

J.T

7-13-66

Exec of Staff's office
has been advised to
hold up on this until
new information is
received

W.M.D.

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SL/mg

cc: Secretary of State Joseph L. Donovan: Joe, you will note that the petition and letter filed with you June 7 were improperly filed and if they cannot be withdrawn, it is asked that you note on them that they have been invalidated by act of the Governor and that a subsequent petition will be filed.

July 12, 1966

The Honorable Earl J. Lyons
Judge of District Court
Court House
Minneapolis, Minnesota

Dear Judge Lyons:

I have checked further into the matter of your petition to retire and I regret to inform you that a careful reading of the law by Attorney General Robert W. Mattson indicates that the petition was not properly submitted in compliance with M. S. 490.101, Subdivision 1 (b). That section provides in part that a Judge of the District Court who has served for at least 25 years as such judge may make written application to the governor for retirement. The petition which you have submitted is signed and dated June 2, 1966, and it appears that as of that date, you had not in fact served for at least 25 years as a judge and consequently were not eligible to make written application for retirement.

I am returning the petition to you with the request that you resubmit it on the date when you have completed 25 years as judge. As previously noted by a member of my staff, your petition did in fact cite two dates, September 3 and September 31, and I ask also that you clarify the correct date which marks the completion of your 25th year.

The petition which you will be submitting could of course be dated with the date on which you wish to retire, which I gather is the end of the year. I will immediately recommend that the order directing your retirement be prepared by this office and properly filed with the Secretary of State. Please disregard my earlier letter to you dated June 7 in this regard. I have also notified Secretary of State Joseph L. Donovan that the petition was improperly filed in his office and he will await further action.

I want to thank you for your patience in this and express to you my warmest wishes for many pleasant years of retirement, and my congratulations for the important contributions which you have made to the administration of justice in our state.

With kind personal regards.

Yours very truly,

RECEIVED

JUL 13 1966

SECRETARY OF STATE

G O V E R N O R

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Rec'd 7-13-66

RETURN IN 5 DAYS TO
JOSEPH L. DONOVAN
SECRETARY OF STATE
ST. PAUL, MINN. 55101



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RECORDED

JUN 9 1966

SECRETARY OF STATE

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

ORDER FOR DISTRICT JUDGE
 TO RETIRE UNDER M.S.A. 490.101
 AND M.S.A. 409.02:

Pursuant to the attached petition,

IT IS HEREBY ORDERED, under the powers given to me pursuant to the laws of the State of Minnesota, that Earl J. Lyons, be retired as Judge of the District Court, Fourth Judicial District, County of Hennepin, State of Minnesota, upon the 31st day of December, 1966, compensation for his office to discontinue as of that date and retirement pay to begin forthwith.

Dated at St. Paul, Minnesota, under my seal, this
 _____ day of June, 1966.

 KARL F. ROLVAAG
 GOVERNOR OF THE STATE OF MINNESOTA

18191

STATE OF MINNESOTA
 DEPARTMENT OF STATE
 FILED
 JUN 9 - 1966
James A. Johnson
 Secretary of State



STATE OF MINNESOTA
EXECUTIVE OFFICE
ST. PAUL, MINNESOTA 55101

KARL F. ROLVAAG
GOVERNOR

June 7, 1966

RECEIVED
JUN - 9 1966
SECRETARY OF STATE

The Honorable Joseph L. Donovan
Secretary of State
128 State Capitol
St. Paul, Minnesota

Dear Secretary of State:

I have received a letter requesting retirement from the Honorable Earl J. Lyons, Judge of the Fourth Judicial District. A copy of his petition and my order is attached.

He has fulfilled the requirements of the law to be eligible for retirement, and I, therefore direct that his retirement be made effective December 31, 1966, in accordance with the provisions of Minnesota Statutes 490.101, Subdivision 1, as amended by 1963 Laws, Chapter 739.

Sincerely yours,

Karl F. Rolvaag
GOVERNOR

cc: Honorable Earl J. Lyons,
Judge of the 4th Judicial District
Honorable Stafford King,
State Auditor

Enclosures

#18191
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 9 - 1966
Joseph L. Donovan
Secretary of State

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

IN RE: Petition of Judge
Earl J. Lyons
to retire:

Now comes your petitioner, Judge Earl J. Lyons, of the District Court, Fourth Judicial District, Hennepin County, Minnesota, and respectfully petitions the Honorable Governor Karl F. Rolvaag, to retire on the 31st day of December, 1966 under M.S.A. 490.101 and amendments thereto.

Your petitioner states to the said Honorable Governor, the following:

1. He was born on August 4, 1897 at Stillwater, Minn.
2. He was first appointed to the Municipal Bench by the then Governor, Honorable Harold Stassen, on the 3rd day of September, 1941, to serve until the next general election. Was elected to succeed himself in 1943.
3. On February 20, 1947, was appointed by the Governor, Honorable Luther Youngdahl, to the position of Judge of the District Court, Juvenile Division. Was elected to succeed himself in 1948 for a six year term.
4. Was appointed by the then Governor of the State of Minnesota, Honorable C. Elmer Anderson, to the other branch of the District Court of Hennepin County in 1954. Was elected to succeed himself for a six year period and again reelected in 1960 for an additional six year term which term ends January 1, 1967 or until his successor is duly qualified.
5. He will therefore have served continuously for a period of twenty-five years on September 31, 1966 on the bench of a court of record and thus duly qualified to retire therefore pursuant to M.S.A. 490.101, having served to exceed twenty-five years and having attained the age to exceed sixty-five years.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
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James A. Robinson
Secretary of State

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The Petitioner hereby waives compensation for his present office after the time of his retirement, being December 31, 1966, as provided under M.S.A. 409.02, but in return will receive retirement pay as provided for by law.

Wherefore, your Petitioner makes application and petitions the Honorable Karl F. Rolvaag, Governor of the State of Minnesota, to retire as of December 31, 1966.

Dated this 23rd day of June, 1966.

Earl J. Lyons
EARL J. LYONS, District Judge
PETITIONER

STATE OF MINNESOTA }
COUNTY OF HENNEPIN }

ss.

This 23rd day of June, 1966, Earl J. Lyons, the above named Petitioner, appeared before me, a Judge of the District Court of the County of Hennepin, State of Minnesota, and being by me first duly sworn, acknowledged to me that he has read the above petition and that it is true of his own knowledge.

W. J. Jensen
Judge of the District Court
Fourth Judicial District
Hennepin County, Minnesota

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 9 - 1966

James J. ...
Secretary of State