

STATE OF MINNESOTA
COUNTY OF SCOTT

IN DISTRICT COURT
FIRST JUDICIAL DISTRICT

First National Bank of Montgomery,

Plaintiff,

vs.

MOTION AND NOTICE OF MOTION

Jerome Daly,

Defendant.

To the Plaintiff above named and to its Attorney Theodore R. Melby.

Sirs:

You will please take Notice that Defendant, Jerome Daly will move the Court at the Court House in the City of Shakopee, Minnesota on September 5, 1969 at 9:30 A.M. or as soon thereafter as Counsel can be heard, or at such other time and place as the Court may direct by Order, for an Order dismissing the appeal herein upon the following grounds:

1. That M.S.A. 532.38 requiring that \$2.00 in lawful money of the United States was not deposited with the Clerk of the District Court within 10 days to be tendered by the Clerk of the District Court for the use of Justice Martin V. Mahoney, the Justice before whom the cause was tried.

2. That no application was made at any time by Plaintiff

of the United States was not deposited with the Clerk of the District Court within 10 days to be tendered by the Clerk of the District Court for the use of Justice Martin V. Mahoney, the Justice before whom the cause was tried.

2. That no application was made at any time by Plaintiff before the said Justice of the Peace nor was any appearance made before the Justice of the Peace at the hearing set by him to determine the validity of the two Federal Reserve Notes deposited and tendered.

3. That the plaintiff is in complete violation of the following constitutional provisions to Wit:

US Const art. 1 Sect 10
(A) No State shall make any THING but Gold and Silver Coin a Tender in payment of Debts, etc, nor shall any State pass any Law impairing the obligation of Contract.

Minnesota Const.
(B) Article 9 Section 13, paragraph 1 "Banks and Banking"₁
" The legislature may by a two thirds vote pass a general banking law with the following restrictions and requirements, viz: First- The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description."

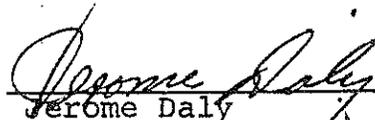
4. That Plaintiff is in outright violation of Title 31, Section 458 defining the Standard Silver Dollar as "a legal Tender"

5. That the Justice of the Peace has properly denied the appeal herein.

6. That after denial of the appeal herein Plaintiff has taken no steps by Attachment against the Justice of the Peace in the manner prescribed by law to compel the Justice to allow the Appeal and make his return; not within 30 days, not within 60 days, not within 90 days, not within a reasonable time and not at all.

7. That the action was correctly determined in the Justice Court as to his refusal to allow an appeal.

8. That plaintiff is guilty of laches and not timely taking and perfecting its appeal.



Jerome Daly
Pro Se

August 1, 1969

AFFIDAVIT OF MAILING

STATE OF MINNESOTA

COUNTY OF SCOTT

Ester Lodermeier _____, being first sworn, deposes and states that on behalf of Jerome Daly _____ on Aug. 1 _____ he served the annexed Motion and Notice of Motion _____ on all other parties hereto in this action by mailing to them or their respective attorneys a copy thereof, inclosed in an envelope, postage prepaid, by depositing the same in the post office at Savage, Minnesota, directed to them or their attorneys at their last known address as follows:

Theo. R. Mully
Lawyer
Montgomery, Minn.

Ester Lodermeier

Subscribed and sworn to before me this Aug 1, 1969

Jerome Daly
 Jerome Daly, Notary Public
 Dakota County, Minn.
 My Commission expires January 15, 1973