

Four-to-Three Decisions<sup>1</sup>

4-3 (or 3-2) Alignments

Justices	Total	Case Names
Vinje, Timlin, Winslow, Marshall	2	<i>Fergen v. Lyons</i> ; and <i>Delvaux v. Kewaunee G. B. &amp; W. R. Co.</i>
Vinje, Timlin, Kerwin, Barnes	1	<i>Burkhardt Milling &amp; Electric Power Co. v. Hudson</i>
Vinje, Winslow, Marshall, Barnes	1	<i>Norris v. Norris</i>
Vinje, Timlin, Siebecker, Kerwin	1	<i>Calhoun v. Great N. R. Co.</i>
Vinje, Siebecker, Kerwin, Marshall	1	<i>Whinfield v. Massachusetts Bonding &amp; Ins. Co.</i>
Vinje, Winslow, Rosenberry	1	<i>Martin v. Chicago, M. &amp; S. P. R. Co.</i>

4-3 Membership in the Majority

Justice	Votes
Vinje	7
Timlin	4
Winslow	4
Siebecker	2
Kerwin	3
Marshall	4
Barnes	2
Rosenberry	1

4-3 Majority Opinions Authored

	Opinions
Vinje	0
Timlin	0
Winslow	0
Siebecker	1
Kerwin	2
Marshall	2
Barnes	1
Rosenberry	0
<b>Total</b>	<b>6</b>

<sup>1</sup> In *Martin v. Chicago, M. & S. P. R. Co.*, only five justices participated, yielding a 3-2 decision. No majority (or dissenting) opinion was filed, so only six opinions are credited in the “Majority Opinions Authored” table above.

Decisions by Vote Split<sup>2</sup>

7-0 (or 6-0)	6-1	5-2	4-3 (or 3-2)
258/287 (90%)	14/287 (5%)	8/287 (3%)	7/287 (2%)
<i>Drott v. Stevens</i>	<i>Northwestern Mut. Life Ins. Co. v. State</i>	<i>In re Waterbury's Will</i>	<i>Martin v. Chicago, M. &amp; S. P. R. Co.</i>
<i>Abaly v. State</i>	<i>State v. Widule</i>	<i>Regina Co. v. Toynbee</i>	<i>Burkhardt Milling &amp; Electric Power Co. v. Hudson</i>
<i>Birdsong &amp; Co. v. Marty</i>	<i>Stetz v. F. Mayer Boot &amp; Shoe Co.</i>	<i>State v. Pierce</i>	<i>Norris v. Norris</i>
<i>Canning v. Chicago &amp; M. E. R. Co.</i>	<i>T. W. Stevenson Co. v. Peterson</i>	<i>Saudek v. Milwaukee Electric R. &amp; Light Co.</i>	<i>Calhoun v. Great N. R. Co.</i>
<i>Emerson-Brantingham Implement Co. v. Paul</i>	<i>State ex rel. Richter v. Chadbourne</i>	<i>Curtice v. Chicago &amp; N. W. R. Co.</i>	<i>Fergen v. Lyons</i>
<i>Gertz v. Vaughn</i>	<i>Ballard v. Bellevue Apartment Co.</i>	<i>Randall v. Minneapolis, S. P. &amp; S. S. M. R. Co.</i>	<i>Whinfield v. Massachusetts Bonding &amp; Ins. Co.</i>
<i>Grand Chute v. Herrick</i>	<i>Banks v. Banks</i>	<i>Green v. Reedsburg</i>	<i>Delvaux v. Kewaunee G. B. &amp; W. R. Co.</i>
<i>Gurnett v. J. H. Flick Const. Co.</i>	<i>Harris v. Hoyt</i>	<i>Weston v. Dahl</i>	
<i>Hammond-Chandler Lumber Co. v. Industrial Com.</i>	<i>Eagle Chemical Co. v. Nowak</i>		
<i>In re Lynch's Will</i>	<i>Vennen v. New Dells Lumber Co.</i>		
<i>O'Connor v. Chicago, M. &amp; S. P. R. Co.</i>	<i>Weigell v. Gregg</i>		
<i>Piper v. State</i>	<i>Coon v. Metzler</i>		
<i>Polzen v. Polzen</i>	<i>Laurent v. Van Somple</i>		
<i>Rinder v. Madison</i>	<i>Kuryer Pub. Co. v. Messmer (per curiam)</i>		
<i>Ripon Hardware Co. v. Haas</i>			
<i>Slack v. Joyce</i>			
<i>State ex rel. Gilbert v. Philipp</i>			
<i>State ex rel. Superior v. Donald</i>			
<i>State ex rel. Trustees La Crosse Public Library v. Bentley</i>			
<i>State v. Helmann</i>			
<i>Sullivan v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Union Bank of Milwaukee v. Commercial Sec. Co.</i>			
<i>Vaillant v. Chicago &amp; N. W. R. Co.</i>			
<i>VAN BRUNT v. FERGUSON</i>			
<i>Welch v. Dunning</i>			
<i>WILL OF ALLIS</i>			

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<sup>2</sup> 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).

<i>Bishop v. State</i>			
<i>BROADBENT v. HUTTER</i>			
<i>Buchholz v. Rosenberg</i>			
<i>Campbell v. Germania Fire Ins. Co.</i>			
<i>Charles A. Stickney Co. v. Lynch</i>			
<i>Chicago, M. &amp; S. P. R. Co. v. Shepard Drainage Dist.</i>			
<i>Christman v. Christman</i>			
<i>CHURCH v. NASH</i>			
<i>Cole v. Christensen</i>			
<i>Cotter v. Joint School Dist.</i>			
<i>Cronin v. Janesville Traction Co.</i>			
<i>Greeney v. Greeney</i>			
<i>In re Wausau Inv. Co.</i>			
<i>Karakutza v. State</i>			
<i>Kelley v. Haylock</i>			
<i>Kiel v. Industrial Com.</i>			
<i>Mallon v. Tonn</i>			
<i>McLennan v. Church</i>			
<i>Mitchell v. Lyons</i>			
<i>Nickel v. Chapman</i>			
<i>Polebitzke v. John Week Lumber Co.</i>			
<i>RAYWORTH v. GOODRICK</i>			
<i>Schumann v. Kaukauna</i>			
<i>State ex rel. Bundy v. Nygaard</i>			
<i>State ex rel. Milwaukee v. Circuit Court</i>			
<i>State ex rel. Owen v. Stoughton Club</i>			
<i>State ex rel. Tate v. Wolf</i>			
<i>State v. Guaranteed Inv. Co.</i>			
<i>Will of Barron</i>			
<i>ZENTZIS v. ZENTZIS</i>			
<i>Riggles v. Priest</i>			
<i>Becker v. Jones</i>			
<i>Derr v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Ditberner v. Bess</i>			
<i>FORT WAYNE PRINTING CO. v. HURLEYREILLY CO.</i>			
<i>Gardner v. Young's Estate</i>			
<i>Hickman v. Wellauer</i>			
<i>Hiecke v. Hiecke</i>			
<i>Hoefler Mfg. Co. v. MacHajewski</i>			
<i>Huebner v. Huebner</i>			
<i>Interior Woodwork Co. v. Hackett, Hoff &amp; Thierman</i>			
<i>Johns v. Platteville</i>			
<i>Klar Piquett Mining Co. v. Platteville</i>			
<i>Masbruch v. Von Oehsen</i>			
<i>MIDLAND TERRA COTTA CO. v. ILLINOIS SUR. CO.</i>			
<i>Miranovitz v. Gee</i>			
<i>Mossrud v. Lee</i>			
<i>National Life Ins. Co. v. Brautigam</i>			
<i>Ormond v. McKinley</i>			
<i>State v. Lange Canning Co.</i>			
<i>Tanner v. Rushford</i>			

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<i>State ex rel. Board of Regents v. Donald</i>			
<i>Baldwin v. Frisbie</i>			
<i>Bugajski v. Milwaukee Western Fuel Co.</i>			
<i>Concrete Steel Co. v. Illinois Surety Co.</i>			
<i>Dahlgren v. State</i>			
<i>Eisler v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Green v. Somers</i>			
<i>Heath v. Cappel</i>			
<i>Hornburg v. Morris</i>			
<i>Hrubes v. Faber</i>			
<i>In re Woolcott</i>			
<i>Lesh v. Illinois Steel Co.</i>			
<i>Leshin v. Routt</i>			
<i>Mahoney v. Kurth</i>			
<i>Miley v. Heaney</i>			
<i>Milwaukee Bldg. Supply Co. v. Illinois Surety Co.</i>			
<i>Montague v. State</i>			
<i>Prelwitz v. Milwaukee Electric R. &amp; Light Co.</i>			
<i>Spence v. Milwaukee Electric R. &amp; Light Co.</i>			
<i>State ex rel. Langland v. Manegold</i>			
<i>State ex rel. Pabst Brewing Co. v. Kotecki</i>			
<i>Stoughton Wagon Co. v. Myre</i>			
<i>Szeliwicki v. Connor Lumber &amp; Land Co.</i>			
<i>Torrey v. Riverside Sanitarium</i>			
<i>Trojanowski v. Chicago &amp; N. W. R. Co.</i>			
<i>Zielica v. Worzalla</i>			
<i>Andreyszak v. Werthmann</i>			
<i>Connolly v. Waushara Granite Co.</i>			
<i>Hamley v. Till</i>			
<i>Harder v. Reinhardt</i>			
<i>Jensen v. Miller</i>			
<i>Klaus v. Klaus</i>			
<i>Look v. Johnson</i>			
<i>Morgan v. Budlong</i>			
<i>Pellett v. Industrial Com. of Wisconsin</i>			
<i>Peterson v. Independent Order of Foresters</i>			
<i>Rohleder v. Wright</i>			
<i>State ex rel. Nehrbass v. Harper</i>			
<i>State ex rel. Volkman v. Waltermath</i>			
<i>Timme v. Kopmeier</i>			
<i>Witt v. Voigt</i>			
<i>Baker Land &amp; Title Co. v. Bayfield County Land Co.</i>			
<i>Bayfield County v. Pishon</i>			
<i>Chicago, M. &amp; S. P. R. Co. v. Rock County Sugar Co.</i>			
<i>Jay v. Northern P. R. Co.</i>			
<i>Lundberg v. Interstate Business Men's Acc. Ass'n</i>			

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<i>Molzoff v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Nuthals v. Green Bay</i>			
<i>Ogden v. State</i>			
<i>Pawlak v. Hayes</i>			
<i>Porte v. Chicago &amp; N. W. R. Co.</i>			
<i>State ex rel. Conway v. District Board of Joint School Dist.</i>			
<i>Tarczek v. Chicago &amp; N. W. R. Co.</i>			
<i>WARDEN v. HART</i>			
<i>Wisconsin Tel. Co. v. Railroad Com.</i>			
<i>Brobst v. Marty</i>			
<i>Citizens Sav. &amp; Trust Co. v. Rogers</i>			
<i>Collins v. State</i>			
<i>Dagan v. State</i>			
<i>Dean v. Dean</i>			
<i>ELLIOTT v. FISK</i>			
<i>Federal Rubber Mfg. Co. v. Havolic</i>			
<i>Hilgen v. Bieber</i>			
<i>I. L. Lamm Co. v. Peaks</i>			
<i>J. B. Bradford Piano Co. v. Hacker</i>			
<i>J. I. Case Plow Works v. J. I. Case Threshing Mach. Co.</i>			
<i>Jacobs v. Wisconsin Nat'l Life Ins. Co.</i>			
<i>Meidenbauer v. Pewaukee</i>			
<i>Menominee Bay Shore Lumber Co. v. Industrial Com. of Wisconsin</i>			
<i>Mohawk Co. v. Bankers Surety Co.</i>			
<i>Ocean Acci. &amp; Guarantee Corp. v. Combined Locks Paper Co.</i>			
<i>Rhein v. Burns</i>			
<i>Rheinschmidt v. Tomah</i>			
<i>Rock v. Ekern</i>			
<i>Schmidt v. Grenzow</i>			
<i>Sprout, Waldron &amp; Co. v. Amery Mercantile Co.</i>			
<i>Stack v. Roth Bros. Co.</i>			
<i>State ex rel. Wisconsin Traction, Light, Heat &amp; Power Co. v. Circuit Court</i>			
<i>Wegener v. Chicago &amp; N. W. R. Co.</i>			
<i>Zaremba v. International Harvester Corp.</i>			
<i>Arapahoe State Bank v. Houser</i>			
<i>Bystrom Bros. v. Jacobson</i>			
<i>Chicago &amp; N. W. R. Co. v. Railroad Com. of Wisconsin</i>			
<i>Cohen v. Minneapolis, S. P. &amp; S. S. M. R. Co.</i>			
<i>Conway v. Grand Chute</i>			
<i>Coombs v. Southern W. R. Co.</i>			
<i>Eccles v. Free High School Dist.</i>			
<i>FISCHBECK v. MIELENZ</i>			
<i>Foley v. Marsch</i>			
<i>Gagen v. Dawley</i>			
<i>Green v. Appleton Woolen Mills</i>			
<i>Haycock v. Sovereign Camp, W. W.</i>			
<i>Hempton v. Green Bay &amp; W. R. Co.</i>			

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<i>Hiller v. Johnson</i>			
<i>Jilek v. Zahl</i>			
<i>Knapp v. Deer Creek</i>			
<i>Milwaukee v. Railroad Com. of Wisconsin</i>			
<i>Murphy v. Interlake Pulp &amp; Paper Co.</i>			
<i>Nelson v. Goddard &amp; Co.</i>			
<i>Read v. Madison</i>			
<i>Schabow v. Wisconsin Traction, Light, Heat &amp; Power Co.</i>			
<i>Smith v. Illinois C. R. Co.</i>			
<i>St. Paul Fire &amp; Marine Ins. Co. v. Laubenstein</i>			
<i>State ex rel. Schumacher v. Markham</i>			
<i>West Salem v. Industrial Com. of Wisconsin</i>			
<i>Wisconsin Zinc Co. v. Fidelity &amp; Deposit Co.</i>			
<i>Bartlett v. Doyle</i>			
<i>ESTATE OF DE ROY v. GRIEM</i>			
<i>ESTATE OF SMITH v. STATE</i>			
<i>Filer &amp; Stowell Co. v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Foth v. Macomber &amp; Whythe Rope Co.</i>			
<i>Guillaume v. Wisconsin-Minnesota Light &amp; Power Co.</i>			
<i>Hettinger v. Wells</i>			
<i>Hilton v. Rahr</i>			
<i>In re Evenson's Will</i>			
<i>LANDS OF CHRISTIANSON: MILLER v. HART</i>			
<i>Leuch v. Berger</i>			
<i>Menasha v. Wisconsin Traction Light, Heat &amp; Power Co.</i>			
<i>Ohio Electric Co. v. Wisconsin-Minnesota Light &amp; Power Co.</i>			
<i>Smith v. Chicago &amp; N. W. R. Co.</i>			
<i>State ex rel. Owen v. Steber</i>			
<i>Stumpf &amp; Langhoff v. Espenhain Dry Goods Co.</i>			
<i>Sutter v. Milwaukee Board of Fire Underwriters</i>			
<i>Armstrong v. Industrial Com. of Wisconsin</i>			
<i>Brandel v. State</i>			
<i>Dreyfus v. Milwaukee Electric R. &amp; Light Co.</i>			
<i>First Nat'l Bank v. Industrial Com. of Wisconsin</i>			
<i>GREENYA v. RELIANCE SEC. CO.</i>			
<i>Hannah v. Knuth</i>			
<i>John E. Dewolf Co. v. Harvey</i>			
<i>Klann v. Minn</i>			
<i>Meyer v. Margolis</i>			
<i>Neff v. Rubin</i>			
<i>Pirie v. Le Saulnier</i>			

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<i>Spencer v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Wehr v. Gimbel Bros.</i>			
<i>Zavitowsky v. Chicago, M. &amp; S. P. R. Co.</i>			
<i>Zwietusch v. East Milwaukee</i>			
<i>State ex rel. McLogan v. Burke</i>			
<i>Ballard v. Thomas Furnace Co.</i>			
<i>Banaszek v. F. Mayer Boot &amp; Shoe Co.</i>			
<i>Chudnow v. Ketter</i>			
<i>Field v. Milwaukee</i>			
<i>Gimbel Bros. v. Tolman</i>			
<i>Heileman Brewing Co. v. Shaw</i>			
<i>Milwaukee v. Filer &amp; Stowell Co.</i>			
<i>MUEHLBAUER v. KLOKNER</i>			
<i>Niederfriedrich v. Milwaukee E. R. &amp; L. Co.</i>			
<i>South Side Lumber Co. v. John Eller Lumber Co.</i>			
<i>State ex rel. Brenk v. Widule</i>			
<i>State ex rel. Kempsmith v. Widule</i>			
<i>Sulzer v. Moyer</i>			
<i>Tabak v. Milwaukee Electric R. &amp; Light Co.</i>			
<i>Winternitz v. Schmidt</i>			
<i>Brustman v. Dunn</i>			
<i>De Laval Separator Co. v. Hofberger</i>			
<i>Harvie v. Caledonia</i>			
<i>Horlick v. Mt. Pleasant</i>			
<i>In re Sydow</i>			
<i>Loomans Lumber Co. v. Mielke</i>			
<i>Pedersen v. Hansen</i>			
<i>People's Land &amp; Mfg. Co. v. Beyer</i>			
<i>Rosenthal v. Chicago &amp; N. W. R. Co.</i>			
<i>Roundy, Peckham &amp; Dexter Co. v. Baldwin</i>			
<i>Van Valkenburg v. Jantz</i>			
<i>Wagner v. Racine County</i>			
<i>Zemke v. Chicago &amp; N. W. R. Co.</i>			
<i>Hartwig v. Aetna Life Ins. Co.</i>			
<i>State ex rel. Ervin v. Board of Sup'rs</i>			
<i>Johnson v. Bank of Wisconsin</i>			
<i>Kerwin v. Chippewa Shoe Mfg. Co.</i>			
<i>Putnam v. Browne</i>			
<i>Bright v. Superior</i>			
<i>Page v. Modern Woodmen of America</i>			
<i>ESTATE OF DAVIES: KAREL v. PERELES</i>			
<i>Gimbel Bros. v. Milwaukee Boston Store</i>			
<i>Pfeiffer v. Chicago &amp; M. Electric R. Co. (per curiam)</i>			
<i>Ward v. Babcock (per curiam)</i>			
<i>Engen v. Chippewa Valley R. Light &amp; Power Co. (per curiam)</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1915-16

<i>In re Weaver</i> (per curiam)			
<i>Chicago, B. &amp; Q. R. Co. v. Railroad Com.</i> (per curiam)			

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
Vinje	281	286	<b>98%</b>
Timlin	277	283	<b>98%</b>
Winslow	281	287	<b>98%</b>
Siebecker	275	285	<b>96%</b>
Kerwin	277	285	<b>97%</b>
Marshall	284	286	<b>99%</b>
Barnes	141	152	<b>93%</b>
Rosenberry	133	134	<b>99%</b>

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Vinje	24	29	<b>83%</b>
Timlin	22	28	<b>79%</b>
Winslow	23	29	<b>79%</b>
Siebecker	19	29	<b>66%</b>
Kerwin	21	29	<b>72%</b>
Marshall	26	28	<b>93%</b>
Barnes	8	19	<b>42%</b>
Rosenberry	9	10	<b>90%</b>

Opinions Authored<sup>3</sup>

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
Vinje	41	3	3	0
Timlin	23	0	0	0
Winslow	39	3	1	0
Siebecker	40	3	1	1
Kerwin	36	2	2	2
Marshall	32	2	0	2
Barnes	23	0	0	1
Rosenberry	19	0	1	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Vinje	0	0
Timlin	2	1
Winslow	1	2
Siebecker	0	5
Kerwin	0	2
Marshall	0	0
Barnes	1	7
Rosenberry	0	0

<sup>3</sup> *Per curiam* decisions are omitted. Only six decisions are listed in the 4-3 column because, as explained above, *Martin v. Chicago, M. & S. P. R. Co.* did not include a majority opinion.

