

WHEREAS, The Hon. John Day Smith, now and since the first Monday of January 1905, one of the Judges of the District Court of the Fourth Judicial District of the State of Minnesota, in and for Hennepin County, has this day made a written application for retirement from his said office for the unexpired portion of the term for which he was elected, under and pursuant to an act of the Legislature of the State of Minnesota, approved April 12th, 1913, entitled: "A Bill for an Act to Provide for the Retirement of Judges of the Supreme Court or District Court Disabled from Performing their Duties by Physical or Mental Infirmities", and,

WHEREAS, in said written application it is alleged that the applicant has become incapacitated physically from performing his Judicial duties during the remainder of his term of office, the nature and extent of said disability being therein set forth, and,

WHEREAS, I have caused an investigation to be made of the physical condition of the said applicant, and as the result of said investigation, which has included the testimony of his medical attendants, Drs. W. A. Jones and John W. Bell of Minneapolis, Minnesota, it appears that the said applicant about one and one-half years ago, and after his present term of office began, became afflicted with aphasia, a disease that effects the ability of the applicant to use the right word at the right time and in the right place, and that said disease is permanent and totally incapacitates the said applicant from performing his Judicial duties during the remainder of his term of office.

And said investigation further discloses that the said applicant is afflicted with a disease of the blood vessels, particularly those of the brain, and,

WHEREAS, by reason of said investigation so made and as a result thereof, I have determined that such disability exists incapacitating the said applicant physically from performing his Judicial duties during the remainder of his term of office, which term of office

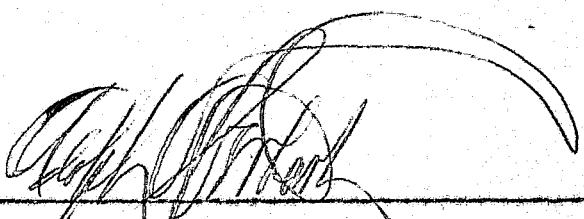
expires the first Monday of January, 1917, and that the public service is suffering and will continue to suffer by reason of such disability.

I therefore, under and pursuant to the provisions of the law, hereinbefore referred to, direct the retirement of the said John Day Smith as Judge of the District Court aforesaid for the unexpired portion of the term for which he was elected.

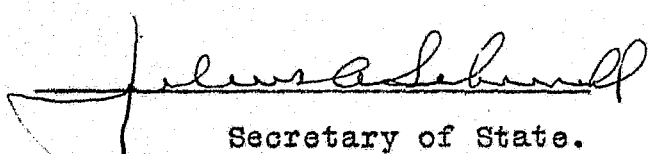
IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the great Seal of the State of Minnesota to be affixed, at the Capitol, in the City of St. Paul, this 1st day of May, in the year of our Lord one thousand nine hundred and thirteen, and of the State, the

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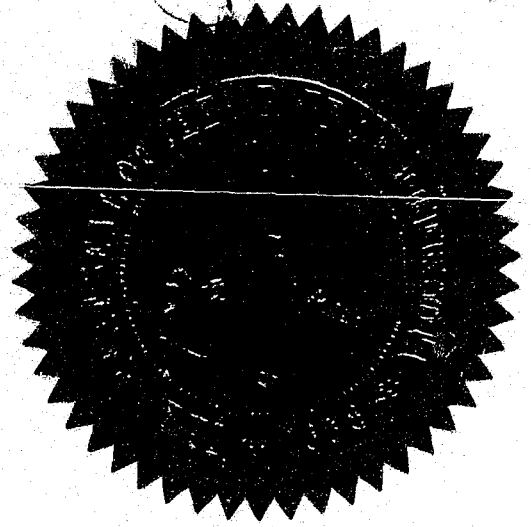
BY THE GOVERNOR.



Governor.



Secretary of State.



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