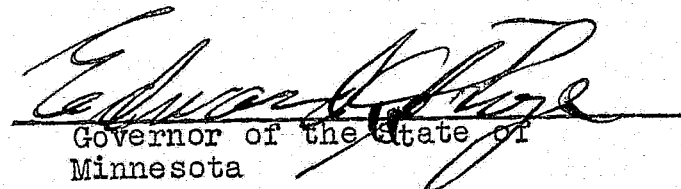


STATE OF MINNESOTA
Executive Department
Office of the Governor

WHEREAS, Henry M. Gallagher, Chief Justice of the Supreme Court of this State, has applied in writing for retirement from that office to be effective January 3, 1944, on the grounds that he has become incapacitated for the performance of his official duties to the extent that the public service suffers therefrom and has submitted proof of such disability, and

WHEREAS, I have determined that such disability exists, Now, THEREFORE, Pursuant to Laws, 1943, Chapter 595, I hereby order and direct his retirement under the provisions of the act above referred to effective January 3, 1944.

Dated at St. Paul, Minnesota, this 6 day of December, 1943.


Governor of the State of
Minnesota

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 6 - 1944


Secretary of State.

THE SUPREME COURT OF MINNESOTA
ST. PAUL December 30, 1943.

HENRY M. GALLAGHER, CHIEF JUSTICE
CHARLES LORING
JULIUS J. OLSON
HARRY H. PETERSON
LUTHER W. YOUNGDAHL
THOMAS GALLAGHER
CLARENCE R. MAGNEY
JUSTICES
ANDREW HOLT
COMMISSIONER

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 6 - 1944

Honorable Edward J. Thye,
Governor of the State of Minnesota

Dear Sir:

W. H. Olson
Secretary of State.

As Chief Justice of the Supreme Court of this State, I hereby apply for retirement from that office under the terms of Chapter 595, Laws of Minnesota, 1943. I have served as Chief Justice since February 15, 1937, and have become incapacitated for the performance of my official duties to the extent that I believe the public service suffers therefrom. As proof of such disability, I attach hereto the certificate of my physician.

It is my understanding that under the provisions of the law above referred to my compensation upon retirement will be limited to the balance of my term, constituting one year. In connection therewith, I propose from month to month, to waive my right to retirement pay during the year and not to accept it except in those months during which my health does not permit me otherwise to earn an income.

I request that you make an order directing my retirement effective January 3, 1944, under the terms of the act above referred to.

Henry M. Gallagher
Henry M. Gallagher,
Chief Justice of the Supreme
Court of the State of Minnesota

B. J. GALLAGHER, M. D.
PHYSICIAN and SURGEON
FIRST NATIONAL BANK BLDG.

WASECA, MINN. December 27, 1943

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 6 - 1944

M. W. Johnson
Secretary of State.

To Whom It May Concern:

About January 1, 1941 my brother, Henry M. Gallagher, first consulted me about indefinite spells of weakness which would seize him at times particularly if he was in a group or in court, but also at times when he walked on the street. Following one spell he spent a few days in a hospital in St. Paul, in the spring of 1942. Later that spring he was examined at the Mayo Clinic. He continued to feel weak, required an unusual amount of rest and had indefinite symptoms for which I could find no adequate explanation, but which seemed best explained to me on an arterio sclerotic basis. The examination at the Mayo Clinic revealed no definite cause of the trouble, but prolonged rest was advised. He continued with his work, with periods of rest during the summer, and frequently consulted me when in Waseca. During May 1943 he mentioned two or three times of a pain he had in the left shoulder and arm.

Early in June 1943 I saw him at St. Joseph's Hospital, in St. Paul, where he had been sent in an ambulance on June 4th by Dr. Joseph Ryan. I consulted with Dr. Ryan at the time and viewed hospital charts and records, which indicated, in connection with the clinical symptoms of pain in the left chest, shoulder and arm, that he had suffered an attack of coronary thrombosis.

I saw him again on July 10, 1943 at his home in Waseca where he had returned directly from St. Joseph's Hospital, having been confined there since June 4th. He stayed in bed most of the time for several weeks then was up and around the house a little and gradually later in the summer moved around a little out doors, refraining from any exercise and even from driving his car.

I advised him to refrain from work at least until January 1944, but he felt it necessary to carry on with his court work if at all possible and returned to St. Paul in September. Since then I have frequently seen him on Sundays when he was here and while he is improving somewhat he still has the spells of weakness and fatigue, a sense of tightness in his chest and pain down the left arm on exertion. His physical activities are greatly curtailed.

I believe that it is urgent that he retire from work for several months at least and place himself in a position of rest and relaxation where he may be free from the necessity of physical and mental exertion. If he improves he may later then be able to resume to some extent at least the practice of law.

Respectfully submitted, *B. J. Gallagher MD*

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 6 - 1944

W. H. Johnson
Secretary of State.