

STATE OF MINNESOTA
COUNTY OF SCOTT

IN DISTRICT COURT
FIRST JUDICIAL DISTRICT

First National Bank of
Montgomery, Minnesota,

Plaintiff

-vs-

A F F I D A V I T

Jerome Daly,

Defendant

STATE OF MINNESOTA)
) ss
COUNTY OF LE SUEUR)

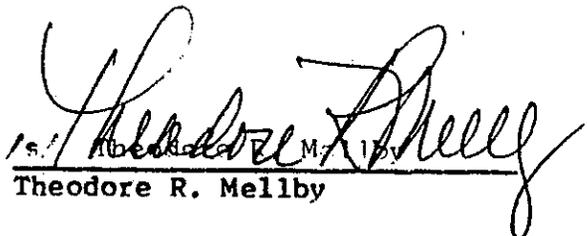
Theodore R. Mellby, being duly sworn, on oath, deposes and states:
I am the attorney for plaintiff in the above entitled action.

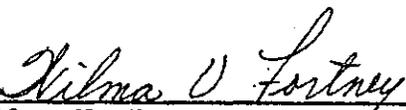
On December 9, 1968, judgment for defendant in the above entitled
action was entered in Justice Court, Credit River Township, County of Scott,
Justice Martin V. Mahoney.

Plaintiff has duly appealed said judgment. On January 7, 1969, I
received from Justice Martin V. Mahoney, Notice of Refusal to Allow Appeal,
a copy of which is attached hereto as Exhibit "A"

No previous application has been made for the order requested or
for a similar order.

Subscribed and sworn to
before me this 7th day of
January, 1969


Theodore R. Mellby


Wilma V. Fortney, Notary Public
Le Sueur County, Minnesota
My commission expires, November 23, 1971

STATE OF MINNESOTA
COUNTY OF SCOTT

IN JUSTICE COURT
TOWNSHIP OF CREDIT RIVER
JUSTICE, MARTIN V. MAHONEY

First National Bank of Montgomery,

Plaintiff,

vs.

NOTICE OF REFUSAL TO ALLOW APPEAL

Jerome Daly,

Defendant

TO: Hugo L. Hentges, Clerk of District Court, Plaintiff, First
National Bank of Montgomery and Defendant Jerome Daly:

You will Please take Notice that the undersigned Justice of
the Peace, Martin V. Mahoney, hereby, pursuant to law, refuses
to allow the Appeal in the above entitled action, and refuses to
make an entry of such allowance in the undersigned's Docket. The
undersigned also refuses to file in the office of the clerk of
the District Court in and for Scott County, Minnesota a transcript
of all the entries made in my Docket, together with all process
and other papers relating to the action and filed with me as Justice

the District Court in and for Scott County, Minnesota a transcript of all the entries made in my Docket, together with all process and other papers relating to the action and filed with me as Justice of the Peace.

The undersigned concludes and determines that M.S.A. 532.38 was not complied with within 10 days after entry of Judgment in my Justice of the Peace Court. Subdivision 4 thereof requires that \$2.00 shall be paid within 10 days to the Clerk of the District Court, for the use of the Justice before whom the cause was tried.

Two so-called "One Dollar" Federal Reserve Notes issued by the Federal Reserve Bank of San Francisco 412782836 and Federal Reserve Bank of Minneapolis serial no. I P. 4 10 699 A were deposited with the Clerk of the District Court to be tendered to me.

These Federal Reserve Notes are not lawful money within the contemplation of the Constitution of the United States and are null and void. Further the Notes on their face are not redeemable in Gold or Silver Coin nor is there a fund set aside any where for the redemption of said Notes.

However, this is a determination of a question of Law and

Ed. A.

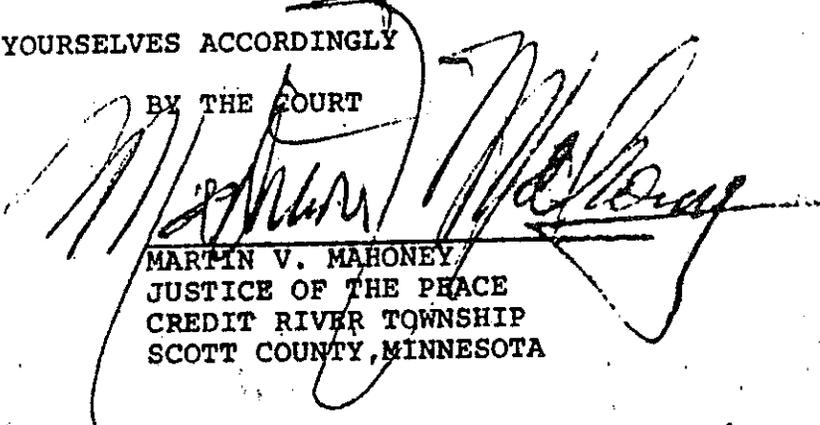
Fact by the undersigned pursuant to the authority vested in me by the Constitution of the United States and the Constitution of the State of Minnesota. Plaintiff is entitled to be accorded full due process of Law before the Court in this present determination not to allow the Appeal.

If Plaintiff will file a brief on the Law and the Facts with this Court within 10 days, or if Plaintiff will file an application for a full and Complete hearing before this Court on this determination a prompt hearing will be set and if Plaintiff can satisfy this Court that said Notes are lawful money issued in pursuance of and under the authority of the Constitution of the United States of America the undersigned will stand ready and willing to reverse himself in this determination.

TAKE NOTICE AND GOVERN YOURSELVES ACCORDINGLY

BY THE COURT

Dated January 6, 1969



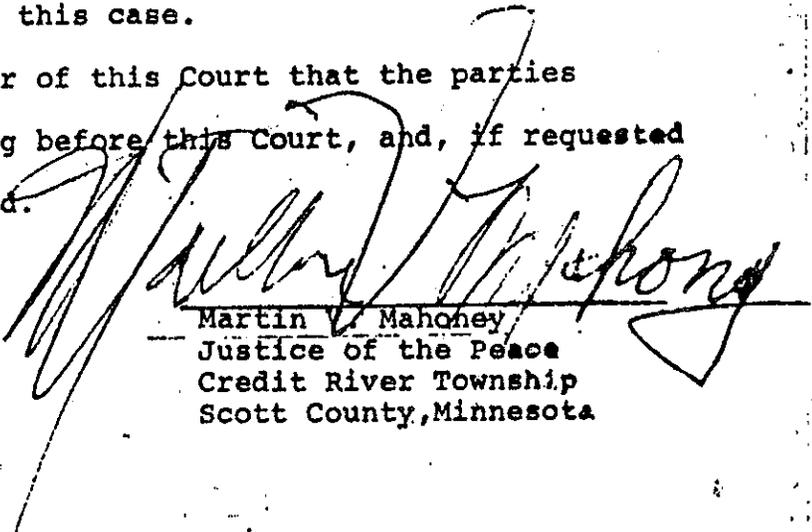
MARTIN V. MAHONEY
JUSTICE OF THE PEACE
CREDIT RIVER TOWNSHIP
SCOTT COUNTY, MINNESOTA

MEMO

I am bound by oath to support the Constitution of the United States and all Laws passed pursuant thereto and the Constitution and Laws of Minnesota not in conflict therewith. This is an important Case to both parties and involves issues, apparently, not previously decided before. It is also important to the public. The Clerk of the District Court is an officer of the Judicial Branch of the State of Minnesota. His act is the Act of the State. U.S. Constitution Article 1 Section 10 provides "No State Shall make any thing but Gold and Silver Coin a Tender in Payment of Debts." The tender of the two Federal Reserve Notes runs counter to the fundamental Law of the land, the Constitution of the United States of America

any purpose and that I am not justified in taking any steps toward the allowance of an Appeal in this case.

It is, however, the Order of this Court that the parties are entitled to a full hearing before this Court, and, if requested a full hearing will be granted.



Martin V. Mahoney
Justice of the Peace
Credit River Township
Scott County, Minnesota

January 6, 1969