

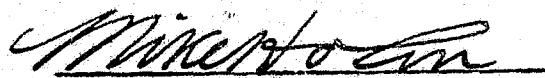
In the Matter of the Application of I. M. OLSEN  
for Retirement from his Office as Associate Justice  
of the Supreme Court of this State.

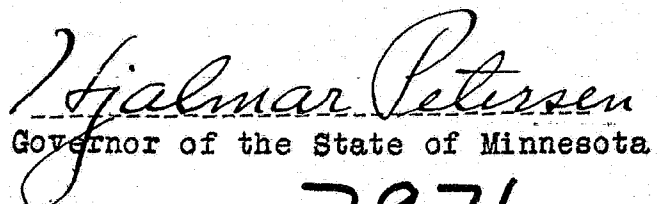
Associate Justice I. M. Olsen of the State Supreme Court has duly applied for an order permitting him to retire from service as associate justice of said court, such retirement to become effective on December 15th of the present year and to be with retirement compensation as provided by law.

From such application and due investigation, it appears that Justice Olsen is now past seventy-five years of age; that on December 15th of the present year he will have served the state as judge of the district court, and as commissioner and associate justice of the supreme court, in the aggregate for a period of twenty-nine years; that because of ill health he has become physically incapacitated from performing his judicial duties as associate justice during the remainder of his term of office, and that the public service is suffering and will continue to suffer if he should be continued in service after December 15th of the present year.

IT IS THEREFORE ORDERED AND DIRECTED, That Associate Justice I. M. Olsen of the State Supreme Court, be and hereby is retired from his said office for the remainder of his present elective term, such retirement to commence on December 15, 1936, and to be with retirement compensation as provided by §211 of Mason's Minnesota Statutes of 1927, as amended by Ch. 408 of the Laws of 1929.

WITNESSE my hand and the seal of the State of Minnesota  
this 28th day of November, 1936.

  
Secretary of State

  
Governor of the State of Minnesota

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In the Matter of the Application of I. M. OLSEN  
for Retirement from his Office as Associate Justice  
of the State Supreme Court.

To the Honorable Hjalmar Petersen,  
Governor of the State of Minnesota:

Your petitioner respectfully states that from the 15th day of November, 1906, when he was first appointed as judge of the District Court of the Ninth Judicial District, and up to December 15, 1936, he will have served this state as judge of the district court and as commissioner and associate justice of the State Supreme Court in the aggregate for twenty-nine years; that he is now past seventy-five years of age and will be seventy-six years of age on January 4, 1937; that during the four years last past he has been afflicted with disease of the coronary arteries and the heart; that he has had three serious attacks of said disease within the period stated; that the first of said attacks was late in December, 1932, and extended into and over January of the next year; that the second of said attacks was in August and part of September, 1933; that the third attack commenced late in November, 1934, and extended into and through January and part of February, 1935; that in said attacks he has been confined to his bed for periods ranging from four to seven or eight weeks, and for part of the time has been confined to the hospital in the two later attacks; that said disease has resulted in a weakened heart condition, which continues and probably will continue during the remainder of petitioner's life; that, as a result of said disease, his physical strength has become and is seriously impaired and he is unable to continue to devote full time and energy to his work as a member of the court; that he is compelled to take rest periods daily and to cease work early in the afternoon of each day; that he has been compelled to have constant medical treatment

continuing from the first attack up to the present time; that the affidavit of his family physician, Dr. John E. Holt, hereto attached, gives additional information as to this disease.

That for about a year last past petitioner has also been suffering from a nose and throat affliction, which apparently has become chronic and which requires and has necessitated constant medical treatment during that time; that this affliction disturbs his sleep at night and further impairs his physical strength and endurance; that the affidavit of Dr. H. E. Binger, a specialist in eye, ear, nose and throat diseases, is hereto attached, in reference to said disease and the treatment given.

Petitioner feels that he has become physically incapacitated from performing his judicial duties during the remainder of his term of office, and feels that the public service will suffer by reason of his disability, if he should continue in service after December 15th of this year.

For the reasons stated, your petitioner respectfully requests that you grant an order for his retirement from the office of Associate Justice of the Supreme Court, to become effective December 15th of this year, with retirement compensation as provided for by §211 of Mason's Minnesota Statutes of 1927, as amended by Chap. 408, Laws of 1929.

Dated November 23, 1936

Respectfully submitted.

J. M. Olsen

State of Minnesota)  
(ss  
County of Ramsey )

I. M. Olsen, being by me first duly sworn, on his oath says that he is the petitioner named in the foregoing petition, and that the facts therein stated are true to the best of his knowledge and belief.

Subscribed and sworn to before me  
this 23rd day of November, 1936

J. M. Olsen

Frances Schiermer

FRANCES SCHIERMER,  
Notary Public, Ramsey County, Minn.  
My commission expires Feb. 28, 1942.

In the Matter of the Application of I. M. OLSEN  
for Retirement from his Office as Associate Justice  
of the State Supreme Court.

State of Minnesota )  
                      (ss  
County of Ramsey   )

Doctor John E. Holt, being first duly sworn, deposes and says that he is a regularly licensed and practicing physician and surgeon of this state, with offices at 1266 New Lowry Medical Arts Building in the city of St. Paul; that he is and has been for more than four years last past the family physician of Justice I. M. Olsen of the State Supreme Court, and has attended, prescribed for, and treated him for a disease of the coronary arteries and heart during that time, except for short summer vacation periods during which Justice Olsen was absent from the city; that Justice Olsen had a first serious and disabling attack of said disease commencing near the end of December, 1932, and continuing into and through the month of January, 1933; that the attack gradually subsided and he was able to resume work as a member of the court about February 1, 1933. There was no complete recovery from the weakened heart condition, however, and medical treatment by affiant continued. Affiant is informed that in August, 1933, when Justice Olsen was on vacation at Detroit Lakes in this state, there was a second severe attack of this disease. Treatment of that attack was given by Dr. Larson of Detroit Lakes until Justice Olsen was able to be taken back to St. Paul. Affiant is informed that while at Detroit Lakes Justice Olsen was confined to bed for three weeks and in a hospital for an additional week from that attack. After returning to St. Paul early in September, he was

again given medical treatment by this affiant and, although in a weakened condition, he was able to resume his work as a member of the court. The weakened heart condition continued and medical treatment by this affiant continued. A day or two before Thanksgiving in 1934, there was a third very serious attack of the disease. Justice Olsen was taken to the hospital and confined there for three weeks. He was then taken by ambulance to his home and there confined to bed for about five weeks. He was wholly incapacitated from doing his work for a period of about eight weeks at that time. Affiant has continued to give him medical treatment and to prescribe medicines for him ever since that time. His condition improved and he was able to again take up work in court late in February of 1935. Since December, 1935, another ailment, a nose and throat affliction, has developed and continues. This ailment has been and is being treated by Dr. H. E. Binger, a nose and throat specialist to whom affiant referred the patient. At this time Justice Olsen is suffering from a weak heart, is liable to further attacks, and his physical strength and resistance is much impaired. He informs me that he is unable to endure the concentration and effort required to keep up his court work; that he becomes tired and weak very quickly and has to take rest periods every day and cease working early in the afternoon of each day. From my experience and knowledge of his case, I am of the opinion that the weakness of the coronary arteries and heart which is now present will continue; that the additional nose and throat ailment further weakens his physical strength and endurance and makes the heart condition more of a hazard and more likely to cause serious injury. This kind of heart disease rarely can be fully cured and, in a person of Justice Olsen's age, recovery therefrom is not likely. Climatic conditions in Minnesota during the winter months are unfavorable to one suffering from

such a heart ailment, and I have at former times at approach of winter and do now advise Justice Olsen to seek a warmer and better climate for the winter months, as being the best safeguard against serious, if not fatal, recurrence of an active and critical heart condition.

*John E. Holt M.D.*

Subscribed and sworn to before  
me this 20<sup>th</sup> day of Nov.

AGNES L. BENDERWOOD  
Notary Public, Ramsey County, Minn. 1936.  
My commission expires July 1, 1942.  
*Agnes L. Benderwood*  
Notary

In the Matter of the Application of I. M. Olsen  
for Retirement from his Office as Associate Justice  
of the State Supreme Court.

State of Minnesota )  
                                      (ss  
County of Ramsey   )

Doctor H. E. Binger, being first duly sworn, deposes and says that he is a regularly licensed and practicing physician and surgeon in this state, with offices at 1039 Lowry Medical Arts Building in the city of St. Paul; that for a year or more last past he has treated Justice I. M. Olsen for a nose and throat ailment, which has not so far responded fully to the treatment given; that Justice Olsen is still suffering from said ailment; that it has developed into a persistent cough and there is much discharge of mucus from his nasal cavity; that the ailment, while not critical, is annoying and interferes with the patient's sleep and weakens to some extent his physical strength and resistance to disease; that in Justice Olsen's case, where there is a weak heart condition, this added ailment increases the burden on the heart and increases the chances of serious heart attacks; that a change of climate during the winter months into a warmer and better climate would be of benefit to the patient, and would tend to safeguard his health, which is now greatly impaired by the heart condition and the throat and nose affliction.

Subscribed and sworn to before me  
this 30<sup>th</sup> day of November, 1936.

Rose O. Delaney

ROSE O. DELANEY,  
Notary Public, Ramsey Co., Minn.  
My Commission expires Dec. 31, 1937

H. E. Binger

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