

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

First National Bank of Montgomery,

Plaintiff,

vs.

RETURN TO ORDER TO SHOW CAUSE

Jerome Daly,

Defendant.

Martin V. Mahoney, Justice of the Peace, Credit River Township, Scott County, Minnesota hereby appears specially and not generally and objects to the Jurisdiction of this Court over the subject matter herein and over his person and makes the following return to the Application of An Order and to the Order to Show cause upon the following grounds:

1. That the hearing is not held in the proper County.
2. That I am not a party to the above entitled action and never have been; that the Court has no Jurisdiction over me personally; that the Order of January 30, 1969 is not a proper Order and is made without Jurisdiction and does not conform to the proper procedure to perfect an appeal to the District Court.
3. That I did not allow the Appeal because M.S.A. 532.38 was not complied with requiring a deposit of \$2.00 within ¹⁰ 2/days with the Clerk of the District Court; that thereafter the First National Bank of Montgomery, Minnesota did not proceed against me by Attachment according to M.S.A. 532.43 and 532.44; therefore the Jurisdiction of the District Court on Appeal is not invoked according to Law and the District Court has acquired no jurisdiction over me personally or over the subject matter to compel the allowance of an appeal by attachment or certorari.
4. That it appears that no notice was given to Jerome Daly of these proceedings.
5. That the Plaintiff "Bank" did not appear at the hearing set by me to consider the legal basis for their claim that the paper fiat Federal Reserve Notes are a legal tender.

I certify the above as my return to the Order to Show cause, together with a copy of this Court's decision of Feb. 6, 1969.

Martin V. Mahoney

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

June 26, 1969

STATE OF MINNESOTA, COUNTY OF SCOTT

Certified to be a true and correct copy
of the original on file and of record
in my office
GREGORY M. ESS
Court Administrator

7-27 2006 By

Audrey K. Brown
Deputy

STATE OF MINNESOTA
COUNTY OF SCOTT

IN DISTRICT COURT
FIRST JUDICIAL DISTRICT

First National Bank of Montgomery,

Plaintiff

-vs-

APPLICATION FOR AN ORDER

Jerome Daly,

Defendant

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

You will please take notice that a Special Term of the above named Court to be held in the Courthouse in the City of Glenco, McLeod County, State of Minnesota, on the 27th day of June, 1969, at 10 o'clock A.M., or as soon thereafter as counsel can be heard, the plaintiff will move the Court as follows, to-wit:

1. For an order adjudging Martin V. Mahoney in contempt of the order of the above Court dated January 30, 1969.
2. For an order directing Martin V. Mahoney to comply with the order of the above Court on or before July 3, 1969, or at such later date set by the above Court.
3. If Martin V. Mahoney does not so comply, for an order entering judgment for plaintiff and issuance of writ of restitution in favor of plaintiff.
4. For such other relief as the Court may determine fair and just.

MCQUIRE & MELLBY

BY:

Theodore R. Mellby
Theodore R. Mellby
Attorney for Plaintiff
Montgomery, Minnesota 56068
Tel (612) 364-7327

STATE OF MINNESOTA, COUNTY OF SCOTT

Certified to be a true and correct copy
of the original on file and of record
in my office
GREGORY M. ESS
Court Administrator

7-27-69 *Gregory M. Ess*
Deputy

STATE OF MINNESOTA
COUNTY OF SCOTT

IN DISTRICT COURT
FIRST JUDICIAL DISTRICT

First National Bank of Montgomery,

Plaintiff

-vs-

ORDER TO SHOW CAUSE

Jerome Daly,

Defendant

On reading the application for an order attached hereto, and on motion and affidavit of Theodore R. Mellby, attorney for Plaintiff, due showing having been made that an exigency exists. IT IS HEREBY ORDERED that Martin V. Mahoney, Justice of Peace, Credit River Township, County of Scott, State of Minnesota, appear in person before the above Court at 10 o'clock A.M., Friday, June 27, 1969, at a Special Term of Court to be held in the Courthouse, City of Glencoe, County of McLeod, State of Minnesota, or as soon thereafter as counsel can be heard to show cause why he should not be held in contempt of the order of this Court dated January 30, 1969, and why the relief request^{ed} in Plaintiff's application for an order should not be granted.

LET THIS ORDER, APPLICATION FOR ORDER, AND AFFIDAVIT, all heretofore attached be served on Martin V. Mahoney by leaving with him copies of the same and exhibiting the original Order with the signature of the Judge of District Court hereto fixed, service to be made forthwith.

BY THE COURT:

Arlo K. Hering
Judge of District Court

DATED AT Le Center,

Minnesota this 23rd day of
June, 1969.

STATE OF MINNESOTA, COUNTY OF SCOTT

Certified to be a true and correct copy
of the original on file and of record
in my office
GREGORY M. ESS
Court Administrator

7-27 2006 By Audrey K Brown
Deputy