

THE STATE OF MINNESOTA,
GOVERNOR'S OFFICE.

In the Matter of the Application of John A Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the provisions of the General Statutes, 1927, Sections 210 and 211, as amended by the Laws of 1929 of said State, Chapters 201 and 408.

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APPLICATION FOR RETIREMENT.

TO THE HON. HJATMAR PETERSEN, GOVERNOR OF THE STATE OF MINNESOTA:

The undersigned petitioner, John A. Roeser, of the city of St. Cloud, Stearns County, Minnesota, one of the Judges of the District Court for the Seventh Judicial District of Minnesota, hereby respectfully presents to your Honor:

That he was born in the Township of St. Augusta in said Stearns County, Minnesota, on the 29th day of January, 1867, and will be seventy years of age on the 29th of January, 1937, and that he is at this time a widower.

That in the month of February, 1913, Governor Eberhart of said State duly appointed petitioner as one of the Judges of the said Seventh Judicial District, the term to begin April 1st, 1913; that thereupon 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 the first Monday in January, 1939.

That since 1930 he has been suffering with diabetes, but by the use of insulin and a restricted diet has been able to keep up his work, except on a few occasions when he became sick and had to either go to a hospital or stay at his home under treatment.

That as a result of said diabetes the petitioner's right side is afflicted with neuritis and he has a so-called diabetic right hand which causes him pain and inconvenience all the time.

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In the month of November, 1935 while he was holding the general term of this Court in Otter Tail County he became ill and ever since has been incapacitated from performing the duties of his office, except such matters as ex-parte or default hearings that he can attend to at his home.

That the particular disability was due to his heart which had become so weak that it was unable to properly separate the fluids of his body and as a result his feet, legs and abdomen became swelled and remained so until the present time, except that some of the swelling has gone out of his legs but still persists in his feet and abdomen. That he has received a large number of intravenous injections and has also been tapped and water drawn from his body in that way six times, and it may be necessary in the near future to resort to such tapping again.

He was three months at the hospital at Fergus Falls under the care of Drs. Baker and Hodgson; was then taken by ambulance to his home in the city of St. Cloud and ever since has been and still is under the care of doctors of the Lewis-Stangl Clinic.

These doctors have informed him that while his heart has improved some it will never improve sufficient so that he can go back to perform his duties as judge on the bench. He is unable to climb stairs and has to be carried when necessary. Due to the swelling of his abdomen he has contracted an inguinal hernia and is unable to be properly operated for the same on account of his heart.

During all of the time that he has been ill since last November he has had a nurse in attendance day and night, and will continue to need the assistance of such nurse for sometime to come.

That he is assured by his doctors that his incapacity will continue the remainder of his term and thereafter, and at the most he can hope is to have sufficient reserve power in his heart to live a quiet and uneventful life for sometime.

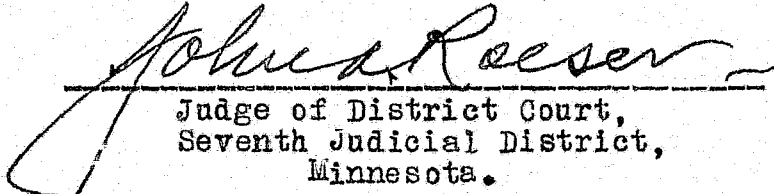
That his disability and failure to be able to perform the general term duties of his office affects the work of the district and that the public service is suffering by reason of his said disabilities.

That he has attached hereto and submits herewith the affidavits of his attending physicians; also the affidavits of several parties who are acquainted with his condition and have observed his capacity to attend to the duties of his office.

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 November 15th, 1936.

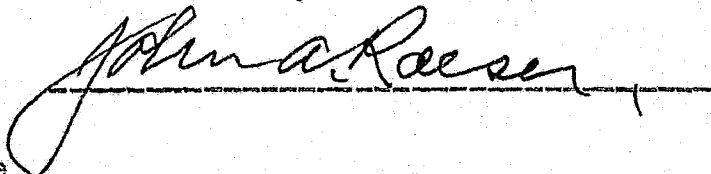
Wherefore, petitioner requests the Honorable Governor of the State of Minnesota to make an order retiring him as judge of said court pursuant to the provisions of the law above stated.

Dated at St. Cloud, Minnesota, this 30 day of Sept, 1936.


Judge of District Court,
Seventh Judicial District,
Minnesota.

STATE OF MINNESOTA)
) SS
COUNTY OF STEARNS)

John A. Roeser, 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.



Subscribed and sworn to before me
this 30 day of Sept 1936.


Notary Public, Stearns County, Minn.

My Commission Expires May 27, 1937

In the Matter of the Application of John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the provisions of General Statutes, 1927, Sections 210 and 211, as amended by the Laws of 1929 of said State, Chapters 201 and 408.

. . .
ORDER FOR RETIREMENT.

Whereas, an application in writing has been duly presented to the undersigned by the Honorable John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District of the State of Minnesota for retirement from said office under the provisions of General Statutes, 1923, Sections 210 and 211, as amended by the laws 1927, Chapter 357 and by the Laws of 1929, Chapters 201 and 408, which application sets forth that he has become incapacitated physically from performing the duties of his office during the remainder of his present time and 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 John A. Roeser 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 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; that said applicant is over sixty-nine years of age; that he has served as Judge of said Court continuously for more than twenty-three years last past, and that he is eligible to be retired from his said office under the provisions of the law hereinbefore cited.

NOW THEREFORE, I, Hjalmar Petersen, Governor of the State of Minnesota, do HEREBY ORDER and direct the retirement of said John A.

Roeser as Judge of the District Court of the Seventh Judicial District of the State of Minnesota, to become effective at the close of the 15th day of November, 1936.

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 that thereafter he shall receive one-half of the compensation now allotted to his said office for the remainder of his life, to be paid at the time and the manner provided by law, under and pursuant to the General Statutes of 1923, Sections 210 and 211, as amended by the laws of 1927, Chapter 337, and as amended by the laws of 1929, Chapter 201 and 408.

Dated at St. Paul, Minnesota, this 1st day of Oct.
1936.

W. G. Peterson
Governor of the State of
Minnesota.

In the Matter of the Application of John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the Provisions of General Statutes, 1927, Sections 210 and 211, as amended by the Laws of 1929 of said State, Chapters 201 and 408.

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A F F I D A V I T .

STATE OF MINNESOTA)
) SS
COUNTY OF STEARNS)

F. H. Stangl, 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 thirty years last past. That he is a practicing physician and surgeon and graduated from the Rush Medical College and University of Chicago, and that he has been actively engaged as such physician and surgeon with an extensive hospital practice for the past fourteen years in Stearns County, Minnesota.

That he is a member of the Lewis-Stangl Clinic of St. Cloud, Minnesota, and has been a member thereof since its organization.

That he has known the Honorable John A. Roeser, Judge of the District Court, for the past 25 years, and that since 1930 Judge Roeser has been suffering with a disease known as diabetes and that the firm of the Lewis-Stangl Clinic have had charge of his case since the time of its inception up to the present time.

Affiant further says that the disease has been continuously progressing and that everything has been done for Judge Roeser for his ailment known to human medical science; and that as a result of said diabetes the body of the Judge is afflicted with neuritis and that he has a so-called diabetic right hand which causes him pain and inconvenience all the time.

Affiant further says that he and Dr. Freeman and Dr. C. B.

Lewis have been in attendance upon the Judge up to the present time. That in the month of November, 1935 while the Judge was holding a General Term of this Court in Otter Tail County, Minnesota, he became ill and ever since has been incapacitated and unable to perform the duties of the office, except ex-parte matters which he could attend to at his home and in his sick room.

Affiant further says that complicating his diabetes is an arteriosclerosis and degeneration of his heart muscle so that his circulation is faulty to the extent that his feet, legs and abdomen became swelled and remain so until the present time. That he has lost considerable weight and has become weak and in a measure infirm. That some of the swelling has gone out of his legs, but still exists in his feet and abdomen. That he has received a large number of intravenous injections, and has also been tapped and water drawn from his body five or six times, and that he again is filling up with water and that it may again be necessary in the near future to resort to such tapping.

That for three months he was at the hospital at Fergus Falls, Minnesota, under the care of Drs. Baker and Hodgson as this affiant is informed, but was from there by way of an ambulance transferred to the city of St. Cloud to his home, and ever since has been and still is under the care of the doctors of the Lewis-Stangl Clinic of St. Cloud, Minnesota, and has a trained nurse constantly in attendance.

Affiant further says that it is his opinion that while his heart intermittently improves some, it will never improve sufficiently so that he can go back to perform his duties as judge on the bench; that any but the least exertion may be fatal; that he is unable to climb stairs, that he should not attempt to climb stairs or to do any exhaustive work of any kind what so ever.

Affiant further says that due to the swelling of his abdomen he has contracted an inguinal hernia and is unable to be properly

operated for this difficulty on account of the condition of his heart.

Affiant further says that his condition is such that he must necessarily have and has had the assistance and attendance of a nurse practically day and night.

This affiant further says that his incapacity will continue not only for the remainder of his term if he should outlive his term, but for the remainder of his life and will steadily increase.

Affiant further states and believes, and it is his medical opinion, that if Judge Roeser 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 condition and the incapacity of Judge Roeser and the medical opinion of his condition.

J. H. Stangl

Subscribed and sworn to before me
this 19 day of Sept 1936.

Louella Latch
Notary Public, Stearns County, Minn.,

My Commission Expires
LORETTA LATCH, Notary Public,
St. Cloud, Stearns County, Minnesota
My Commission Expires May 27, 1941

State of Minnesota
Department of State
F I L E D OCT 1, 1936
Mike Holm, Secretary

In the Matter of the Application of John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the Provisions of General Statutes, 1927, Sections 210 and 211, as amended by the Laws of 1929 of said State, Chapters 201 and 408.

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A F F I D A V I T .

STATE OF MINNESOTA)
) SS
 COUNTY OF STEARNS)

W. L. Freeman, 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 thirty years last past. That he is a practicing physician and surgeon and graduated from the Rush Medical College and that he has been actively engaged as such physician and surgeon with an extensive hospital practice for the past thirty years in the State of Minnesota.

That he is a member of the Lewis-Stangl Clinic of St. Cloud, Minnesota, and has been a member thereof since its organization.

That he has known the Honorable John A. Roeser, Judge of the District Court, for the past twenty-five years, and that since 1930 Judge Roeser has been suffering with a disease known as diabetes and that the firm of the Lewis-Stangl Clinic have had charge of his case since the time of its inception up to the present time.

Affiant further says that the disease has been continuously progressing and that everything has been done for Judge Roeser for his ailment known to human medical science; and that as a result of said diabetes the right side of the Judge is afflicted with neuritis and that he has a so-called diabetic right hand which causes him pain and inconvenience all the time.

Affiant further says that he and Dr. Lewis and Dr. Fred Stangl have been in attendance upon the Judge up to the present time.

That in the month of November, 1935 while the Judge was holding a General Term of this Court in Otter Tail County, Minnesota, he became ill and ever since has been incapacitated and unable to perform the duties of the office, except ex-parte matters which he could attend to at his home and in his sick room.

Affiant further says that complicating his diabetes is a degeneration of his heart muscle so that his circulation is faulty to the extent that his feet, legs and abdomen become swelled and remain so until the present time. That he has lost considerable weight and has become weak and in a measure infirm. That some of the swelling has gone out of his legs, but still exists in his feet and abdomen. That he has received a large number of intravenous injections, and has also been tapped and water drawn from his body five or six times, and that he again is filling up with water and that it may again be necessary in the near future to resort to such tapping.

That for three months he was at the hospital at Fergus Falls, Minnesota, under the care of Drs. Baker and Hodgson as this affiant is informed, but was from there by way of an ambulance transferred to the city of St. Cloud to his home, and ever since has been and still is under the care of the doctors of the Lewis-Stangl Clinic of St. Cloud, Minnesota.

Affiant further says that it is his opinion that while his heart intermittently improves some, it will never improve sufficiently so that he can go back to perform his duties as judge on the bench; that the least exertion may be fatal, that he is unable to climb stairs; and that he should not attempt to climb stairs or to do any exhaustive work of any kind what so ever.

Affiant further says that due to the swelling of his abdomen he has contracted an inguinal hernia and is unable to be properly operated for this difficulty on account of the condition of his heart.

Affiant further says that his condition is such that he must necessarily have the assistance and attendance of a nurse practically day and night.

This affiant further says that his incapacity will continue not only for the remainder of his term, if he should outlive his term, but for the remainder of his life.

Affiant further states and believes, and it is his medical opinion, that if Judge Roeser 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 he 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 condition and the incapacity of Judge Roeser and the medical opinion of his condition.

W. J. Freeman M.D.

Subscribed and sworn to before me
this 19 day of Sept 1936.

Loetta Leitch
Notary Public, Stearns County, Minn.

My Commission Expires May 27, 1940

In the Matter of the Application of John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the Provisions of General Statutes, 1927, Sections 210 and 211, as amended by the Laws of 1929 of said State, Chapters 201 and 408.

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A F F I D A V I T .

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 thirty years last past. That he is a practicing physician and surgeon and graduated from the Rush Medical College and University of Minnesota, and that he has been actively engaged as such physician and surgeon with an extensive hospital practice for the past thirty years in Stearns County, Minnesota.

That he is a member of the Lewis-Stangl Clinic of St. Cloud, Minnesota, and has been a member thereof since its organization.

That he has known the Honorable John A. Roeser, Judge of the District Court, for the past 25 years, and that since 1930 Judge Roeser has been suffering with a disease known as diabetes and that the firm of the Lewis-Stangl Clinic have had charge of his case since the time of its inception up to the present time.

Affiant further says that the disease has been continuously progressing and that everything has been done for Judge Roeser for his ailment known to human medical science; and that as a result of said diabetes the right side of the Judge is afflicted with neuritis and that he has a so-called diabetic right hand which causes him pain and inconvenience all the time.

Affiant further says that he and Dr. Freeman and Dr. Fred Stangl

have been in attendance upon the Judge up to the present time. That in the month of November, 1935 while the Judge was holding a General Term of this Court in Otter Tail County, Minnesota, he became ill and ever since has been incapacitated and unable to perform the duties of the office, except ex-parte matters which he could attend to at his home and in his sick room.

Affiant further says that complicating his diabetes is a degeneration of his heart muscle so that his circulation is faulty to the extent that his feet, legs and abdomen became swelled and remain so until the present time. That he has lost considerable weight and has become weak and in a measure infirm. That some of the swelling has gone out of his legs, but still exists in his feet and abdomen. That he has received a large number of intravenous injections, and has also been tapped and water drawn from his body five or six times, and that he again is filling up with water and that it may again be necessary in the near future to resort to such tapping.

That for three months he was at the hospital at Fergus Falls, Minnesota, under the care of Drs. Baker and Hodgson as this affiant is informed, but was from there by way of an ambulance transferred to the city of St. Cloud to his home, and ever since has been and still is under the care of the doctors of the Lewis-Stangl Clinic of St. Cloud, Minnesota.

Affiant further says that it is his opinion that while his heart intermittently improves some, it will never improve sufficiently so that he can go back to perform his duties as judge on the bench; that the least exertion may be fatal; that he is unable to climb stairs, that he should not attempt to climb stairs or to do any exhaustive work of any kind what so ever.

Affiant further says that due to the swelling of his abdomen he has contracted an inguinal hernia and is unable to be properly operated for this difficulty on account of the condition of his heart.

Affiant further says that his condition is such that he must necessarily have the assistance and attendance of a nurse practically day and night.

This affiant further says that his incapacity will continue not only for the remainder of his term, if he should outlive his term, but for the remainder of his life.

Affiant further states and believes, and it is his medical opinion, that if Judge Roeser 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 condition and the incapacity of Judge Roeser and the medical opinion of his condition.

C. B. Lewis

Subscribed and sworn to before me
this 19 day of Sept 1936.
Loetta Leitch
Notary Public, Stearns County, Minn.,
My Commission Expires
LOETTA LEITCH, Notary Public,
St. Cloud, Stearns County, Minnesota
My Commission Expires May 27, 1940

In the matter of the application of John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the provisions of the General Statutes, 1927, Sections 210 and 211, as amended by the laws of 1929 of said State, Chapters 201 and 408.

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STATE OF MINNESOTA)
) SS
COUNTY OF STEARNS)

A F F I D A V I T .

Mary Finger, being first duly sworn, deposes and says that she is a resident of the city of St. Cloud in said County and has for the last four months acted as nurse to said petitioner and as such has become familiar with his condition.

That he has a heart affliction which causes swelling of the feet, legs and abdomen of a dropsical nature; that under her care and treatment some of the swelling has been reduced especially of the legs, but there is still swelling in the feet and the abdomen and it may be necessary to tap the abdomen again. He has had the abdomen tapped about five or six times as she has been informed.

That the condition of petitioner is such that he is not able to do the regular work of district judge, and that at most *he* can sometimes sign ex-parte orders and hear default matters. That he is unable to walk up any stairs and has to be carried when ever he goes to his sleeping quarters at his home.

That deponent believes that he is permanently incapacitated and that such condition exists now and will continue during the remainder of his life.

Further saith not except that this affidavit is made to show the physical condition and incapacity of the above petitioner.

Mary A Finger.

Subscribed and sworn to before me
this 30 day of Sept 1936.

Loetta Leitch
Notary Public, Stearns County, Minn.
My Commission Expires _____

My Commission Expires May 27, 1937

In the matter of the application of John A. Roeser, one of the Judges of the District Court of the Seventh Judicial District in the State of Minnesota, under the provisions of the General Statutes, 1927, Sections 210 and 211, as amended by the laws of 1929 of said State, Chapters 201 and 408.

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A F F I D A V I T .

STATE OF MINNESOTA)
) SS
COUNTY OF STEARNS)

W. C. Roeser, being first duly sworn deposes and says that he is an attorney-at-law in the city of St. Cloud, and he is the son of the above petitioner; that he resides in the home of such petitioner and resided there at the time he was brought by ambulance from the hospital at Fergus Falls in March 1936. That he has continual occasion to observe his condition. That petitioner is very weak, unable to sleep a great part of the night and is incapacitated from taking walks of any distance and from climbing any stairs.

That he believes his condition is such that he is incapacitated from performing the duties of his office and that such condition will continue the remainder of his life.

Further saith not.

Waldemar C. Roeser

Subscribed and sworn to before me

this 30 day of Sept 1936

Loretta Leitch
Notary Public, Stearns County, Minn.
My Commission Expires Loretta Leitch, Notary
St. Cloud, Stearns County, Minnesota
My Commission Expires May 27, 1940

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