</i>
<i>Ajax Rubber Co. v. Western Petroleum Co.</i>	<i>Bentson v. Brown</i>	<i>WILL OF WILLIAMS v. LAKE</i>	<i>Federal Rubber Co. v. Industrial Com.</i>
<i>American Exch. Bank v. Bornstein</i>	<i>Dax v. Chicago, M. & S. P. R. Co.</i>	<i>Zweifel v. Milwaukee</i>	<i>First Nat'l Bank v. Hartford</i>
<i>Andersen Yard Co. v. Citizens' State Bank</i>	<i>Derbeck v. Albright</i>		
<i>ARCHER v. INDUSTRIAL COMM'N OF WISCONSIN</i>	<i>Desmond v. Pierce</i>		
<i>Automatic Screw Machine Products Co. v. Continental Casualty Co.</i>	<i>ESTATE OF CARLIN: EVANS v. CARLIN</i>		
<i>Balistrieri v. Chicago, N. S. & M. R. R.</i>	<i>ESTATE OF PADDOCK: TRAPHAGEN v. PADDOCK</i>		
<i>Baraboo v. Industrial Com.</i>	<i>Fehrman v. Bissell Lumber Co.</i>		
<i>Bartozek v. State</i>	<i>Gray v. Waupun</i>		
<i>Barutio v. Dowling</i>	<i>Haritos v. Haritos</i>		
<i>Basile v. Fath</i>	<i>Hepp v. Petrie</i>		
<i>BASSETT v. SOELLE</i>	<i>Highway Trailer Co. v. Janesville Electric Co.</i>		
<i>Baumann v. West Allis</i>	<i>Interlake Pulp & Paper Co. v. Indus. Comm'n of Wis.</i>		
<i>Behling v. Rock County Sugar Co.</i>	<i>Maryland Casualty Co. v. Thomas Furnace Co.</i>		
<i>Bitof v. Hoppe</i>	<i>Ridgeway State Bank v. Bird</i>		
<i>Blumenstein v. Pilon</i>	<i>RONNING v. INDUSTRIAL COMM'N</i>		
<i>Blumenthal v. Schneider</i>	<i>Ronning v. State</i>		
<i>Booth Fisheries Co. v. Industrial Com.</i>	<i>Roth v. Chicago, M. & S. P. R. Co.</i>		
<i>Bowen v. Osceola</i>	<i>Schmidt v. Riess</i>		
<i>Breese v. Wagner</i>	<i>Shawano County v. Froemming Bros.</i>		
<i>Bremer v. Rufener</i>	<i>Shields v. State</i>		

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¹ Occasionally, a justice will author a separate opinion that concurs in part and dissents in part. For SCOWstats tables, each such vote is 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 is 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 is classified as a concurrence.

As explained in this post's introductory comments, certain justices were not on the court for the entire term, and it is not possible to determine precisely when they began, or ceased, to participate in decisions. Consequently, while the *totals* are accurate for each of the four columns in this table, I have not disaggregated the votes in individual columns (for example, I have not tried to establish how many decisions in the first column were 7-0, how many were 6-0, and so on).

WISCONSIN SUPREME COURT DECISIONS, 1924-25

<i>Brown v. Redmond</i>	<i>Southern Colonization Co. v. Howard Cole & Co.</i>		
<i>Building Contractors' Ltd. Mut. Liability Ins. Co. v. Southern Surety Co.</i>	<i>State ex rel. Dewey v. Kibbe</i>		
<i>Burham Bros. Brick Co. v. Riesen</i>	<i>Stephenson v. Wisconsin Gas & Electric Co.</i>		
<i>Caley v. Weyerhaeuser State Bank</i>	<i>Stresney v. State</i>		
<i>Canadian Steel Foundries, Ltd. v. Thomas Furnace Co.</i>	<i>TRUELSCH v. MILLER</i>		
<i>CARCHIDI v. STATE</i>	<i>Wachowski v. Lutz</i>		
<i>Carlson v. Chicago & N. W. R. Co.</i>	<i>West Allis Foundry Co. v. State</i>		
<i>Carson v. Leet</i>			
<i>Chicago & N. W. R. Co. v. Railroad Com.</i>			
<i>Chicago, M. & S. P. R. Co. v. Malleable Iron Range Co.</i>			
<i>Chicago, M. & S. P. R. Co. v. Railroad Com. [187 Wis. 364]</i>			
<i>Chicago, M. & S. P. R. Co. v. Railroad Com. [187 Wis. 380]</i>			
<i>Christensen v. Badger Improv. Co.</i>			
<i>Christensen v. Mann</i>			
<i>CITY OF MILWAUKEE v. INDUSTRIAL COMM'N OF WISCONSIN</i>			
<i>Clark v. Wisconsin-Minnesota Light & Power Co.</i>			
<i>COCHRANE v. C. HENNECKE CO.</i>			
<i>Colby Cheese Box Co. v. Laabs</i>			
<i>Combined Locks Paper Co. v. Indus. Comm'n of Wis.</i>			
<i>Cutter v. Greene</i>			
<i>DAMORJIAN v. STATE</i>			
<i>Davis v. State</i>			
<i>Davis v. Williams Creamery Co.</i>			
<i>Davis-Watkins Dairymen's Mfg. Co. v. Cronin Dairy & Ice Cream Co.</i>			
<i>Day v. Morgan</i>			
<i>Day v. Pauly</i>			
<i>Dietrich v. State</i>			
<i>Doolittle v. Keller</i>			
<i>Dorcey v. Milwaukee Electric R. & L. Co.</i>			
<i>Duff v. State</i>			
<i>EMIELITY v. STATE</i>			
<i>Erie City Iron Works v. Marshfield</i>			
<i>ESTATE OF ARNEBERG</i>			
<i>ESTATE OF BEYER</i>			
<i>ESTATE OF BRADLEY v. TWEEDY</i>			
<i>ESTATE OF BRUNDAGE: BRUNDAGE v. TOWERS</i>			
<i>ESTATE OF DRAPER: F. DOHMEN CO. v. DRAPER</i>			
<i>ESTATE OF DRAPER: YAHR & LANGE DRUG CO. v. DRAPER</i>			
<i>ESTATE OF DUERRWAECHTER: DUERRWAECHTER v. WISCONSIN TAX COMM'N</i>			

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<i>ESTATE OF GARBADE</i>			
<i>ESTATE OF HARTER: HARTER v. BRIGUM</i>			
<i>ESTATE OF JOHNSTON: STATE v. JOHNSTON</i>			
<i>ESTATE OF KOCHANSKI v. GDANIEC</i>			
<i>ESTATE OF WEGNER: WAGNER v. WEGNER</i>			
<i>Evenson v. State</i>			
<i>Ex parte Kreutzer</i>			
<i>Fahrbach v. Fahrbach</i>			
<i>Fannin v. Minneapolis, S. P. & S. S. M. R. Co.</i>			
<i>Farmers' & Merchants' State Bank v. Perry</i>			
<i>First Nat'l Bank v. Joint School Dist.</i>			
<i>Freimann v. Cumming</i>			
<i>Fuller v. Ringling</i>			
<i>Ganzel v. State</i>			
<i>Gesell v. Bradley Co.</i>			
<i>Gesell v. Tomahawk Land Co.</i>			
<i>Getts v. Olsen</i>			
<i>Glick v. Baer</i>			
<i>Green Bay Fish Co. v. State</i>			
<i>Gregory v. Milwaukee County</i>			
<i>Grieb & Erickson v. Estberg</i>			
<i>Griffin v. Milwaukee E. R. & L. Co.</i>			
<i>Grimm v. State</i>			
<i>Gruszka v. Mitchell Street State Bank</i>			
<i>H. Schmitt & Son v. Milwaukee</i>			
<i>Hall v. Wisconsin L. Ins. Co.</i>			
<i>Hanson v. Ryan</i>			
<i>Harder v. Davelaar</i>			
<i>Hardy v. People's State Bank</i>			
<i>Haselmaier v. Milwaukee Electric R. & Light Co.</i>			
<i>Hearth v. Chicago, M. & S. P. R. Co.</i>			
<i>Hennig v. Iron Ridge Canning Co.</i>			
<i>Henry v. Dolen</i>			
<i>Hobbins v. Hannan</i>			
<i>Holcomb v. Szymczyk</i>			
<i>Holmes v. Racine Furnace & Foundry Co.</i>			
<i>Hovie v. Pleshek</i>			
<i>In re Adams</i>			
<i>In re Bearby</i>			
<i>In re Borchardt's Will</i>			
<i>In re Dereg's Will</i>			
<i>In re Estate of Allis</i>			
<i>In re Foxen's Will</i>			
<i>In re Hamburger's Will</i>			
<i>In re Hughes's Will</i>			
<i>In re Kelly's Will</i>			
<i>In re Lotwin's Will</i>			
<i>In re Milwaukee Sheep & Wool Co.</i>			
<i>In re Milwaukee, E. R. & L. Co.</i>			
<i>In re Read's Will</i>			
<i>In re Richter</i>			
<i>In re Rocky Run Drainage Dist.</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1924-25

<i>In re Whitman</i>			
<i>Ireland v. Tomahawk Light, Tel. & Improv. Co.</i> [185 Wis. 153]			
<i>Ireland v. Tomahawk Light, Tel. & Improv. Co.</i> [185 Wis. 148]			
<i>Isaacson v. Wisconsin Casualty Ass'n</i>			
<i>Iverson v. Union Free High School Dist.</i>			
<i>Jensen v. Oconto Falls</i>			
<i>Jentsch v. Roenfan</i>			
<i>Junion v. Snavely Motor Co.</i>			
<i>Kappers v. Cast Stone Const. Co.</i>			
<i>Karney v. Boyd</i>			
<i>Kelenic v. Berndt</i>			
<i>Kiel v. Scott & Williams, Inc.</i>			
<i>Kimberly-Clark Co. v. Industrial Com.</i>			
<i>Kleeman v. Chicago & N. W. R. Co.</i>			
<i>Kosak v. Boyce</i>			
<i>Kuehne v. Kuehne</i>			
<i>Kuglich v. Fowle</i>			
<i>Lakeside Packing Co. v. Minneapolis, S. P. & S. S. M. R. Co.</i>			
<i>Lang v. Findorff</i>			
<i>Lange v. Olson</i>			
<i>Latta v. Fidelity-Phenix Fire Ins. Co.</i>			
<i>Lehner v. Rudinger</i>			
<i>Lipman v. Manger</i>			
<i>Lippert v. School Dist.</i>			
<i>Lozon v. Leamon Bakery Co.</i>			
<i>Lustik v. State</i>			
<i>Luttrupp v. Kilborn</i>			
<i>Macomber v. Minneapolis Fire & Marine Ins. Co.</i>			
<i>Magnuson v. State</i>			
<i>Maryland Casualty Co. v. Hjorth</i>			
<i>McAbee v. Gerarden</i>			
<i>McIntyre v. McGovern</i>			
<i>McLery v. McLery</i>			
<i>McMahon v. Lower Baraboo River Drainage Dist.</i>			
<i>MCMYNN v. PETERSON</i>			
<i>Menasha Woodenware Co. v. Industrial Com.</i>			
<i>Mertz v. Fleming</i>			
<i>Miller v. Frank I. Epstein Co.</i>			
<i>Milquet v. Van Straten</i>			
<i>Milton v. Railroad Com. of Wisconsin</i>			
<i>Milwaukee v. Industrial Com.</i>			
<i>Milwaukee v. Stachelski</i>			
<i>Moller v. Moller</i>			
<i>Morgan Co. v. Industrial Com.</i>			
<i>Muscoda State Bank v. Kolar</i>			
<i>Naus v. Chicago M. E. R. Co.</i>			
<i>Nelson v. State</i>			
<i>Nichols v. Galpin</i>			
<i>Novak v. State</i>			
<i>Nowiny Publ'g Co. v. Kappl</i>			
<i>O'Connor v. Pawling & H. Co.</i>			
<i>Oeland v. Woldenberg</i>			
<i>Ogden v. Straus Bldg. Corp.</i>			
<i>Olsen v. Brown</i>			

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<i>Olson v. Herman Farmers' Mut. Ins. Co.</i>			
<i>Ovitt v. Schumekosky</i>			
<i>Parker v. Brumder</i>			
<i>Pella v. Gresch</i>			
<i>Pisarek v. Singer Talking Mach. Co.</i>			
<i>Prahl v. Hogensen</i>			
<i>Price v. Wisconsin Tel. Co.</i>			
<i>PRUNO v. INDUSTRIAL COMM'N OF WISCONSIN</i>			
<i>Rainbow Gardens v. Industrial Com.</i>			
<i>Rappaport v. Reliance Sec. Co.</i>			
<i>Remington v. Judd</i>			
<i>Ridgeway State Bank v. Severson</i>			
<i>Riley v. State</i>			
<i>Roberts v. Gerber</i>			
<i>Robicheau v. Arnovitz</i>			
<i>Robinson v. Marachowsky</i>			
<i>Rock County v. Industrial Com.</i>			
<i>Roesler v. State</i>			
<i>Rooney v. Rooney</i>			
<i>Rosandich v. Chicago, N. S. & M. R. Co.</i>			
<i>Rosenberg v. Borst</i>			
<i>Ross v. C. P. Crosby Lumber Co.</i>			
<i>Rottman v. Toft</i>			
<i>Rusk Farm Drainage Dist. v. Industrial Com.</i>			
<i>Rusk v. Bank of La Farge</i>			
<i>Ryan v. Milwaukee N. R. Co.</i>			
<i>Saltzberg v. Tax</i>			
<i>Schaefer & Co. v. Indus. Comm'n of Wis.</i>			
<i>Schissler v. Wisconsin Life Ins. Co.</i>			
<i>SCHNICK v. STATE</i>			
<i>School Dist. v. First Wisconsin Co.</i>			
<i>Schumacher v. Railroad Com.</i>			
<i>Schwemer v. Milwaukee Commercial Bank</i>			
<i>Sheban v. A. M. Castle & Co.</i>			
<i>Shier v. Gillett</i>			
<i>Simpson v. Waukesha County</i>			
<i>Singer Sewing Machine Co. v. Lang</i>			
<i>Sippel v. Fond Du Lac</i>			
<i>Sloss-Sheffield Steel & I. Co. v. Wisconsin Foundry & Mach. Co.</i>			
<i>Southern Surety Co. v. Hotchkiss</i>			
<i>Southern Surety Co. v. Metropolitan Sewerage Co.</i>			
<i>State ex rel. Allis v. Wiesner</i>			
<i>State ex rel. Carnegie Dock & Fuel Co. v. Beckley</i>			
<i>State ex rel. Consolidation Coal Co. v. Arnold</i>			
<i>State ex rel. Crucible Steel Casting Co. v. Wisconsin Tax Com.</i>			
<i>State ex rel. Donahue-Stratton Co. v. Grimm</i>			
<i>State ex rel. Duesing v. Lechner</i>			
<i>State ex rel. Ekern v. Zimmerman</i>			
<i>State ex rel. Horton v. Brechler</i>			

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<i>State ex rel. Kieckhefer v. Cary</i>			
<i>State ex rel. Knapp v. Pohle</i>			
<i>State ex rel. Mellen v. Public School Teachers' Annuity & Retirement Fund Trustees</i>			
<i>State ex rel. Southern Colonization Co. v. Circuit Court of St. Croix County</i>			
<i>State ex rel. Weisskopf v. Byrne Bros. Co.</i>			
<i>State v. Blumenstein</i>			
STATE v. INDUSTRIAL COMM'N OF WISCONSIN			
<i>State v. Krause</i>			
<i>State v. Lavanias</i>			
<i>Stephan v. Abe</i>			
<i>Stevens v. Morse</i>			
<i>Stockhausen v. Oehler</i>			
<i>Stradling v. Nelson</i>			
<i>Suren v. Zuege</i>			
<i>Terry v. Schmidt</i>			
<i>Thomsen v. Gennrich</i>			
<i>Thunder Lake Lumber Co. v. Carpenter</i>			
<i>Ticknor v. Sinclair</i>			
<i>Traffic Signal Light Mfg. Co. v. Lange</i>			
<i>Trudell v. James Cape & Sons Co.</i>			
<i>Union State Bank v. Savord</i>			
<i>Van Burnt v. Joint School Dist.</i>			
<i>Vejih v. State</i>			
<i>Voell v. Klein</i>			
<i>Wallach v. Rabinowitz</i>			
<i>West Bend v. West Bend Heating & Lighting Co.</i>			
<i>Wetzler v. Glassner</i>			
<i>Will of Behm</i>			
<i>Will of Eaton</i>			
<i>Will of Leitsch</i>			
<i>Will of Mangan</i>			
WILL OF UIHLEIN: UIHLEIN v. WISCONSIN TAX COMM'N			
<i>Will of Wagen</i>			
<i>Wilson v. Demos</i>			
<i>Wilson v. State</i>			
<i>Wisconsin Electric Power Co. v. Lake</i>			
<i>Wisconsin Public Service Co. v. Railroad Com.</i>			
<i>Wisconsin S. R. Co. v. Wisconsin R. Com.</i>			
<i>Zetley v. James Realty Co.</i>			
<i>State v. Smith (7-0 per curiam)</i>			
<i>Joint School Dist. v. Marathon County Bank (6-0)</i>			
<i>Lamb v. Shoemaker (6-0)</i>			
<i>Miller v. McManus (6-0)</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
Crownhart	280	292	96%
Rosenberry	289	291	99%
Owen	285	292	98%
Eschweiler	279	291	96%
Doerfler	290	291	99.7%
Vinje	289	292	99%
Jones	286	292	98%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Crownhart	22	34	65%
Rosenberry	32	34	94%
Owen	27	34	79%
Eschweiler	22	34	65%
Doerfler	33	34	97%
Vinje	31	34	91%
Jones	28	34	82%

WISCONSIN SUPREME COURT DECISIONS, 1924-25
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 dissented without authoring an opinion, he is not credited.

Opinion Author	7-0 (or 6-0)	6-1	5-2	4-3
Crownhart	31	3	1	0
Rosenberry	40	4	0	1
Owen	47	3	1	1
Eschweiler	28	4	0	0
Doerfler	36	8	0	0
Vinje	34	3	0	1
Jones	41	3	1	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Crownhart	0	10
Rosenberry	0	1
Owen	1	5
Eschweiler	0	4
Doerfler	0	0
Vinje	0	2
Jones	0	1

² *Per curiam* decisions are omitted.

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 Crownhart and Eschweiler voted together in 29% of the decisions, while the figure for Justices Rosenberry and Vinje was 85%.

Agreement Between Pairs of Justices—All Decisions

	Rosenberry	Owen	Eschweiler	Doerfler	Vinje	Jones
Crownhart	279/291=96%	275/292=94%	267/291=92%	278/291=96%	277/292=95%	274/292=94%
	Rosenberry	284/291=98%	276/290=95%	287/290=99%	286/291=98%	283/291=97%
		Owen	272/291=93%	283/291=97%	282/292=97%	279/292=96%
			Eschweiler	279/290=96%	280/291=96%	279/291=96%
				Doerfler	287/291=99%	284/291=98%
					Vinje	289/292=99%
						Jones

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Rosenberry	Owen	Eschweiler	Doerfler	Vinje	Jones
Crownhart	22/34=65%	17/34=50%	10/34=29%	21/34=62%	19/34=56%	16/34=47%
	Rosenberry	27/34=79%	20/34=59%	31/34=91%	29/34=85%	26/34=76%
		Owen	15/34=44%	26/34=76%	24/34=71%	21/34=62%
			Eschweiler	23/34=68%	23/34=68%	22/34=65%
				Doerfler	30/34=88%	27/34=79%
					Vinje	31/34=91%
						Jones