

Four-to-Three Decisions

4-3 Alignments

Justices	Total	
Eschweiler, Vinje, Winslow, Kerwin	1	<i>Citizens' State Bank v. Cayouette</i>
Rosenberry, Owen, Eschweiler, Winslow	1	<i>Franke v. Chicago & N. W. R. Co.</i>
Owen, Eschweiler, Vinje, Siebecker	1	<i>Milwaukee v. Chicago, M. & S. P. R. Co.</i>
Owen, Eschweiler, Winslow, Siebecker	1	<i>Van De Zande v. Chicago & N. W. R. Co.</i>

4-3 Membership in the Majority

Justice	Votes
Rosenberry	1
Owen	3
Eschweiler	4
Vinje	2
Winslow	3
Siebecker	2
Kerwin	1

4-3 Majority Opinions Authored

	Opinions
Rosenberry	0
Owen	0
Eschweiler	2
Vinje	0
Winslow	0
Siebecker	1
Kerwin	1
Total	4

Decisions by Vote Split¹

7-0 (or 6-0, 5-0)	6-1	5-2 (or 4-2)	4-3
169/199 (85%)	14/199 (7%)	12/199 (6%)	4/199 (2%)
<i>Albright v. Stegeman Motorcar Co.</i>	<i>Bell v. Milwaukee E. R. & L. Co.</i>	<i>Hoberg v. John Hoberg Co.</i>	<i>Citizens' State Bank v. Cayouette</i>
<i>Allen v. Wolf River Lumber Co.</i>	<i>Cousins v. Schroeder</i>	<i>State Bank of Waupun v. Storm</i>	<i>Franke v. Chicago & N. W. R. Co.</i>
<i>Alshuler v. Milwaukee E. R. & L. Co.</i>	<i>ESTATE OF WEEK: STATE v. ANDERSON</i>	<i>Bergevin v. Bergevin</i>	<i>Van De Zande v. Chicago & N. W. R. Co.</i>
<i>Andrews v. Fluekiger</i>	<i>Meade v. Wisconsin Motor Mfg. Co.</i>	<i>Ambler v. Sinaiko</i>	<i>Milwaukee v. Chicago, M. & S. P. R. Co.</i>
<i>Angerstein v. Milwaukee Monument Co.</i>	<i>State ex rel. Beattie v. Board of Education</i>	<i>Schmidt v. State</i>	
<i>Barta v. Blahnik</i>	<i>State ex rel. Mason v. Larsen</i>	<i>State ex rel. Blaine v. Wisconsin Tel. Co.</i>	
<i>Bassett v. Milwaukee N. R. Co.</i>	<i>Unitype Co. v. Schwittay</i>	<i>BORCHERT v. SKIDMORE LAND CO.</i>	
<i>Bechmann v. Salzer</i>	<i>Yahnke v. Lange</i>	<i>Roberts v. Harrington</i>	
<i>Behrend v. Buchmann</i>	<i>Yellick v. Milwaukee N. R. Co.</i>	<i>Wagener v. Old Colony Life Ins. Co.</i>	
<i>Bell Lumber Co. v. Bayfield T. R. Co.</i>	<i>Dells Paper & Pulp Co. v. Willow River Lumber Co.</i>	<i>Gugel v. Olin</i>	
<i>Braun v. Minneapolis, S. P. & S. S. M. R. Co.</i>	<i>Konkel v. State</i>	<i>Keachie v. Starkweathern Drainage Dist. [4-2]</i>	
<i>Campbell v. Milwaukee E. R. & L. Co.</i>	<i>Levy v. Sattler</i>	<i>Holdgrafer v. Benton [4-2]</i>	
<i>Chicago, I. & L. R. Co. v. Peterson</i>	<i>Mitchell Street State Bank v. Froedtert</i>		
<i>DIETRICH v. ESTATE OF LONEY</i>	<i>BASSETT v. CHICAGO & NORTHWESTERN RY. CO.</i>		
<i>Dring v. Mainwaring</i>			
<i>Drinkwater v. State</i>			
<i>Dunkel v. Smith</i>			
<i>Edward E. Gillen Co. v. John H. Parker Co.</i>			
<i>Edward T. Kelly Co. v. Von Zakobiel</i>			
<i>Elkey v. Seymour</i>			
<i>ESTATE OF EBELING: STATE v. EBELING</i>			
<i>ESTATE OF MARGARET FLANAGAN v. ESTATE OF JOHN FLANAGAN</i>			
<i>Frailing v. Sieber</i>			
<i>Fred Miller Brewing Co. v. Knebel</i>			
<i>Gailey v. Brown</i>			
<i>Gordon v. Illinois C. R. Co.</i>			
<i>Harlow v. Kingston</i>			
<i>Hathaway v. Bruggink</i>			
<i>Heindel v. Wisconsin Traction, Light, Heat & Power Co.</i>			
<i>Hoberg v. McNevins</i>			
<i>Holub v. Cootware</i>			
<i>Hubbard Steel Foundry Co. v. Federal Bridge & Structural Co.</i>			

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¹ Justices occasionally author a separate opinion that concurs in part and dissents 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>Humboldt v. Schoen</i>			
<i>Huntley v. Stanchfield</i>			
<i>Hurlbut v. Union Tel. Co.</i>			
<i>In re Farr</i>			
<i>Juul v. School Dist. of Manitowoc</i>			
<i>Karls v. Drake</i>			
<i>Kellner v. Christiansen</i>			
<i>Klein v. Beeten</i>			
<i>Laney v. Ricardo</i>			
<i>Lehan v. Chicago & N. W. R. Co.</i>			
<i>MCCALLISTER v. KIMBERLY-CLARK CO.</i>			
<i>McDougall v. Chicago & N. W. R. Co.</i>			
<i>McGinty v. Brotherhood of R. Trainmen</i>			
<i>McNaughton v. McClure</i>			
<i>Meinert v. Roeglin</i>			
<i>Menting v. Germania Fire Ins. Co.</i>			
<i>Milwaukee v. Railroad Com.</i>			
<i>Mulvaney v. Armstrong</i>			
<i>Nelson v. Christensen</i>			
<i>Nelson v. Nelson</i>			
<i>Oconto Electric Co. v. Oconto</i>			
<i>O'Loughlin v. Dorn</i>			
<i>Price v. State</i>			
<i>Puffer v. Merton</i>			
<i>Roesler v. Shastri</i>			
<i>Rundle-Spence Mfg. Co. v. Badger-Packard Machinery Co.</i>			
<i>Rymer v. Mart</i>			
<i>Sawicki v. Wulff</i>			
<i>Sperry & Hutchinson Co. v. Weigle</i>			
<i>St. John's Military Academy v. Larson</i>			
<i>State ex rel. Gisholt Mach. Co. v. Norsman</i>			
<i>State ex rel. Labuwi v. Hathaway</i>			
<i>State ex rel. Loehr v. Hanson</i>			
<i>State ex rel. Standard Oil Co. v. Hull</i>			
<i>STATE ex rel. TOWN OF SOUTH RANGE v. TAX COMM'N OF WISCONSIN</i>			
<i>State v. Roberts</i>			
<i>Strander v. McIntosh</i>			
<i>Svoboda v. Barta</i>			
<i>Sweet v. Modern Woodmen of America</i>			
<i>Swoboda v. Rubin</i>			
<i>THOME v. CRAWFORD</i>			
<i>Todoroff v. Chicago & N. W. R. Co.</i>			
<i>Tomlinson v. Ashland County</i>			
<i>Toy v. Manderin Co.</i>			
<i>Two Rivers Dredge & Dock Co. v. Maryland Casualty Co.</i>			
<i>W. H. Shenners Co. v. Delzer</i>			
<i>Walters v. Sentinel Co.</i>			
<i>Werner v. Randall</i>			
<i>Wiedenbeck-Dobelin Co. v. Anderson</i>			
<i>Williams v. Duluth S. R. Co.</i>			
<i>Anderson v. Miller Scrap Iron Co.</i>			
<i>Andrus v. Ashland</i>			
<i>Badger State Inv. Co. v. Miller</i>			
<i>Baumgartner v. Milwaukee</i>			

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<i>Cusick v. Worthington Pump & Machinery Corp.</i>			
<i>De Bruine v. Voskuil</i>			
<i>Dunn v. Acme Auto & Garage Co.</i>			
<i>ESTATE OF JANS: DUSEK v. ONUFREY</i>			
<i>Frankfort General Ins. Co. v. Milwaukee E. R. & L. Co.</i>			
<i>Hassler v. Sheets</i>			
<i>Kelly v. Fidelity Mut. Life Ins. Co.</i>			
<i>Keske v. Boeder</i>			
<i>Nemet v. Kenosha</i>			
<i>Osceola Village v. Beyl</i>			
<i>Pahl v. Komorowski</i>			
<i>Pederson v. Johnson</i>			
<i>School Dist. v. Blystone</i>			
<i>Schroeder & Daly Co. v. Industrial Com.</i>			
<i>State ex rel. Milwaukee v. Milwaukee E. R. & L. Co.</i>			
<i>Stecher v. State</i>			
<i>Waldum v. Lake Superior T. & T. R. Co.</i>			
<i>Brittan v. Buerger Com. Co.</i>			
<i>Clausen v. Fond Du Lac County</i>			
<i>EHLERS v. AUTOMOBILE LIAB. CO.</i>			
<i>Georgia Casualty Co. v. American Milling Co.</i>			
<i>Gill v. Hermann</i>			
<i>Glatz v. Kroeger Bros. Co.</i>			
<i>Jensen v. Jensen</i>			
<i>Kremsreiter v. Boddenhagen</i>			
<i>Mitchell Street State Bank v. Schaefer</i>			
<i>Nyhagen v. Markham</i>			
<i>Shine v. Hagemeister Realty Co.</i>			
<i>State ex rel. Haven v. Sayle</i>			
<i>State ex rel. Portage County Drainage Dist. v. Newby</i>			
<i>Stilp v. New York L. Ins. Co.</i>			
<i>Stimpson v. Stimpson</i>			
<i>Wadleigh v. Stewart</i>			
<i>Zeh v. McCormick</i>			
<i>Williams v. Travelers' Ins. Co.</i>			
<i>Enwright v. Griffith</i>			
<i>ESTATE OF JUDSON: PATTERSON v. FULLER</i>			
<i>Frint Motorcar Co. v. Industrial Com. of Wisconsin</i>			
<i>Gerstein v. C. F. Adams Co.</i>			
<i>Hakes v. Pine Grove</i>			
<i>Hooymann v. Reeve</i>			
<i>Leidersdorf v. Kress</i>			
<i>Lingelbach v. Luckenbach</i>			
<i>Lukens Iron & Steel Co. v. Hartmann-Greiling Co.</i>			
<i>Malkowski v. Graham</i>			
<i>MUELLER v. BROTZ</i>			
<i>Penn v. Penn</i>			
<i>Puhr v. Chicago & N. W. R. Co.</i>			
<i>Quass v. Milwaukee Gaslight Co.</i>			
<i>Roder v. Roder</i>			
<i>Smith v. Railroad Com.</i>			

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<i>St. Paul Fire & M. Ins. Co. v. Laubenstein</i>			
<i>State v. Erickson</i>			
<i>Vogel v. Delaware, L. & W. R. Co.</i>			
<i>Ludwig v. Ludwig</i>			
<i>Notbohm v. Pallange</i> [per curiam, 7-0]			
<i>Bekkedal Lumber Co. v. Industrial Com. of Wisconsin</i> [6-0]			
<i>F. Eggers Veneer Seating Co. v. Industrial Com.</i> [6-0]			
<i>State ex rel. Murphy v. Board of Trustees of Teachers' Ins. & Retirement Fund</i> [6-0]			
<i>Ellingson Lumber Co. v. Industrial Com. of Wisconsin</i> [6-0]			
<i>Frontier Mining Co. v. Industrial Com. of Wisconsin</i> [6-0]			
<i>Milwaukee E. R. & L. Co. v. Railroad Com.</i> [6-0]			
<i>Holt Lumber Co. v. Industrial Com.</i> [6-0]			
<i>State ex rel. Hazelton v. Turner</i> [6-0]			
<i>PULP WOOD CO. v. GREEN BAY PAPER & FIBER CO.</i> [6-0]			
<i>Bianchi v. State</i> [5-0]			
<i>Callahan v. Order of R. Conductors</i> [5-0]			
<i>Dahinden v. Milwaukee E. R. & L. Co.</i> [5-0]			
<i>Griebenow v. Chicago & M. E. R. Co.</i> [5-0]			
<i>Hickman v. Wellauer</i> [5-0]			
<i>Jones v. Citizens' Sav. & Trust Co.</i> [5-0]			
<i>LAUGHLIN v. GRISWOLD</i> [5-0]			
<i>McVey v. State</i> [5-0]			
<i>Northwestern Blaugas Co. v. Guild</i> [5-0]			
<i>Richter v. Lukaszewicz</i> [5-0]			
<i>Scheiderer v. A. George Schulz Co.</i> [5-0]			
<i>Schmitt v. Schmitt</i> [5-0]			
<i>Stehlik v. Milwaukee Typographical Union</i> [5-0]			
<i>Will v. Milwaukee, E. R. & L. Co.</i> [5-0]			
<i>Chicago, M. & S. P. R. Co. v. Jewett</i> [5-0]			
<i>ESTATE OF GILLEN: CLAUSEN v. GILLEN</i> [5-0]			
<i>Markham v. Hipke</i> [5-0]			
<i>Stevens v. Freund</i> [5-0]			

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
Rosenberry	176	180	98%
Owen	182	190	96%
Eschweiler	180	199	90%
Vinje	196	199	98%
Winslow	198	199	99%
Siebecker	193	199	97%
Kerwin	171	180	95%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Rosenberry	25	29	86%
Owen	21	29	72%
Eschweiler	11	30	37%
Vinje	27	30	90%
Winslow	29	30	97%
Siebecker	24	30	80%
Kerwin	21	30	70%

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	7-0 (or 6-0, 5-0)	6-1	5-2 (or 4-2)	4-3
Rosenberry	22	2	2	0
Owen	25	4	1	0
Eschweiler	29	1	1	2
Vinje	23	1	3	0
Winslow	24	1	4	0
Siebecker	24	4	1	1
Kerwin	21	1	0	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Rosenberry	0	1
Owen	0	2
Eschweiler	0	10
Vinje	0	1
Winslow	1	1
Siebecker	0	1
Kerwin	1	4

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 Owen and Eschweiler voted together in 38% of the decisions, while the figure for Justices Rosenberry and Vinje was 86%.

Agreement Between Pairs of Justices—All Decisions

	Owen	Eschweiler	Vinje	Winslow	Siebecker	Kerwin
Rosenberry	161/171=94%	158/180=88%	176/180=98%	177/180=98%	174/180=97%	170/179=95%
	Owen	172/190=91%	179/190=94%	181/190=95%	180/190=95%	155/171=91%
		Eschweiler	179/199=90%	179/199=90%	174/199=87%	160/180=89%
			Vinje	195/199=98%	192/199=96%	172/180=96%
				Winslow	192/199=96%	172/180=96%
					Siebecker	169/180=94%
						Kerwin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Owen	Eschweiler	Vinje	Winslow	Siebecker	Kerwin
Rosenberry	18/28=64%	7/29=24%	25/29=86%	26/29=90%	23/29=79%	20/29=69%
	Owen	11/29=38%	18/29=62%	20/29=69%	19/29=66%	13/29=45%
		Eschweiler	10/30=33%	10/30=33%	5/30=17%	10/30=33%
			Vinje	26/30=87%	23/30=77%	22/30=73%
				Winslow	23/30=77%	22/30=73%
					Siebecker	19/30=63%
						Kerwin