

Four-to-Three Decisions

4-3 Alignments

Justices	Total	
Owen, Vinje, Winslow, Siebecker	1	<i>Hahn v. Keith</i>
Rosenberry, Eschweiler, Winslow, Kerwin	1	<i>Wilczynski v. Milwaukee E. R. & L. Co.</i>
Rosenberry, Vinje, Winslow, Kerwin	1	<i>H. H. Camp Co. v. Pabst Brewing Co.</i>
Rosenberry, Owen, Eschweiler, Winslow	1	<i>Dobelin v. Ladies of Maccabees of World</i>

4-3 Membership in the Majority

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

4-3 Majority Opinions Authored

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

Decisions by Vote Split¹

7-0 (or 6-0, 5-0, 4-0)	6-1 (or 5-1, 4-1)	5-2 (or 4-2, 3-2)	4-3
232/266 (87%)	19/266 (7%)	11/266 (4%)	4/266 (2%)
<i>State ex rel. Howe v. Lee</i>	<i>Pierce v. Wright</i>	<i>Gilbert v. Cousins</i>	<i>Hahn v. Keith</i>
<i>Ramstrom v. Chicago, M. & S. P. R. Co.</i>	<i>Sheffield-King Milling Co. v. Jacobs</i>	<i>Sharpe v. Cousins</i>	<i>Wilczynski v. Milwaukee E. R. & L. Co.</i>
<i>State ex rel. Cramer v. Bodden</i>	<i>State v. Labuwi</i>	<i>Wisconsin Trust Co. v. Cousins</i>	<i>H. H. Camp Co. v. Pabst Brewing Co.</i>
<i>State ex rel. Milwaukee E. R. & L. Co. v. Braman</i>	<i>Worsley v. Johnson</i>	<i>State ex rel. Wisconsin Trust Co. v. Phelps</i>	<i>Dobelin v. Ladies of Maccabees of World</i>
<i>Westby v. Bekkedal</i>	<i>John v. Pierce</i>	<i>Brenner v. Heruben</i>	
<i>Will of Harker</i>	<i>KUCHERA v. KUCHERA</i>	<i>Cranberry Creek Drainage Dist. v. Elm Lake Cranberry Co.</i>	
<i>A. J. Monday Co. v. Automobile, Aircraft & Vehicle Workers</i>	<i>Harrington v. Legge</i>	<i>Miller Saw-Trimmer Co. v. Cheshire</i>	
<i>Cochrane v. Jacob E. Decker & Sons</i>	<i>Pfeffer v. Milwaukee</i>	<i>Maine v. Maryland Casualty Co.</i>	
<i>Harloff v. Merwin</i>	<i>Bishop v. Bishop</i>	<i>Jacky v. McAdoo</i>	
<i>Singer v. Millard</i>	<i>CLARK v. HORICON STATE BANK</i>	<i>State ex rel. Moon v. Nygaard</i>	
<i>Strange v. Harwood</i>	<i>Merchants' & Mfrs' Bank v. Terrace Realty Co.</i>	<i>Chaudoir v. Witt</i>	
<i>Will of Payne</i>	<i>Pickard v. Farmers' & Merchants' Bank</i>		
<i>Zolesky v. Briggs Loading Co.</i>	<i>Luethe v. Schmidt-Gaertner Co.</i>		
<i>Bayfield County v. Ogren</i>	<i>George v. Bode</i>		
<i>ESTATE OF SPOONER</i>	<i>Milwaukee Corrugating Co. v. Flagge</i>		
<i>Krueger v. Chase</i>	<i>Lange v. Heckel</i>		
<i>Merrill v. Chicago, N. S. & M. R. Co.</i>	<i>Sheafor v. Standard Acc. Ins. Co.</i>		
<i>Pope v. Thompson</i>	<i>Monroe v. Railroad Com. of Wisconsin</i>		
<i>Schrader v. Gundek</i>	<i>Swennes v. Citizens' State Bank</i>		
<i>Till v. State</i>			
<i>Christian v. Great N. R. Co.</i>			
<i>In re Baird's Will</i>			
<i>McChesney v. Dane County</i>			
<i>Northwestern Bridge & Iron Co. v. Maryland Casualty Co.</i>			
<i>Nelson v. Ballestad</i>			
<i>Phillips v. Fraternal Reserve Asso.</i>			
<i>State ex rel. Miller v. Baxter</i>			
<i>Will of McGinty</i>			
<i>WORDEN-ALLEN CO. v. CITY OF MILWAUKEE</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.

As explained in this post's introduction, it is impossible to determine how frequently Justices Winslow and Kerwin participated in deciding cases. 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 could not establish how many decisions in the first column were 7-0 and how many were 6-0 or 5-0).

<i>Gimbel Bros. v. Kelly</i>			
<i>Gordon v. Wisconsin Nat'l Bank</i>			
<i>Koenig v. George Logemann & Sons Co.</i>			
<i>Pinz v. Milwaukee E. R. & L. Co.</i>			
<i>Ullman v. Austin</i>			
<i>Warren v. Globe Indem. Co.</i>			
<i>Arthur Koenig Co. v. Graham Glass Co.</i>			
<i>ESSEX v. STATE</i>			
<i>Rowell v. Rhadans</i>			
<i>Gulbranson-Dickinson Co. v. Hopkins</i>			
<i>Sharkey v. Shurman</i>			
<i>State ex rel. Blaine v. Erickson</i>			
<i>In re Grbic</i>			
<i>MORGAN v. RICHTER</i>			
<i>West Salem v. Industrial Com. of Wisconsin</i>			
<i>Eau Claire Dells Improv. Co. v. Eau Claire</i>			
<i>Smith v. Crucible Steel Casting Co.</i>			
<i>Fox v. Boldt</i>			
<i>Hammer v. Cash</i>			
<i>In re Oswald's Will</i>			
<i>Montague v. Northwestern Mut. Life Ins. Co.</i>			
<i>State ex rel. Melms v. Young</i>			
<i>Clune v. Catholic Order of Foresters</i>			
<i>Feyrer v. Durbrow</i>			
<i>KUDER v. STATE</i>			
<i>Moran v. Moran</i>			
<i>Oshkosh v. Eastern Wisconsin Electric Co.</i>			
<i>Paul v. Pfefferkorn</i>			
<i>Russell v. Ives</i>			
<i>Schultz v. Andrews & Co.</i>			
<i>Shortle v. Sheill</i>			
<i>State ex rel. Lotz v. Hull</i>			
<i>State ex rel. Mariner v. Hampel</i>			
<i>State ex rel. McDiarmid v. Knight</i>			
<i>State ex rel. Oshrosh Country Club v. Petrick</i>			
<i>Strayer v. Gimbel Bros.</i>			
<i>United Shoe Repairing Mach. Co. Asoumanakis</i>			
<i>American Steam Laundry Co. v. Riverside Printing Co.</i>			
<i>Becker v. West Side Dye Works</i>			
<i>Benesch v. Pagel</i>			
<i>Dargert v. Dietrich</i>			
<i>ESTATE OF STANCHFIELD</i>			
<i>Etscheid v. Tiefenthaler</i>			
<i>Ex parte Henke</i>			
<i>Falk v. Devendorf</i>			
<i>Federal Asbestos Co. v. Zimmermann</i>			
<i>Gauerke v. Kiley</i>			
<i>In re Citizens' Sav. & Trust Co.</i>			
<i>Jaeger v. Salentine</i>			
<i>Katzer v. Schuenke</i>			
<i>Klemens v. Mororw Milling Co.</i>			

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<i>Kramer v. Chicago & M. E. R. Co.</i>			
<i>Krueger v. State</i>			
<i>Kuhn v. Wagner</i>			
<i>Kupsick v. Diestelhorst</i>			
<i>Ky. Fin. Corp. v. Paramount Auto Exch. Corp.</i>			
<i>La Crosse v. Railroad Com. of Wisconsin</i>			
<i>Linden v. Miller</i>			
<i>Pringle v. Jackson Fence Co.</i>			
<i>Schuck v. Blodgett</i>			
<i>State ex rel. Knutson v. Johnson</i>			
<i>State ex rel. Pollard v. Wisconsin State Board of Medical Examiners</i>			
<i>Stenkowiczki v. Lytle</i>			
<i>Tingley v. Richter</i>			
<i>Todorovic v. Hirschberg</i>			
<i>Wilson v. Stork</i>			
<i>Bell Lumber Co. v. Northern Nat'l Bank</i>			
<i>Brunette v. Brunette</i>			
<i>Bruno v. State</i>			
<i>CHAFEE LAND CO. v. SUMPTION</i>			
<i>ESTATE OF SALZWEDEL</i>			
<i>ESTATE OF STEPHENSON</i>			
<i>Feldmeier v. Springfield Fire & Marine Ins. Co.</i>			
<i>Flamme v. State</i>			
<i>Goldberg v. Chicago & N. W. R. Co.</i>			
<i>Kalashian v. Hines</i>			
<i>Lyannes v. Lyannes</i>			
<i>Rickert v. Prehn</i>			
<i>Roberts, Johnson & Rand v. Mackowski</i>			
<i>Scott v. State</i>			
<i>State ex rel. Loehr v. Hanson</i>			
<i>State ex rel. Milwaukee County v. Buech</i>			
<i>State v. Zirbel</i>			
<i>Wilbur v. Means</i>			
<i>Winner v. Winner</i>			
<i>Anstee v. Monroe Light & Fuel Co.</i>			
<i>Baraboo v. Excelsior Creamery Co.</i>			
<i>Bird v. Bird</i>			
<i>Clarke v. Maisch</i>			
<i>Gemert v. Pooler</i>			
<i>Haswell v. Reuter</i>			
<i>HUDSON v. TRUSTEES OF THE FUNDS & PROP. OF THE PROTESTANT EPISCOPAL CHURCH</i>			
<i>Kaspar v. Murray</i>			
<i>Leemans v. Hines</i>			
<i>Milwaukee E. R. & L. Co. v. Railroad Com. of Wisconsin</i>			
<i>Outagamie County Bank v. Tesch</i>			
<i>Padden v. Padden</i>			
<i>Richardson v. State</i>			
<i>Schwartz v. State</i>			
<i>State ex rel. Schertz v. Spiegel</i>			
<i>State ex rel. Shawano v. Engel</i>			
<i>State ex rel. Superior v. Duluth & Superior Bridge Co.</i>			

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State Historical Soc. v. Foster			
Suick v. Krom			
Aurich General Acci. & Liability Ins. Co. v. Bowers			
Darling v. Nelson			
E. WEINER CO. v. FREYGANG			
Estes v. Crosby			
HAMILTON v. STATE			
In re Keenan's Will			
In re Liquidation of Citizens Sav. & Trust Co.			
James v. Woerpel			
Mann v. Becker			
Neacy v. Milwaukee			
Ninneman v. Industrial Com. of Wisconsin			
Puhr v. Chicago & N. W. R. Co.			
RUBEKEIL v. BOWMAN			
Tollefson v. Tollefson			
Wegner v. Sheboygan-Elkhart Lake R. & E. Co.			
Youghiogeny & Ohio Coal Co. v. Lasevich			
Byrne Bros. Co. v. Barnekow			
Dering v. Milwaukee E. R. & L. Co.			
Greene v. Minn Billiard Co.			
In re Bilty's Will			
Jaeger v. Stratton			
Kashuda v. Adams Express Co.			
Kessler v. Leinss			
Kettle River Co. v. Hase			
SCHEUER v. R. J. SCHWAB & SONS CO.			
Schuenemann v. John C. Wollaeger Co.			
Stahl v. Broeckert			
Starkey v. Murphy			
State ex rel. Atwood v. Johnson [170 Wis. 251]			
State ex rel. Houghton v. Phelps			
Towns v. Towns			
Trustees of Armenia Lodge v. United States Fidelity & Guaranty Co.			
WISCONSIN SAV. LOAN & BLDG. ASS'N v. BOEHME			
Peschel v. Klug			
Madler v. Kersten			
Sherwood v. Redfield			
Defiance Mach. Works v. Gill			
ESTATE OF JOHNSON			
Gross Coal Co. v. Milwaukee			
In re Lauburg's Will			
John A. Tolman & Co. v. Infusina			
Kollentz v. Chicago & N. W. R. Co.			
Lippert v. Chicago & N. R. Co.			
Noer v. G. W. Jones Lumber Co.			
Rathmann v. Schwanz			
Smith v. Federal Rubber Co.			
State ex rel. Stern Milling Co. v. Wisconsin Tax Com.			

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<i>State ex rel. T. L. Smith Co. v. Superior Court of Dane County</i>			
<i>Steinkrause v. Eckstein</i>			
<i>Whitewater Tile & Pressed Brick Mfg. Co. v. Johnson</i>			
<i>State ex rel. Atwood v. Johnson [170 Wis. 218]</i>			
<i>Brown v. Wisconsin-Minnesota Light & Power Co.</i>			
<i>Carlson v. Scandia Life Ins. Co.</i>			
<i>Milwaukee v. Fera</i>			
<i>United States Nat'l Bank v. Lake Superior T. & T. R. Co.</i>			
<i>Belle City Malleable Iron Co. v. Rowland</i>			
<i>Buroff v. Bergmann</i>			
<i>Cram v. Cram</i>			
<i>Denis v. Nu-Way Puncture Cure Co.</i>			
<i>FELZ v. ESTATE OF FELZ</i>			
<i>Frank v. Frost</i>			
<i>In re Bare's Guardianship</i>			
<i>Jones v. Wixom</i>			
<i>Lappley v. State</i>			
<i>LEZALA v. JAZEK</i>			
<i>NEIL & CO. v. WISCONSIN TEL. CO.</i>			
<i>Trzebiatowski v. Pike Lake</i>			
<i>Chicago, M. & S. P. R. Co. v. Milwaukee</i>			
<i>Crowley v. Ficks</i>			
<i>Scholl v. Muscovitz</i>			
<i>SMITH v. SCHEIDEGGER BROS.</i>			
<i>Storma v. Wippich</i>			
<i>Finke v. Hess</i>			
<i>New Richmond Roller Mills Co. v. Arnquist</i>			
<i>Olson v. Laun</i>			
<i>American Amusement Co. v. McWilliams</i>			
<i>Application of Doss</i>			
<i>Application of Kaiser</i>			
<i>Banner Coffee Co. v. Billig</i>			
<i>Branegan v. Verona</i>			
<i>Goldberg v. Seneca, Sigel & Rudolph Mut. Fire Ins. Co.</i>			
<i>Hiller v. Trout Brook Co.</i>			
<i>MILLER-PIEHL CO. v. MULLEN</i>			
<i>Pawling & Harnischfeger Co. v. Mildenberger</i>			
<i>PROKOPOVITZ v. KUROWSKI</i>			
<i>Reeves v. Midland Casualty Co.</i>			
<i>Sedgwick v. Blanchard</i>			
<i>Squires v. Brown</i>			
<i>State ex rel. Johnson v. Board of Trustees</i>			
<i>Knapp v. State (per curiam)</i>			
<i>Mantz v. Schoen & Walter Co. (per curiam)</i>			
<i>State ex rel. Cantwell Printing Co. v. Hull</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1919-20

<i>Attorney Gen. ex rel. Becker v. Bay Boom Wild Rice & Fur Co.</i>			
<i>McCarthy v. State</i>			
<i>State ex rel. Ingold v. Madison</i>			
<i>Ford Motor Co. v. Maeder</i>			
<i>State v. Laabs</i>			
<i>GOODWIN v. VON COTZHAUSEN</i>			
<i>State v. Meen</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. As explained in this post's introduction, it is impossible to determine how many decisions included participation from Justices Winslow and Kerwin—hence the “blanks” for them in these tables.

All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Rosenberry	258	265	97%
Owen	254	261	97%
Eschweiler	247	265	93%
Vinje	260	266	98%
Winslow	--	--	--
Siebecker	254	265	96%
Kerwin	--	--	--

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Rosenberry	27	34	79%
Owen	27	34	79%
Eschweiler	16	34	47%
Vinje	28	34	82%
Winslow	--	--	--
Siebecker	23	34	68%
Kerwin	--	--	--

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, 4-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Rosenberry	44	2	1	1
Owen	46	3	0	0
Eschweiler	40	5	5	1
Vinje	38	2	4	2
Winslow	13	2	1	0
Siebecker	45	4	0	0
Kerwin	4	1	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Rosenberry	1	0
Owen	2	5
Eschweiler	0	15
Vinje	0	1
Winslow	0	0
Siebecker	0	0
Kerwin	1	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 Owen and Eschweiler voted together in 38% of the decisions, while the figure for Justices Rosenberry and Vinje was 62%. As explained in this post’s introduction, it is impossible to determine how many decisions included participation from Justices Winslow and Kerwin—hence the “blanks” for them in these tables.

Agreement Between Pairs of Justices—All Decisions

	Owen	Eschweiler	Vinje	Winslow	Siebecker	Kerwin
Rosenberry	246/260=95%	247/264=94%	252/265=95%	--	252/264=95%	--
	Owen	239/260=92%	250/261=96%	--	248/260=95%	--
		Eschweiler	243/265=92%	--	237/264=90%	--
			Vinje	--	254/265=96%	--
				Winslow	--	--
					Siebecker	--
						Kerwin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Owen	Eschweiler	Vinje	Winslow	Siebecker	Kerwin
Rosenberry	20/34=59%	17/34=50%	21/34=62%	--	22/34=65%	--
	Owen	13/34=38%	23/34=68%	--	22/34=65%	--
		Eschweiler	12/34=35%	--	7/34=21%	--
			Vinje	--	23/34=68%	--
				Winslow	--	--
					Siebecker	--
						Kerwin