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THE JUSTICES OF THE WISCONSIN SUPREME COURT, 1853-1952

HIGHLIGHTS

1. 47 men, including the incumbents, have served as Justices of the Wisconsin Supreme Court since 1853 when it was established as a separate entity.
2. Prior to 1853 the Circuit Court Judges made up the Supreme Court. In that year a separate Supreme Court of 3 was created. This was enlarged to 5 in 1871 and to 7 in 1903. Until 1877 the term of a Supreme Court Justice was 6 years. In that year the Constitution was amended to increase the term to 10 years.
3. Only one Justice, Byron Paine, served 2 different times on the court.
4. Justice Siebecker, elected in 1903, was the first Wisconsin-born Justice of the Supreme Court. Since then only 6 of the 28 Justices elevated to the bench were born outside the state.
5. 30 of the 47 Justices were originally selected to the Supreme Court by appointment. In one case the appointment was made immediately after an election to fill a vacancy to which the appointee had been elected. The duration of the appointments varied from one month to 6 years.
6. One Justice secured his original position on the bench by election for a part term.
7. In 16 cases the Justice received his original position by election for a full term.
8. Only 4 Justices lost their positions by being defeated at the polls. 22 died in office and 14 resigned.
9. Prior to selection as a Justice of the Supreme Court 22 had been practicing attorneys, 16 had been Circuit Judges, one had been a County Judge, 3 had been Attorneys General, one had been an assistant Attorney General and 3 had held other state administrative positions.
10. The average period of service of the Justices was 11 years 4 months. This varied from one month in one case to 36 years 7 months and 33 years 11 months in the case of 2 others.
11. The average age of Justices at the time of selection to the court was 51 years. This varied from 31 to 73.
12. The average Justice had been a member of the bar for 26.5 years prior to selection to the court. The actual period of prior membership in the bar varied from 9 to 49 years.
13. The average Justice was 62 years one month old when he left the bench. This varied from 35 to 85 years.

THE JUSTICES OF THE WISCONSIN SUPREME COURT, 1853-1952

INTRODUCTION

Pursuant to a request of the Wisconsin Judicial Council the Legislative Reference Library has brought together information concerning the Justices of the Wisconsin Supreme Court.

The purpose of this report is to provide certain facts in concise form regarding the Justices. The report also provides additional sources of information relating to the life and activities of the respective men who have served in that capacity. For purpose of organization this report is made up of 6 tables each of which deals with a series of related subjects. The Justices are listed in each chart in the same order, in terms of the chronological sequence of their original selection.

The contents of the several tables are as follows:

- Table I. Date and Place of Birth; When and Where Admitted to the Bar.
- Table II. Methods and Dates of Original and Subsequent Selection as Justices of the Supreme Court.
- Table III. Statistics Regarding Separation From Office and Prior Occupation.
- Table IV. Statistics Regarding Age and Service of the Justices.
- Table V. Activities of Justices After Separation From the Court.
(Data only on those who resigned or were defeated)
- Table VI. Sources of Information on Each Justice.
(Following the name of each Justice is a list of references relating to his life and public service)

The data for this bulletin was compiled by Mr. William K. Chipman, Research Fellow.

TABLE I. DATE AND PLACE OF BIRTH; WHEN AND WHERE ADMITTED TO THE BAR.

Name of Justice	Date of Birth	Place of Birth	Where and When Admitted to Bar
Crawford, Saml.	20 Apr. 1820	Ireland	Wis. 1844
Smith, Abram D.	Not Known	N.Y.	Wis. 1842
Whiton, Edward V.	2 June 1805	Mass	Wis. 1837(?)
Cole, Orsamus	23 Aug. 1819	N.Y.	N.Y. 1845
Dixon, Luther S.	17 June 1825	Vt.	Vt. 1850
Paine, Byron	10 Oct. 1827	Ohio	Wis. 1849
Downer, Jason	9 Sept. 1813	Vt.	Ky. c.1840
Paine, Byron	10 Oct. 1827	Ohio	Wis. 1849
Lyon, Wm. P.	28 Oct. 1822	N.Y.	Wis. 1846
Ryan, Edward G.	13 Nov. 1810	Ireland	N.Y. 1836
Orton, Harlow S.	25 Nov. 1817	N.Y.	Ind. 1838
Taylor, David	11 Mar. 1818	N.Y.	N.Y. 1844
Cassoday, John B.	7 July 1830	N.Y.	Wis. 1857
Winslow, John B.	4 Oct. 1851	N.Y.	(U.W.) 1875
Pinney, Silas U.	3 Mar. 1833	Pa.	Wis. 1854
Newman, Alfred W.	5 Apr. 1834	N.Y.	N.Y. 1858
Marshall, Roujet D.	27 Dec. 1847	N.H.	Wis. 1872
Bardeen, Charles V.	23 Sept. 1850	N.Y.	(U.W.) 1875
Dodge, Joshua E.	25 Oct. 1854	Mass.	Mass. 1877
Siebecker, Robt. G.	17 Oct. 1854	Wis.	(U.W.) 1879
Kerwin, James C.	4 May 1850	Wis.	(U.W.) 1875
Timlin, Wm. H.	28 May 1852	Wis.	Wis. 1877
Bashford, Robt. M.	31 Dec. 1845	Wis.	(U.W.) 1871
Barnes, John	26 July 1859	Wis.	(U.W.) 1883
Vinje, Aad J.	10 Nov. 1857	Norway	(U.W.) 1887
Rosenberry, Marvin B.	12 Feb. 1868	Ohio	Wis. 1893
Eschweiler, Franz C.	6 Sept. 1863	Mich.	Wis. 1889
Owen, Walter C.	26 Sept. 1868	Wis.	(U.W.) 1891
Jones, Burr W.	9 March 1846	Wis.	(U.W.) 1871
Doerfler, Christian	2 March 1862	Wis.	Wis. 1885
Crownhart, Chas. H.	16 Apr. 1863	Wis.	(U.W.) 1889
Stevens, E. Ray	20 June 1869	Ill.	(U.W.) 1893
Fowler, Chester A.	24 Dec. 1862	Wis.	Wis. 1889
Fritz, Oscar M.	3 March 1878	Wis.	(U.W.) 1901
Fairchild, Edward T.	17 June 1872	Pa.	Wis. 1898
Wickhem, John D.	25 May 1888	Wis.	(U.W.) 1916
Nelson, George B.	21 May 1876	Wis.	Wis. 1902
Lewis, Theodore G.	9 Nov. 1890	Wis.	(U.W.) 1915
Martin, Joseph	12 May 1878	Wis.	(U.W.) 1903
Barlow, Elmer E.	18 May 1887	Wis.	(U.W.) 1909
Rector, J. Ward	24 June 1903	Mo.	(U.W.) 1930
Hughes, Henry P.	13 Aug. 1904	Wis.	Wis. 1927
Martin, John E.	15 Nov. 1891	Wis.	Wis. 1916
Broadfoot, Grover L.	27 Dec. 1892	Wis.	(U.W.) 1918
Gehl, Edw. J.	26 Jan. 1890	Wis.	(U.W.) 1913
Brown, Timothy	24 Feb. 1889	Wis.	Wis. 1914
Currie, George	16 Jan. 1900	Wis.	(U.W.) 1925

TABLE II. METHODS AND DATES OF ORIGINAL AND SUBSEQUENT SELECTION AS JUSTICES OF THE SUPREME COURT.

Name of Justice	Original Selection			Subsequent Selection	
	Appointment	Part Term Election	Full Term Election	Part Term Election	Full Term Election
Crawford	----	----	1853	----	----
Smith	----	----	1853	----	----
Whiton	----	----	1853	----	1857
Cole	----	----	1855	----	1861, 1867, 1873, 1879 (1882 for 10-yr. term)
Dixon	19 Apr. 1859(1)	----	----	1860 (3)	1863, 1868
Paine	----	----	1859	----	----
Downer	16 Dec. 1864($\frac{1}{2}$)	----	----	----	1865
Paine	10 Sept. 1867($\frac{3}{4}$)	----	----	1868 (2)	----
Lyon	20 Jan. 1871($\frac{1}{2}$)	----	----	1871 ($\frac{1}{2}$)	1871, 1877, 1883
Ryan	June 1874(1)	----	----	----	1875
Orton	----	----	1878	----	1888
Taylor	----	----	1878	----	1888
Cassoday	11 Nov. 1880(1)	----	----	1881 (8)	1889, 1899
Winslow	4 May 1891(1)	----	----	1892 (3)	1895, 1905, 1915
Finney	----	----	1891	----	----
Newman	----	----	1893	----	----
Marshall	Aug. 1895(1)	----	----	1896 (1)	1897, 1907
Bardeen	Jan. 1898(1)	----	----	1898 (5)	----
Dodge	Nov. 1898(1)	----	----	1899 (2)	1901
Siebecker*	Apr. 1903	----	----	----	1903, 1913
Kerwin	----	----	1904	----	1914
Timlin	----	----	1906	----	----
Bashford	6 Jan. 1908(1)	----	----	----	----
Barnes	----	1908(1)	----	----	1909
Vinje	10 Sept. 1910(1)	----	----	----	1911, 1921 ✓
Rosenberry	12 Feb. 1916(3)	----	----	1918 ✓(1)	1919, 1929, 1939 ✓
Eschweiler	----	----	1916	----	1926 ✓
Owen	----	----	1917	----	1927 ✓
Jones	Sept. 1920(2)	----	----	1922 (3)	----
Doerfler	Apr. 1921(3)	----	----	----	1924
Crownhart	4 Apr. 1922(1)	----	----	----	1923
Stevens	----	----	1925	----	----
Fowler	Apr. 1929(1)	----	----	1930(1) ✓	1931, 1941 ✓
Fritz	28 May 1929(4)	----	----	1932(2) ✓	1934, 1944 ✓
Fairchild	3 Apr. 1930(6)	----	----	----	1936, 1946 ✓
Wickhem	25 Sept. 1930(3)	----	----	----	1933, 1943 ✓
Nelson	26 Sept. 1930(5)	----	----	----	1935 ✓
Lewis	9 Nov. 1934(1)2	----	----	----	----
Martin	21 Dec. 1934(3)	----	----	----	1937 ✓
Barlow	12 Dec. 1942(3)	----	----	----	1945 ✓
Rector	6 Apr. 1946(2)	----	----	----	----
Hughes	----	----	1947 ✓	----	----
Martin	1 June 1948(2)	----	----	1950(1) ✓	1951 ✓
Broadfoot	12 Nov. 1948(4)	----	----	1952(3) ✓	----
Gehl	----	----	1949 ✓	----	----
Brown	15 July 1949(4)	----	----	----	----
Currie	13 Aug. 1951(6)	----	----	----	----

* Ran in 1903 election. Incumbent died in March. Therefore successor candidate appointed to take office immediately.

Note: Numbers in () refer to the period for which the appointment or part term election was made.

TABLE III. STATISTICS REGARDING SEPARATION FROM OFFICE AND PRIOR OCCUPATION.

Name of Justice	Why Leave Court	When Leave Court	Name of Successor	How Successor Selected	Major Prior Occupation of Incumbent	Prior Occupation of Successor
Crawford	Defeated	1 June '55	Cole	Elected	Attorney	Attorney
Smith	Retired	1 June '59	Paine	Elected	Attorney	Co. Judge
Whiton	Died	12 Apr '59	Dixon	Appointed	Cir. Judge	Cir. Judge
Cole	Retired	Dec '92	Pinney	Elected	Attorney	Attorney
Dixon	Retired	June '74	Ryan	Appointed	Cir. Judge	Attorney
Paine	Resigned	16 Nov '64	Downer	Appointed	Co. Judge	Attorney
Downer	Resigned	10 Sept '67	Paine	Appointed	Attorney	Attorney
Paine	Died	23 Nov '70	Lyon	Appointed	Attorney	Cir. Judge
Lyon	Retired	1 Jan '94	Newman	Elected	Cir. Judge	Cir. Judge
Ryan	Died	13 Oct '80	Cassoday	Appointed	Attorney	Attorney
Orton	Died	4 July '95	Marshall	Appointed	Attorney	Cir. Judge
Taylor	Died	3 Apr '91	Winslow	Appointed	Attorney	Cir. Judge
Cassoday	Died	30 Dec '07	Bashford Barnes	Appointed Elected	Attorney	Attorney Attorney
Winslow	Died	13 July '20	Jones	Appointed	Cir. Judge	Attorney
Pinney	Resigned	8 Nov '98	Dodge	Appointed	Attorney	Attorney
Newman	Died	12 Jan '98	Bardeen	Appointed	Cir. Judge	Cir. Judge
Marshall	Defeated	Apr '17	Owen	Elected	Cir. Judge	Atty. Gen.
Bardeen	Died	20 Mar '03	Siebecker	Ap. & El.	Cir. Judge	Cir. Judge
Dodge	Resigned	10 Sept '10	Vinje	Appointed	Attorney	Cir. Judge
Siebecker	Died	11 Feb '22	Crownhart	Appointed	Cir. Judge	Revisor of Statutes
Kerwin	Died	29 Jan '21	Doerfler	Appointed	Attorney	Attorney
Timlin	Died	20 Aug '16	Eschweiler	Elected	Attorney	Cir. Judge
Bashford	Defeated	Apr '08	Barnes	Elected	Attorney	Attorney
Barnes	Resigned	22 Feb '16	Rosenberry	Appointed	Attorney	Attorney
Vinje	Died	23 Mar '29	Fowler	Appointed	Cir. Judge	Cir. Judge
Rosenberry	Retired	1 Jan '50	Gehl	Elected	Attorney	Cir. Judge
Eschweiler	Died	14 Nov '29	Fairchild	Appointed	Cir. Judge	Cir. Judge
Owen	Died	15 Apr '34	Martin	Appointed	Atty. Gen.	Attorney
Jones	Retired	Dec '25	Stevens	Elected	Attorney	Cir. Judge
Doerfler	Resigned	Apr '29	Fritz	Appointed	Attorney	Cir. Judge
Crownhart	Died	2 May '30	Wickhem	Appointed	Revisor of Statutes	Attorney
Stevens	Died	25 Aug '30	Nelson	Appointed	Cir. Judge	Attorney
Fowler	Died	8 Apr '48	Martin	Appointed	Cir. Judge	Atty. Gen.
Fritz	----	----	----	----	Cir. Judge	----
Fairchild	----	----	----	----	Cir. Judge	----
Wickhem	Died	July '49	Brown	Appointed	Attorney	Attorney
Nelson	Resigned	11 Dec '42	Barlow	Appointed	Attorney	Atty. & Tax Commissioner
Lewis	Died	5 Dec '34	Martin	Appointed	Ex. Secy. to Gov.	Attorney
Martin	Died	19 Mar '46	Rector	Appointed	Attorney	Asst. Atty. Gen.
Barlow	Died	26 June '48	Broadfoot	Appointed	Atty. & Tax Commissioner	Atty. Gen.
Rector	Defeated	Apr '47	Hughes	Elected	Asst. Atty. Gen.	Cir. Judge
Hughes	Resigned	13 Aug '51	Currie	Appointed	Cir. Judge	Attorney
Martin	----	----	----	----	Atty. Gen.	----
Broadfoot	----	----	----	----	Atty. Gen.	----
Gehl	----	----	----	----	Cir. Judge	----
Brown	----	----	----	----	Attorney	----
Currie	----	----	----	----	Attorney	----

TABLE IV. STATISTICS REGARDING AGE AND SERVICE OF THE JUSTICES.

Name of Justice	Total Service Years & Months	Age At Selection	Age At Elimination	Years At Bar Prior To Selection
Crawford	2 - 0	33	35	11
Smith	6 - 0	--	--	11
Whiton	5 - 10	48	54	16
Cole	36 - 7	35	73	10
Dixon	15 - 2	33	49	9
Paine	5 - 6	31	37	10
Downer	2 - 10	51	54	24
Paine	3 - 2	39	43	18
Lyon	22 - 11	48	71	25
Ryan	6 - 4	63	70	38
Orton	16 - 7	61	77	41
Taylor	12 - 3	60	73	35
Cassoday	27 - 2	50	77	23
Winslow	29 - 2	39	68	16
Pinney	6 - 10	58	65	38
Newman	4 - 0	59	63	36
Marshall	22 - 5	47	70	23
Bardeen	5 - 2	47	52	22
Dodge	11 - 10	44	55	21
Siebecker	18 - 10	48	67	24
Kerwin	16 - 1	54	70	30
Timlin	9 - 8	54	64	30
Bashford	1 - 0	62	63	37
Barnes	7 - 1	49	56	26
Vinje	18 - 6	52	57	23
Rosenberry	33 - 11	48	81	23
Eschweiler	12 - 9	53	66	28
Owen	16 - 3	49	65	27
Jones	5 - 3	73	79	49
Doerfler	8 - 0	59	67	36
Crownhart	8 - 1	59	67	33
Stevens	4 - 8	56	61	33
Fowler	19 - 0	66	85	40
Fritz	23 - 2	51	--	28
Fairchild	22 - 3	58	--	32
Wickhem	18 - 8	42	61	14
Nelson	12 - 2	54	66	28
Lewis	0 - 1	44	44	19
Martin	11 - 3	55	67	31
Earlow	5 - 6	55	61	33
Rector	1 - 9	42	44	16
Hughes	3 - 7	43	47	20
Martin	4 - 1	56	--	32
Broadfoot	3 - 8	55	--	30
Gehl	2 - 6	59	--	36
Brown	2 - 0	60	--	35
Currie	0 - 11	51	--	26

TABLE V. ACTIVITIES OF JUSTICES AFTER SEPARATION FROM THE COURT.
 (Data only on those who resigned or were defeated)

Crawford	Returned to private practice. Died in 1860.
Smith	Declined to run due to prior stand regarding States' Rights. Died in 1865.
Cole	Retired. Died in 1903.
Dixon	Returned to private practice in Wisconsin and Colorado. Died in 1891.
Paine	Resigned to serve as Lieutenant Colonel, 43d Wis. Infantry. Later returned to Wisconsin Supreme Court.
Downer	Returned to private practice in Milwaukee. Died about 1884.
Lyon	On State Board of Control, 1896-1903. Died in California April 4, 1913.
Pinney	Resigned due to failing health. Died in 1899.
Marshall	"...business interests in Northern Wisconsin and in the South..." from 1917 defeat until his death in 1922.
Dodge	Returned to bar as special counsel.
Bashford	Returned to private practice.
Barnes	Resigned to take post as counsel for Northwestern Mutual Insurance Company. Died in 1919.
Rosenberry	Retired at end of term, age 81. Now associated with Madison firm of attorneys.
Jones	Retired at end of part-term...thenceforth "looked after business affairs."
Doerfler	Resigned due to ill health.
Nelson	Resigned due to serious illness...died soon after.
Hughes	Returned to private practice for "economic reasons". See Milwaukee Journal August 15, 1951.

TABLE VI. SOURCES OF INFORMATION ON EACH JUSTICE.

(Following the name of each Justice is a list of references relating to his life and public service)

Crawford	123 Wis xxxiii.
Smith	18 Wis 13; Winslow, J. B., <u>The Story of a Great Court</u> , 1912, p. 41.
Whiton	8 Wis xi; Winslow, J. B., <u>The Story of a Great Court</u> , p. 13.
Cole	119 Wis xxx.
Dixon	81 Wis xxxii; Winslow, <u>The Story of a Great Court</u> , pp. 141, 217, 259, 304.
Paine	27 Wis 23.
Downer	60 Wis xxxii.
Paine	27 Wis 23.
Lyon	1893 <u>Wisconsin Blue Book</u> , p. 658; Winslow, <u>The Story of a Great Court</u> , pp. 287, 369, 380.
Ryan	50 Wis 25; Winslow, <u>The Story of a Great Court</u> , p. 369.
Orton	1895 <u>Wisconsin Blue Book</u> , p. 697; 1925 <u>Wisconsin Blue Book</u> , p. 604; (also 90 Wis xxxii)
Taylor	80 Wis xxviii; 1925 <u>Wisconsin Blue Book</u> , p. 604.
Cassoday	1907 <u>Wis. Blue Book</u> , p. 1123; 1925 <u>Wis. Blue Book</u> , p. 605; 134 Wis xxvii
Winslow	1917 <u>Wis. Blue Book</u> , p. 502; 1925 <u>Wis. Blue Book</u> , p. 605; 98 Wis xxix.
Pinney	1897 <u>Wis. Blue Book</u> , p. 702; 1925 <u>Wis. Blue Book</u> , p. 604; 104 Wis xx.
Newman	1897 <u>Wis. Blue Book</u> , p. 702; 1925 <u>Wis. Blue Book</u> , p. 604.
Marshall	1917 <u>Wis. Blue Book</u> , p. 502; Milwaukee Journal, 23 May 1922.
Bardeen	1903 <u>Wis. Blue Book</u> , p. 1113; 1925 <u>Wis. Blue Book</u> , p. 604; 119 Wis xlvi.
Dodge	1925 <u>Wis. Blue Book</u> , p. 604; 1909 <u>Wis. Blue Book</u> , p. 1091; 1921 <u>Wis. Blue Book</u> , p. 240; 175 Wis xxx.
Siebecker	1921 <u>Wis. Blue Book</u> , p. 240; Wisconsin State Journal, 12 Feb. 1922.
Kerwin	1917 <u>Wis. Blue Book</u> , p. 503; 177 Wis xxxii.
Timlin	1915 <u>Wis. Blue Book</u> , p. 487.
Bashford	150 Wis xxvii; 1909 <u>Wis. Blue Book</u> , p. 556.
Barnes	1915 <u>Wis. Blue Book</u> , p. 487; 169 Wis xxx.
Vinje	1921 <u>Wis. Blue Book</u> , p. 240; Capital Times, 23 March 1929.
Rosenberry	1946 <u>Wis. Blue Book</u> , p. 10; Wisconsin State Journal, 31 Dec. 1949.
Eschweiler	1929 <u>Wis. Blue Book</u> , p. 479; Wisconsin State Journal, 14 Nov. 1929.
Owen	1929 <u>Wis. Blue Book</u> , p. 479; Sheboygan Press, 16 April 1934.
Jones	1921 <u>Wis. Blue Book</u> , p. 240; 219 Wis xxx.
Doerfler	1929 <u>Wis. Blue Book</u> , p. 479; Capital Times, 3 June 1929.
Crownhart	1929 <u>Wis. Blue Book</u> , p. 479; Capital Times, 4 May 1930.
Stevens	1929 <u>Wis. Blue Book</u> , p. 479; Capital Times, 25 August 1930.
Fowler	1946 <u>Wis. Blue Book</u> , p. 10; Wisconsin State Journal, 8 April 1948.
Fritz	1950 <u>Wis. Blue Book</u> , p. 10.
Fairchild	1950 <u>Wis. Blue Book</u> , p. 10; Capital Times, 7 October 1945.
Wickhem	1946 <u>Wis. Blue Book</u> , p. 11; Wisconsin State Journal, 15 July 1949.
Nelson	1942 <u>Wis. Blue Book</u> , p. 11; Wisconsin State Journal, 12 Dec. 1942.
Lewis	1935 Senate Journal, p. 181 (Jt. Res. 59,A.)
Martin	1946 <u>Wis. Blue Book</u> , p. 11.
Barlow	1946 <u>Wis. Blue Book</u> , p. 12; Wisconsin State Journal, 27 June 1948.
Rector	Milwaukee Journal, 6 April 1946; Milwaukee Journal, 3 April 1947.
Hughes	1950 <u>Wis. Blue Book</u> , p. 10; Capital Times, 13 Aug. 1951.
Martin	1950 <u>Wis. Blue Book</u> , p. 10; Capital Times, 5 April 1950.
Broadfoot	1950 <u>Wis. Blue Book</u> , p. 10; Milwaukee Journal, 3 Feb. 1951.
Gehl	1950 <u>Wis. Blue Book</u> , p. 10.
Brown	1950 <u>Wis. Blue Book</u> , p. 10; Wisconsin State Journal, 15 July 1949.
Currie	Capital Times, 13 Aug. 1951.