

THE STATE OF MINNESOTA

GOVERNOR'S OFFICE.

IN THE MATTER OF THE APPLICATION OF  
JOSEPH B. HIMSL, ONE OF THE JUDGES  
OF THE DISTRICT COURT OF THE SEVENTH  
JUDICIAL DISTRICT IN THE STATE OF  
MINNESOTA, UNDER THE PROVISIONS OF  
THE LAWS OF THE STATE OF MINNESOTA  
AND CHAPTER 545 OF THE LAWS OF 1947.

\* \* \* \* \*

APPLICATION OF RETIREMENT.

To the Hon. Luther W. Youngdahl, Governor of the State  
of Minnesota.

The undersigned petitioner, Joseph B. Himsl, of the  
City of St. Cloud, Stearns County, Minnesota, one of the  
Judges of the District Court for the Seventh Judicial Dis-  
trict of the State of Minnesota, hereby respectfully presents  
to your Honor:

That he was born on February 6th, 1872, and has been a  
resident of Stearns County since 1883; and that he will be  
seventy-six years of age on February 6, 1948.

That said petitioner was appointed Judge of the Dis-  
trict Court of the Seventh Judicial District by the Hon.  
Hjalmar Peterson, and said petitioner began his term on  
November 16th, 1936; that said petitioner duly qualified  
and entered on the discharge of his duties and was elected  
to said office from time to time, and his present term will  
expire on the first Monday of January, 1951.

That for the last two or three years said petitioner  
has been suffering from dizziness and loss of memory and has  
been taking medicine as prescribed by his doctor.

That he has attached hereto, and submits herewith, the  
affidavit of his doctor who has more fully set out his dis-  
abilities.

That in as much as there are no general terms of court at this time, and there are some matters that the petitioner has to attend to before he finally leaves the office, he would request that his retirement, if it is granted, be not before September 1st, 1947.

Wherefore, petitioner requests the Honorable Governor of the State of Minnesota to make an order retiring him as Judge of said court pursuant to the provisions of the law above stated.

Dated at St. Cloud, Minnesota, this 31<sup>st</sup> day of July, 1947.

J. B. Himsl  
Judge of the District Court  
Seventh Judicial District of  
Minnesota.

STATE OF MINNESOTA )  
COUNTY OF STEARNS )

Joseph B. Himsl, being first duly sworn, says that he is the above named petitioner and has read such petition and knows the contents thereof and that the same is in all respects true.

J. B. Himsl

Subscribed and sworn to before me  
this 31<sup>st</sup> day of July, 1947.

James J. Quigley  
Notary Public.

JAMES J. QUIGLEY  
Notary Public, Stearns County, Minn.  
My Commission Expires Mar 27, 1949

IN THE MATTER OF THE APPLICATION OF  
JOSEPH B. HIMSL, ONE OF THE JUDGES  
OF THE DISTRICT COURT OF THE SEVENTH  
JUDICIAL DISTRICT IN THE STATE OF  
MINNESOTA, UNDER THE PROVISIONS OF  
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AND CHAPTER 545 OF THE LAWS OF 1947.

\* \* \* \* \*

STATE OF MINNESOTA )  
                          ) SS  
COUNTY OF STEARNS )

C. B. Lewis, being first duly sworn on oath, deposes and says that he is a resident of the City of St. Cloud, in the County of Stearns and State of Minnesota, and has been for forty years last past. That he is a practicing physician and surgeon and graduated from the Rush Medical College, and University of Minnesota College, and that he has been actively engaged as such physician and surgeon, with an extensive hospital practice, for the past forty years in Stearns County, Minnesota.

That he has known the Honorable Joseph B. Himsl, Judge of the District Court, for a great number of years, and that he has been his family doctor, and that he has treated the Honorable Joseph B. Himsl and knows what his condition is; that he has found Judge Himsl to be suffering from high blood pressure, with cerebral arteriosclerosis; that he has a stone in his right kidney and as a result of the stone in his kidney he is suffering with chronic pyelitis and has pus in his urine; and that he has loss of memory and is suffering from dizziness as a result of his high blood pressure.

Affiant further states and believes, and it is his medical opinion, that if Judge Himsl can retire and rest and not exert himself either physically or mentally, and live a quiet and leisurely life, that his span of life may be prolonged

and that should he attempt to exert himself either physically or mentally that it may be highly dangerous and may become fatal. Whereas, if he retires and be relieved from all work, labor and mental tension his life may be prolonged.

Further affiant saith not except that this affidavit is made to show the physical and mental condition of Judge Himsel and the medical opinion of his condition.

C. D. Lewis M.D.

Subscribed and sworn to before me  
this 19 day of July, 1947.

James J. Quigley  
Notary Public.

JAMES J. QUIGLEY  
Notary Public, Stearns County, Minn.  
My Commission Expires Mar 27, 1950

THE STATE OF MINNESOTA

GOVERNOR'S OFFICE.

IN THE MATTER OF THE APPLICATION OF  
JOSEPH B. HIMSL, ONE OF THE JUDGES  
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ORDER OF RETIREMENT

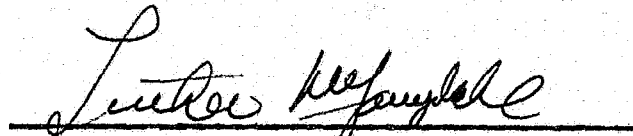
Whereas, an application in writing has been duly presented to me by the Honorable Joseph B. Himsl, Judge of the District Court of the Seventh Judicial District of the State of Minnesota, for retirement from said office under the provisions of the Laws of the State of Minnesota, Chapter 545 of the Laws of 1947, which application sets forth that he has become incapacitated physically and mentally from performing the duties of the office during the remainder of his present term, or thereafter, and which sets forth the nature and extent of such disability, and

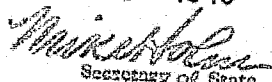
Whereas, after due investigation and consideration of said application, it is found that said Joseph B. Himsl is now a duly elected, qualified, and acting Judge of the District Court of the Seventh Judicial District of the State of Minnesota, and that he is incapacitated physically and mentally from performing the duties of his said office, which incapacity will continue during the remainder of his present term, and thereafter; and that the public service is suffering, and will continue to suffer by reason of his said disability; and that he is past seventy-five years of age, and that he has served as judge of said court continuously for the past eleven years, and that

he is eligible to be retired from his said office under the provisions of the law hereinbefore cited.

NOW THEREFORE, I, Luther W. Youngdahl, Governor of the State of Minnesota, do HEREBY ORDER and direct the retirement of the said Joseph B. Himsl as Judge of the District Court of the Seventh Judicial District of the State of Minnesota, to become effective at the close of the day on the 31st day of August, 1947.

AND I FURTHER ORDER AND DIRECT that he shall receive the compensation allotted to his said office for the remainder of his present term, and to be paid at the time and in the manner provided by law, under and pursuant to the provisions of the 1945 General Statutes of Minnesota, Section 490.02.

  
Governor of the State  
of Minnesota.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 3 1948  
  
Secretary of State

10445