



Case Files, General Index, and Briefs
of the Supreme Court and the Court
of Appeals

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June 1, 1970

Miss Gerda Koch, Director
Christian Research, Inc.
2624 First Avenue South
Minneapolis, Minnesota 55408

42174

Dear Miss Koch:

Your letter of May 25, 1970, addressed to the Honorable Oscar R. Knutson, Chief Justice of the Minnesota Supreme Court, together with the prior correspondence which you have had with the Chief Justice, has been referred to me for handling.

As you are well aware, the judicial system of the United States of America requires that each matter be decided on the facts presented in evidence during the trial or hearing and the law, both statutory and case law. Since the court has not received a transcript of the proceedings held by the referee in Mr. Daly's case, the court cannot discuss the case until after it has been finally determined.

The petitions which you previously sent cannot and will not be presented to the referee or to the court until after the matter has been finally decided. I am sure you realize that it is highly improper for either party, or anyone else, to attempt to influence the decisions of either the referee or the court. As I said before, each case must be decided upon the evidence presented and the law, free of any undue influence or bias or prejudice.

If you have any further questions regarding this matter, I shall be happy to hear from you.

Yours very truly,

Richard E. Klein

REK/jk

Christian Research, Inc.

2624 FIRST AVENUE SOUTH

MINNEAPOLIS, MINNESOTA 55408

GERDA KOCH, *Director*

TELEPHONE: 822-4428

May 25, 1970

The Honorable Oscar R. Knutson
Chief Justice of the Minnesota Supreme Court
State Capitol
St. Paul, Minnesota 55101

Dear Justice Knutson:

Thank you for your note of May 19, 1970. As you can see from our letter, we don't approve of Mr. Daly's dragging in the Federal Reserve by the heel in every case, and he may have to hear that again from us. Nevertheless, we know that in the last fifty years those who did fight this monster of the Federal Reserve were persecuted, and we take no chance that Daly's disbarment is not part of it, perhaps even unknown to the judges.

I confess I was quite surprised to read your statement, "This proceeding has nothing to do with Mr. Daly's views on our currency. It deals entirely with his conduct in court."

To help me, as a layman, to understand the total picture, could you give us some of the cases and the specific instances of his misconduct?

From your letter I learned that Mr. Daly's case is in the hands of a Referee. Will you kindly turn the signatures over to him, please, with the apology for the poor copies and also a copy of this letter, which we are enclosing?

We failed to mention that there were more signatures coming. Many people over the nation are beginning to understand the Federal Reserve System and its evil effects on the nation, and since Jerome Daly is one of the few lawyers who will stand up to this powerful corporation for the people, his being under the shadow of disbarment is a matter of deep concern to many thousands all over the U.S.A.

Sincerely and very much concerned,

Gerda M. Victoria Koch

Gerda Koch, Editor of FACTS FOR ACTION

GK:jm

Enclosed a complimentary copy of our Billions for the Bankers.

May 19, 1970

Miss Gerda Koch
Director, Christian Research, Inc.
2624 First Avenue South
Minneapolis, Minnesota 55408

42174

Dear Madam:

I have your letter of May 19 regarding the disciplinary proceeding pending against Mr. Jerome Daly.

This proceeding has nothing to do with Mr. Daly's views on our currency. It deals entirely with his conduct in court. The Referee has not made any return yet so we do not know what the outcome will be.

Yours truly,

ORK:dm

copy

May 19, 1970

Mr. Jerome Daly
28 Minnesota Street
Savage, Minn. 55373

Dear Jerome:

We are happy this morning to deliver 290 petitions to the Supreme Court in your behalf and to encourage you in your struggle against the Federal Reserve System.

This, our labor and our stand, does not necessarily express our approval of all your actions. I have not studied the specific case where you were told not to bring up the Federal Reserve Bank and whether the judge considered the subject irrelevant in that particular case, or whether he just defended the Federal Reserve. I do not know. You may or may not have brought the FED unnecessarily in that particular case, as I felt you did in my case where you overstressed it.

With the corruption and dishonesty of the courts today, we feel we need you and the nation needs you desperately. We think you have a superior sense of justice than most lawyers and judges.

You will not help the case against the Federal Reserve by forcing this issue into cases where it would be better left out.

Hoping the Court will revoke your suspension, I am, as ever,

Your friend,

Gerda Koch, Editor, FACTS FOR ACTION

C. C. With Petition to the Supreme Court of Minnesota
To DAILY AMERICAN with news story
To KSTP with News Story

Christian Research, Inc.

2624 FIRST AVENUE SOUTH

MINNEAPOLIS, MINNESOTA 55408

GERDA KOCH, *Director*

TELEPHONE: 822-4428

May 19, 1970

Mr. Chief Justice and Associate Justices
Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota

Your Honors:

The undersigned hereby present to the Court a petition on behalf of Mr. Jerome Daly, against whom disbarment proceedings have been instituted.

We admire Mr. Daly's stand for honest government and honest money. Granting his faults, his knowledge and his stand for the Constitution are qualities desperately needed in our country today.

We fear the unconstitutional and wicked Federal Reserve corporation is very glad to have Mr. Daly disbarred. He has been fighting for you and us and our country against the costly "experiment" (or conspiracy) of the Federal Reserve.

This petition has been signed by numerous admirers, friends and others, who have a profound belief in the good character and ability of Mr. Daly and think that it would be for the public good if the Court would deny the disbarment and thereby enable Mr. Daly to serve his numerous clients in a legal capacity.

Sincerely and prayerfully,

Gerda Koch

Gerda Koch, Editor of FACTS FOR ACTION

GK:jm

"Thanks be unto God . . .

From the desk of:

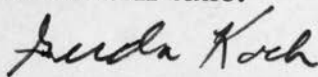
GERDA KOCH

2624 1st Ave. S.

MINNEAPOLIS, MINN. 55408

To the Court:

An Apology: Due to an accident the original pages were soiled with the fluid of my photocopier. So forgive the soiled and mutilated originals, or the photocopies, whichever the clerk will take.



Gerda Koch, Director of CHRISTIAN RESEARCH

From Congress:
JOHN R. RARICK
Washington, D. C.
April 24, 1970

(Copy)

REMARKS BY HON. JOHN R. RARICK
IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1970

"H.R. 17140 -- RESTORE CONFIDENCE TO OUR MONEY
THROUGH CONSTITUTIONAL GOVERNMENT"

Mr. Speaker, the American people are bombarded with fearful reports on war, poverty, pollution, inflation, strikes, and violence, yet the foremost concern to every citizen is his money and its buying power.

BECAUSE OF THIS I HAVE INTRODUCED H.R. 17140, A BILL TO VEST IN THE GOVERNMENT OF THE UNITED STATES THE ABSOLUTE, COMPLETE, AND UNCONDITIONAL CONTROL OVER OUR MONEY THROUGH GOVERNMENT OWNERSHIP AND CONTROL OF THE 12 FEDERAL RESERVE BANKS.

I have taken this action because of an ever-increasing lack of public confidence in the private monopoly which presently is in charge of our money. Confidence and stability in our fiscal affairs could be restored by the Federal Reserve Board and private bankers but they refuse to discipline themselves voluntarily to meet the crisis they have precipitated.

Since the Federal Reserve bankers lack the responsibility to perform their duty, then Congress must concede that the Federal Reserve Act of 1913 has by experience proven itself a failure.

When the Federal Reserve Act was signed into law in 1913 the U. S. public debt was \$1 billion. As of January 1970 our national debt was \$382 billion. The combined national debt --- Federal, State, county, municipal, corporate, and private --- is fast approaching \$2 trillion. The non-Federal debt is estimated at \$1,347 billion. Farm debt at the end of 1969 has reached \$60 billion ^{nearly} up from \$25 billion or almost doubled in the last 10 years. *(Only 3 Cong. Persons)*

Consider that according to the Treasury report of January 1970 the total coinage in circulation was \$5,965,000,000 and the total currency in circulation was \$47,026,000,000. Yet of this evidence of wealth totaling \$52,991,000,000 if \$46,431,000,000 is Federal Reserve notes which belong to the Federal Reserve then only \$595,000,000 belongs to our people or the Government. And this \$46 billion of the Federal Reserve is lent into circulation by commercial banks for which credit on credit our people as borrowers pay interest.

We but owe it to ourselves is the response of the liberals to the figures. We owe it to someone but not to ourselves because we do not own our own money. Considering that the estimated interest on the national debt this year will exceed \$18 billion it must be apparent that this kind of credit lending has been a profitable institution, but not for our people of our country.

Inflation and recession are destroying both the poor and the entrepreneur. Interest rates, already exceeding usury, give no sign of lowering and under the expected economic law of supply and demand can be expected to soar higher. Unemployment increases stealthily. Most workers are falsely led to believe the answer lies only in wage increases or price increases. The consumer seeks relief through price controls.

And behind the scenes our academic economists fumble to "think tank" sophisticated solutions to a problem they are unable to understand because it's beneath their comprehension. And any of the many proposals of the controlled intellectuals in the service of the cabal can but be temporal and could only worsen the problem by extending the time of any solution.

(to page 2)

April 24, 1970

*(only 3
Cong
Pres)*

The Federal Reserve exclusive franchise was a mistake. Congress in 1913 erred tragically when it imprudently delegated full control over our money to the Federal Reserve moneychangers -- a private banking cartel. The act may carry defacto legality but no informed individual can deny its unconstitutionality and unjust powers over the money of our people.

Yet fear pervades our land and those who know the truth and could act are relegated to silence because someone's political future may be threatened or a friend embarrassed. My only comment is that unless we corral this monster in our midst the very Republic which includes not only the wealth but the intellect will be demolished. We walk by faith and not by sight. Should confidence fail or falter the mightiest will fall first.

My bill H.R. 17140 provides the only viable and effective solution to the breakdown in confidence of our money and financial system. It is very simple. That we return the banks of the Federal Reserve System and full control over our money to the Congress. I claim no pride in authorship because this is as was intended by the Founding Fathers when they provided in the U. S. Constitution --- the law of the land.

The Congress shall have the power ---

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures (Article 1, Section 8, clause 5).

Who should the people trust more than their Congress --- if they disapprove we can be eliminated at the polls. Unelected bureaucrats and monopolistic bankers, never.

We of this House are the sole representatives of the American people. Our system is not a democracy because we are the only elected officials in the Federal system. The Founding Fathers intended that the power to issue and control money was only to be entrusted to the hands of those elected officials who are constantly accountable to the voters.

This H.R. 17140 will do.

The text of H.R. 17140 follows:

H.R. 17140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

H. R. 17140

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1970

Mr. RABICK introduced the following bill; which was referred to the Committee on Banking and Currency

A BILL

To vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the twelve Federal Reserve banks.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) the Secretary of the Treasury of the United States
4 is hereby authorized and directed forthwith to purchase the
5 capital stock of the twelve Federal Reserve banks and
6 branches, and agencies thereof, and to pay to the owners
7 thereof the par value of such stock at the date of purchase.
8 (b) All member banks of the Federal Reserve System
9 are hereby required and directed to deliver forthwith to
10 the Treasurer of the United States, by the execution and

- 1 delivery of such documents as may be prescribed by the
2 Secretary of the Treasury, all the stock of said Federal Re-
3 serve banks owned or controlled by them, together with all
4 claims of ~~any kind or nature in~~ and to the capital assets of
5 the said Federal Reserve banks, it being the intention of
6 this Act to vest in the Government of the United States
7 the absolute, complete, and unconditional ownership of the
8 said Federal Reserve banks.

- 9 (c) There is hereby authorized to be appropriated, out
10 of any funds not otherwise appropriated, such sums as may
11 be necessary to carry out the purposes of this Act.

H. R. 17140

A BILL

To vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the twelve Federal Reserve banks.

By Mr. RABICK

APRIL 21, 1970

Referred to the Committee on Banking and Currency

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

We need men like Jerome Daly in our legal profession because he is not afraid to speak the truth even though he is threatened again and again in various ways. We do not think he should be punished for this good quality. Nor do we think that he has committed any crime in any degree, unless it be a crime in this country to speak his mind and to contend for what he thinks is right. Such a man is a credit to the profession and a help, not a deterrent, to the welfare of our Nation in our present crisis.

WE, THE UNDERSIGNED, hereby petition the Court to revoke the suspension of Attorney Jerome Daly, and permit him to continue to serve his clients and the public in a legal capacity.

NAME	ADDRESS
Leurto B. Dall	2501 Calvert St N.W. Washington, D.C.
Doug Clee	130 3rd St SE Wash D.C.
Bernard S. Elmer	1801 Queens Lane Arl Va 22201
Carl M. Dunn	130 3rd St S.E. Wash., D.C. 20003
Jack McLean	3513 Rodman St. N.W. Wash. D.C. 20008
Wm. S. Richardson	121 Portant Ave. Washington, D.C.
Jerry Dunn	130 3rd St SE Wash, DC
Elyon Sake	200 "C" St. SE. Washington, DC 20003
Jerome Myers	P.O. Box 34, BRYANS Rd. Md. 20616
Lin Bonito Jr.	11 Second St NE Washington DC
Elizabeth A. Holding	1116 DUNN RD. Silver Spring MD. 20903
Clara Sandberg	6803 Nesbit Place McLean, Va. 22101
Mary Campbell	812 - N. St. SE. Wash. D.C. 20003
Wanda J. Dunn	395 N. Wake Ave., Washington Penn. 15301
Marion Enall	1324 McCurrie Ave. Wash. D.C. 20003
Joseph E. Mattson	2748 Ellipse Ave " " 55407
Berger Sigfried	3321 2nd St S. " " 55408
Norman A. Hubbard	3329 2nd St S. Mpls. 55408

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WE, THE UNDERSIGNED, hereby petition the Court to revoke the suspension of Attorney Jerome Daly, and permit him to continue to serve his clients and the public in a legal capacity:

NAME	ADDRESS
10/18/60 <i>[Signature]</i>	401 30. Westmoreland Ave. S. A. Calif.
<i>[Signature]</i>	2624 - Fair Ave S. Mpls. Minn. 55405
Jean Van Poperin	628 Stryker Ave - St Paul Minn. 55107
Valney Mae	220 W 95 St Mpls 55420
Julia R. Menard	955 - 18 1/2 Ave. N.E. Minneapolis, Minn.
Amanda P. Pedersen	3958 Orchard Ave N. Robbinsdale Minn. 55422
<i>[Signature]</i>	309 - 11th Ave S. Mpls
E. Van Poperin	628 Stryker St Paul Minn
Mrs. Marion Mae	220 W. 95th St. Mpls Minn.
Joseph V. Pfeiffer	Searing Center, Markato, Minn.
Joseph Zisk	3832 - 44th Ave S. Mpls
M. Bae	22 E. 22nd St. Mpls
Mrs. Wallace Hansen	1325 W 7th St. Lake City Minn.
Alvin Sprick	Lake City Minn
Mary Oliver	Lake City, Minn.
Margaret Zimmerman	Millville, Minn.
Arnold Pyter	Lake City, Minn.
Vincent C. Kumerow	1124 - W. Roselawn St. Paul, Minn.
Charles A. Reed	1810 English St. St. Paul
Edythe M. Reed	1810 English St. St. Paul

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WE, THE UNDERSIGNED, hereby petition the Court to revoke the suspension of Attorney Jerome Daly, and permit him to continue to serve his clients and the public in a legal capacity.

NAME	ADDRESS
David Pilla	704 Edgerton - St. Paul
Leo R. Majewski	2654 Stinson Blvd NE
Carl H. Schmike	2100 2nd Ave. S. Minneapolis
J. F. Brisson	1389 Margaret St.
Geo. J. Brisson	622 Grand Ave St. Paul
Leo L. Zurn	Box 1 - Savage, Minn.
Mrs. Carol Schraeder	11400 Normandie Rd
Mrs. James Bergstrom	5045 Overlook Circle, Bloomington, Minn.
James Bergstrom	5045 Overlook Circle, Bloomington, Minn.
Dan Kassera	2100 W. Co. Rd E. New Brighton Minn.
Elmer John	891 PANDORA DR. MPLS. Minn.
Tom Engellhard	891 Pandora Dr. Mpls. Minn.
Lawrence E. Kobak	1730 Berkeley Ave. St. Paul, Minn.
Robert V. Kobak	1730 Berkeley Ave. St. Paul, Minn.
W. A. Gruentaguer	2959 Bryant Ave. So. Mpls. Minn.
Joel J. Hanson	902-19 Ave. B. E. Mpls.
George W. Linnard	3710 PARK AVE. MPLS., MINN.
Edward J. Fross	1311 Aldrich Ave N. Mpls. Minn.

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

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WE, THE UNDERSIGNED, hereby petition the Court to revoke the suspension of Attorney Jerome Daly, and permit him to continue to serve his clients and the public in a legal capacity:

NAME	ADDRESS
Erwin Haring	9618 N.E. Wygant, Portland, Ore
Erwin Haring	9618 N.E. Wygant, Portland, Ore
Joseph Bereda	309 West 12th Van Washington
Edmund S. Gosham	6710 SW Pine, Tigard, Oreg.
Alta M. Adams	141 E. Fairfield Gladstone, Ore
Rachel E. Fortin	9945 N.E. Sandy Bv Portland
Grace A. Linn	Rt 2, Box 135, Estacada Oreg.
S. P. Gier	1023 NE UNION Portland Ore
E. G. Jensen	16590 SW 108 Tigard Oreg
B. B. Mesvold	16590 SW 108 Tigard Oregon
Cletus C. Chapelle	7018 N. Greenwich Ave. Portland, Oregon
Officer	6339 N.E. Grandview " " 97215
Mary I. Stauffer	3106 SE 8th Portland Ore 97202
James A. Deven	7215 SE 13th Portland Ore 97202
Robert D. Wings	8004 SE 7th Portland Ore 97202
Marjorie Owen	7215 SE 13th Portland Ore 97202
Harold J. Beatty	2719 So. 62nd St. Tacoma, Wash. 98409
Robert J. Kozel	10285 S.W. Homestead Lane Beaverton Ore 97005
Joseph J. Tompkins	1324 Jordan Dr S. Salem 97302
Myron Ann Butler	8974 S E Division 97266

B. E. Githa 4444 SE. 15th Ave. Portland, Ore 97202

H I Beach - 2136 N Hollingsworth - Portland 97217

Alice M. Shambow 4336 NE. 15th Portland, Ore 97211

Diolette G. Hollenbeck 3530 NE Lombard Ct " " 97211

J. H. London 18607 S. E. Yamhill St. Portland, Ore 97233

Jane L. Button 8979 SE Division Portland, Ore 97266

Pauline Von Dyke Rm. 1 Box 306 Clifton, Oregon 97107

Marshall D. Jones 4965 Madway Rd. Salem, Ore. 97301

Albert L. Griffith, 9300 SE. 162nd, Portland, Ore

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

We need men like Jerome Daly in our legal profession because he is not afraid to speak the truth even though he is threatened again and again in various ways. We do not think he should be punished for this good quality. Nor do we think that he has committed any crime in any degree, unless it be a crime in this country to speak his mind and to contend for what he thinks is right. Such a man is a credit to the profession and a help, not a deterrent, to the welfare of our Nation in our present crisis.

WE, THE UNDERSIGNED, hereby petition the Court to revoke the suspension of Attorney Jerome Daly, and permit him to continue to serve his clients and the public in a legal capacity:

NAME

ADDRESS

Roberta Stansfield 15829 Kelly Rd. Mishawaka Ind.
 Robert T. Stansfield 15829 Kelly Rd. Mishawaka Ind.
 Ida Hanacher 137 Alford St. Mishawaka Ind.
 J. A. Pedersen 716 E. Battell Mishawaka Ind.
 Helen E. Peterson 127 Alford Mishawaka Ind.
 Mrs. Lester Fraser 1749 E. 4th Mishawaka Ind.
 Mr. Lester Fraser 1749 E. 4th St. Mishawaka Ind.
 Louis Westfeldt 139 Alford St. Mishawaka Ind.
 Nettie Hurley RR1 Colonia Michigan
 Henrietta Butzlack St. Joseph Mich 49085
 Edith Repar Benton Harbor Mich 49022
 Paul M. Barry 999 Pipe Street St. Benton Harbor, Mich 49022
 Catherine Chebanets 1336 E. DuSail So. Bend Ind.
 O. C. Anderson 337 Edgewater Dr. Mishawaka Ind.
 George Tessari DO. 315 W 3rd, Muskegon Mich.
 The Joyce 120 3601 E. Jefferson Blvd. S. Bend Ind.
 Arlene Siri 1006 L. W. E. Wash. Ind.
 Van Mabel DO 3601 E. Jefferson Blvd. South Bend Ind. 46615
 Paula L. L. 316 L. W. E. Wash. Ind.
 Ruth D. Nelson - 316 L. W. E. Wash. Ind.

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NAME	ADDRESS
Robert H. O'Quinn	2720 Blackstone Minneapolis
Samuel J. O'Quinn	2720 Blackstone Mpls.
Richard Pedersen	1976 Third St NW New Brighton, Minn.
Leo W. Tolan	3643 Buchanan St. NE, Mpls.
Mr. James Gorman	Fellsburg College Quatuor, Minn.
Glades Deska	58 Montrose Lane St Paul
Henry J. Rott	910 So Wilder St St Paul Minn
Mrs. Henry J. Rott	" " " " " 55116
A. Theodore Thorsgaard	661 E. Larocum Ave. 55106.
Constance Kraft	136 Co. Rd. 42 Rosemount 55068
Phil Byrnes	4829 - 15 Ave S C
Arcene L. Anderson	2121 Randolph Ave., St. Paul, Minn 55105
Salous Kraft	136 Co. Rd 42. Rosemount, Minn. 55068
Marna Callentine	1767 Ford Pkwy St. Paul, Minn.
John Bullath	1767 Ford Pkwy St. Paul
O. Henricks	667 Laurel St Paul 55104
Blanche Henricks	667 Laurel St Paul 55104
Blanchard	1426 James Ave St Paul 55105
Carol Christian	1426 James Ave St. Paul 55105
Clara A. Crow	15,800 Lyndale Ave So. Louis, Minn 55378

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

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NAME	ADDRESS
Walter K. Howell	Rockford Iowa
Elmer M. Howell	Rockford Iowa
Ray B. Grady	Rockford Iowa
Gordon Phillips	Rockford Iowa
Robert W. Stevens	Rockford Iowa
Lloyd E. Jones	Rockford Ia
Bernard G. Olden	" "
Clifford L. Quantley	Rockford Ia.
Bernard White	Rockford Ia
Carlyle E. White	Rockford Iowa
Alfred Kitch	Rockford Iowa
Ray Spence	Rockford Iowa
K. H. Gause	Rockford Ia
Rollin Lowell	Rockford, Ia.
Joyce Howell	Rockford, Iowa
Myron Hahn	Rockford Iowa
Earl R. Newcomer	Rockford Iowa
Marlene Braggier	Rockford, Iowa
Floyd Wilson	Rockford Iowa
Marvin Wilson	Rockford Iowa

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NAME	ADDRESS	AGE
Mike Pflipsen	8914 Colfax So.	19
Phil Pflipsen	5611 Scenic Hts Dr. MHA.	18
Stanley C. Johnson	717 E. Geranium Av. St. Paul	16
Carl A. Johnson	717 E. Geranium Av. St. Paul	
Joe Mejia	5240 Zinth Ave. So. Mpls.	
Henry Mejia	5240 Zenith Ave. So. Mpls.	
Fred C. Lehmann	Rte. 3, Northfield, Minn.	
Guarita Lehmann	Rt 3 Northfield, Minn.	
Dale Tellepsen	1091 25 th Ave S.E. Mpls.	
Paul T. Tellepsen	3920 Cedar Ave. NW Mpls.	
Garnford Gates	3728- 14 th Ave. So. Mpls.	
Myrtle C. Johnson	2576 Pleasant Ave. Mpls.	
Ernst J. Quaschnick	9106 PARK Ave. So.	
Ann M. Quaschnick	9106 Park Ave. Bloomington	age: 20
Mrs. Rose Liepke	1634 Gardner Ave NE Mpls, Minn	
Miss Dorothy J. Allen	RR2, Stewartville, Minn.	55976
John D. Shufbarger	PO Box 46043, Rochester, Minn.	55901
E. Alfred Bergsten	1005 Mount Curve Ave. Minneapolis, Minn.	
Elizabeth Sullivan	2008-2nd Ave S Minneapolis, Minn.	
Harold Leach	2008 2nd Ave S, Minneapolis, Minn.	

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NAME

ADDRESS

Lucille E. Thayer President
Clara J. Thayer Pres.
Debra E. Trombey Sec.

INDEPENDENT BAR ASS'N.
OF MASSACHUSETTS
P. O. BOX 187
ISLAMORADA, FLA. 33036

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Edward F. Kahmer 909 E. 5th St. St. Paul Minn
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Dorothy Slater 1604 Brown St. St. Paul Minn

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NAME	ADDRESS
John Finnegan	16 E. Fremont; Butte, Mont.
Lophia Finnegan	16 E. Fremont Butte, Mont.
W O Edwards	14 E. Fremont Butte Mont
Gene V. Edwards	14 E. Fremont Butte, Mont.
Clay E. Snyder	121 So Atlantic Butte Mont
John F. Smith	917 Eng St Butte
Mary Smith	917 Eng St - Butte Montana
Billie Cramer	923 So. Main
Darlene Hart	936 Iowa St. - Butte, Mont.
Dellert D. Snyder	2730 Aberdeen Butte Mont. 59701
Mae J. Snyder	2730 Aberdeen, Butte, Mont.
Mike Castiglione	1230 Batis Butte, Montana
Les T. Taylor	2723 Leary Butte, Mont
Amelia Enberg	2729 Aberdeen St. Butte Mont.
William J. Jungquist	2800 St Anna Butte Mont
Frank Castiglione	1704 Leffeguth Butte Mont.
James T. Ewing	2135 - Princeton - Butte Mont
Clay Snyder	1954 Calif ave Butte mont
W.A. Stadel Kres	311 So Arizona Butte mont
W. Snyder	1954 Calif. Butte, Montana

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Kurt R. Schmidt	2212 E. Co. Rd. E. White Bear Lake Minn. 55110
Mrs. Kurt Schmidt	2212 E. Co. Rd. E. White Bear Lake Minn. 55110
Kenneth Lysa	2919 N FAIRVIEW AV St. Paul, Minn.
Bertha W. Hervey	1620 - Portland ave. " " "
Vernie G. Schmidt	276 South Griggs St. Paul, Minn 55105
Walter A. Schmidt	276 So. Griggs St. Paul, Minn. 55105
James S. Spieren	Box 267 Pillsbury Baptist Col. Minn. 55060
Oscar Barnes	2532 Bryant Ave S, 377-5903
George A. Borden	2906 - Stevens Ave. So. # 55408
J.H. Noske	56368 Box 98, Richmond, Minn.
L.A. Noske	56368 Richmond Minn.
Otto Lehwald	5736 Oliver Ave. So. Mpls. Minn.
Rose J. Taraba	PN 5736 Oliver Ave. So. Mpls.
George J. Kehrer	RR#2 Box 8-K Shakopee, Minn.
Terry Kehrer	RR#2 Box 8-K Shakopee, Minnesota
Bernard R. Butner	7321 W.O. Shakopee Rd, Bloomington Minn.
Mrs. D.W. Thurston	3233 Portland Ave. So. Minneapolis, Minnesota
Mrs. R.N. Bzdek	805 E. River Rd Mpls Minn
Mrs. H.M. Gustafson	3364 E. 24th St. " " 55406.

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NAME	ADDRESS
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Blair & Diane Withamison	6500 Zane Ave No Mpls
Jerome Thine	6504 Zane Ave No Mpls
Dwight Quachin	9106 PARK AVE S. 3200 N. 1st St. For
Mr Paul Hurley	407-18th Ave, N. Mpls
Paul B. Hurley	407-18th Ave N. Mpls 55
Mrs Danna Arnold	3650-Calgate, Mpls. Minn. 55409
James E Howell	3044 Park Ave Mpls Minn 55407
Mrs. Eleanor Jane Howell	-3044 Park Ave S. Mpls 55407
Frank Brodowy	St Paul 1715 Eleanor Ave
Saul T. Masley	515 S.E. Delaware St. Minneapolis 55404 Minn.
Norman Ruckle	10909 Harrison Ave So. Bloomington, Minn. 55431
Carl F. Knox	2221-10th Ave. So. Mpls 55404 Minn.
Constance Robertson	124 St. Grant-55403
James E. Reed	Kenyon, Minn.
Mabel Reed	
Rev. R. L. Larson	Kenyon, Minn.
Jennette M. Reed	

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NAME	ADDRESS
Raymond Fischer	721-4th St Farmington Minn
Frank Reckiegel	Rosemount, Minn Route 4
Mr. Frank Reckiegel	Rosemount, Minn Route 6
Wayne Dork	3502-13th Ave N.W. Anoka, Minn
Bob Chapman	720 Lincoln St, Anoka, Minn.
Craig Chapman	720 Lincoln St, Anoka, Minn
Jens C. Jensen	1800 Stevens Ave W. St.
Bernard Haiker	4000-21-ave S
Edna M Haiker	4000 21 Ave S
Patricia Larson	3809 Sibley St. Burnsville, Minn
Martina Carlson	3036 Portland St
William Lithgow	2200 W 108th St Bloomington,
Mrs Melvin Rottman	Rt #1 Lakeville, Minn.
Mrs Helen Rottman	Rt #1 Lakeville, Minn
Mrs. Eugene Hansen	9155 Mitchell Rd, Eden Prairie, Minn
Eugene Hansen	" " " " " "
(Rev.) Sanford J. Wagg	9155 Mitchell Road, Eden Prairie, Minn.
J. Badger	3446 26th Ave So W. Pls. Minn
Frank M. Roe	5321-47th St W. Pls. Minn
Edythe Roe	5321-47th Ave So W. Pls. Minn

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NAME	ADDRESS
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Mrs F. Delmont	1081 Kingsford Pl St Paul
C. M. Peterson	124 St. Grant St. Minneapolis 55403
D. J. Storaas	2145 University Avenue St Paul Minn. 55114
Marion Knell	1324 Mt Carmel Ave Mpls Minn 55403
Patricia Harwood	2421 Harriet St 55405
Norman Lindberg	3116 - 3 Ave So - 824-5545
Louise E. Stales	7339 Grand Ave. So. 55423
Edward F. Burns	Watertown, Minnesota 55407
Alex Kidrowski	2949 Portland Mpls Minn
E. L. Cuife	3111 Florida Ave N. Mpls 55427
Alfred Carlson	6621 Madison St. Rd. Mpls 55427
Mrs. O. Barnes	2532 Bryant Ave So.
Mrs. Pearl Marie Harris	3015 E 25 St Minneapolis Minn
Mrs & Mr. Alvin L. J. Timm	778 Wab-Burns St Paul Minn
Eugene Elm	1615 Thomas Ave St. Paul Minn.
Alan Silla	704 Edgestan St Paul Minn.
Geo W. Rusler	6017 Fremont Ave S. Mpls Minn 55419
Roy Divers	1315 Olson Hwy Apt. 33, Mpls, MN 55405
Mr. Mae Ulrich	3445 - 33rd Ave So

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NAME	ADDRESS
Pearl Langrah	Sheridan Hotel Mpls
Henry L Neuman	Waconia Minn
Jerry M Robinson	Waconia Minn
Ray Mottram	Victoria Minn
William R. Lyford	Minneapolis 33, Minnesota
David E. Fisher	Minneapolis, Minn
Daniel Alar	Mpls, Minn.
Warren J. Peterson	Mpls Minn
Freeman A. Larson	Mpls. Minn
Eva Larson	Mpls, Minn.
Mrs. Emma Thurston	Mpls, Minn.
E. J. Olohe	Mpls, Minn
G. A. Gooch	Long Lake Minn
Thomas Barker	4446 Blairdell Mpls.
Lolita E. Johnson	Excelsior, Minn
A. J. Menn	4742 Fort Hill St Mpls Minn
Lydia H. T. Bach	3206-38 th Ave. S., Mpls. Minn.
Lorraine R. Brodsky	1715 Eleanor Ave St. Paul.

(Cont'd from p. 7 - "Why Did Supreme Court Suspend Daly?")
over 100 signatures. Make your own petition from below,
or write us for mimeographed copies:

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NAME	ADDRESS
<u>Miss Norma Koeller</u>	<u>817 W Bradley Pl</u>
(10 lines)	

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HOW YOU CAN HELP - NEWS - COMMENTS - PRIZES

HAYNSWORTH, Clement F., Jr. The targets should be Kis-singer and Yost, not a man who stands for the Constitution! Charges have been proven silly. It is of utmost importance that you write or wire Senators below soon to support Haynsworth's nomination, sending copies to Strom Thurmond, addressed to: The Honorable -----, United States Senate, Washington, D.C., 20510: Hugh Scott, G.D. Aiken, R.J.Dole, A.Gore, M.O.Hatfield, J.Miller, R.Schweiker, J.J.Williams. Call us for other names--822-4428.

ATTENTION! High School and University Students!

Total prizes of \$100 cash and \$100 in books offered for best articles on (1) FEDERAL RESERVE (2) ONE WORLD GOVERNMENT, (3) PALESTINE AND ZIONISM, (4) UNIVERSITIES (or a specific university). Details in our next issue!

FRASER, Don, as usual, used his influence when the bill came up to restrict trade with Communist countries to block the movement. Source, WASHINGTON POST, Oct. 17, '69

GRAHAM, Billy - Paradox of the Decade! Who can deny that the Lord is using him, but who can deny that he is deceiving many? The Congress on Evangelism, of which he was a key leader, had the revolutionary, Ralph Abernathy, address the Congress! The Scripture doesn't say in vain, "Many shall say that I am Christ and deceive many!"

WILLIAMS, Robert. U.S.-banned criminal, after spending years in Cuba and Red China, returns to U.S. at our expense just in time to lead the revolution!

GOFF, Kenneth. We are sorry to hear he had a light heart attack. The "one-world crowd" has sued him for \$1½ million I am sure he will appreciate your prayers and help! Reports on Miss Koch on WLOL, Mayor Stenvig Marches, etc.

-- Next Issue

FACTS FOR ACTION is published 5,6 times a year by CHRISTIAN RESEARCH, INC. for the purpose of alerting citizens to needed action to preserve our CHRISTIAN HERITAGE. The editor is Gerda Koch, with others contributing. The subscription is \$2.00 a year. The work of the organization is supported by subscriptions, book sales, pledges and contributions. Add'l copies of this issue. 35¢, 4/\$1.

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35

SUPREME COURT

FILED

42174

MAY 12 1971

State of Minnesota,
In Supreme Court.

IN RE JEROME DALY

RESPONDENTS' BRIEF

STATE BOARD OF LAW EXAMINERS

BY: HERBERT C. DAVIS

6100 Excelsior Boulevard

St. Louis Park, Minnesota

Attorney for Petitioner

JEROME DALY

28 East Minnesota Street

Savage, Minnesota 55378

Respondent

*Jerome Admitted 5/12/71
Herbert C. Davis - Atty for the State Board
of Professional Responsibility*

TABLE OF CONTENTS

PAGE

Procedural History- (Since no lawful procedure has been commenced the procedural history is omitted)

Table of Authorities	i
Legal Issues Involved	1.
Statment of Facts	4.

ARGUMENT

No. 1. Respondent has been denied due process of Law from the very outset-----	19.
No. 2. The Court errored in finding Respondent in contempt from the very outset and in suspending Respondent's License without due process of Law	43-
No. 3. The Referee errored in finding that Respondent was in violation of U.S.District Judge Roy L. Stephenson's Order dated June 20, 1968	47.
No. 4. The Referee errored in finding that there was any impropriety in litigation with reference to the fraululent Federal Reserve and National Banking system.	50.
No. 5. The Referee errored in finding that there was misconduct on the part of Respondent in the divorce case of Peterson v. Peterson.	50.
No. 6. The Referee errored in finding that there was any misconduct on the part of Respondent in filing affidavits of prejudice.	51.
No. 7. The Referee errored in finding that there was misconduct on the part of Respondent in regard to Traffic Case clients.	51.
No. 8. The Referee errored in finding that Respondent errored in securrng files and in refusing to deliver them up upon Appeal or upon Order of Superior Courts.	53.
No. 9. The Referee errored in finding that there was any unethical conduct on the part of Respondent by reason that Respondent plead the 5th Amendment upon his Income Tax Returns.	53.
No. 10 The Referee errored in finding that there was any improper conduct on the part of Respondent in the Krull and Salfer matters.	54.
CONCLUSION	55.

TABLE OF AUTHORITIES

STATUTES:

M.S.A. XXX	540.01
	540.02
	484.04
	481.15
	587.02
	586.05

U.S. Constitution

Amendment 5

Amendment 14

Minnesota Constitution

Preamble

Article 1, Bill of Rights

Section II Minn. Bill of Rights

Article I, Section 7,

The Northwest Ordinance

7 Am Jur 2d Section 60

7 Am Jur 2d Section 64

Cases

Ex Parte Wall, 107 U.S. 265
 27 L.Ed. 562
 Wormont v. State, 101 Arkansas 210,
 142 S.W. 194
 Commonwealth v. Roe 129 Kentucky 650,
 112 S.W. 683
 Bradley v. Fisher, 13 Wallace 335,
 20 L.Ed. 646
 Prague v. Pennsylvania, 16 Peters 621
 U.S. v Norris, 9 Peters 8,
 Randolphs Case, 2 Brock 447
 U.S. v Norris, 4 Kransh 151,
 U.S. v Bullock, 6 Peters 485
 John Denn v Hoboken Land and
 Improvement Co. 59 U.S. 286
 15 L.Ed. 372 & 376
 State v Barrett, 40 Minn. 70
 Longdon v Minnesota Farmers Mutual
 Fire Insurance Co. 22Minn 192
 Wheaton v. Thompson et al 20Minn 199
 United Mine Wkrs. of Amer. Dist 12 v
 Illinois State Bar Assn 88 S.Ct. 353
 National Assoc. for the Advancement of
 Colored People etc. v Robert y. Button
 371 U.S. 415
 Brotherhood of Railroad Trainmen v
 Virginia Ex Rel. Virginia State Bar
 377 U.S. 1
 The Aetna Insurance Co v Doe et al
 73 u.S. 948
 OFarrell v Heard 22 Minn. 189

1.

LEGAL ISSUES INVOLVED

1. Is a Lawyer entitled to due process of Law?
Held, No.

~~2. Are parties necessary to depr~~

2. Are Parties necessary in a Case or Controversy to deprive a person of rights to life, liberty and Property. Held No.

3. Is Notice an indispensable element to Due Process of Law? Held No.

4. Is a Hearing an indispensable element to Due Process of Law? Held No.

5. Is a Judgment an indispensable element to Due Process of Law? Held No.

6. Does a Lawyer have the right to Freedom of association?; Freedom of Speech?; the right to peaceably assemble, and to petition the Judicial Branch of the Government for a redress of grievances?; Freedom of self defense?; Freedom of Religion?; Freedom to criticize Public Officials?
Held No.

7. Is Government instituted for the security, benefit and protection of the People, in whom all political Power is inherent?

Held No. Government is instituted for the security benefit and protection of the Minnesota State Bar Association and the National and International Bankers.

8. May a Lawyer of this State be disfranchised, or deprived of any of the rights or privileges secured to any citizen of this State, unless by the law of the land, or judgment of his peers? Held Yes.

9. Can a Lawyer be subjected to slavery or involuntary servitude in this State? Held yes.

10. Is a Lawyer entitled to the liberty of the press and may he freely speak, write and publish his sentiments on all subjects, being responsible only for an abuse of such right? Held No.

11. Is a Lawyer entitled to a Trial by Jury in a disbarment proceeding? Held No.

12. Is a Lawyer in a disbarment proceeding entitled to obtain Justice freely and without purchase; completely and without denial; promptly and without delay, conformable to the laws? Held No.

13. Does a Lawyer have the right to expose the enemies of the Government of the United States from within? Held No.

14. Does a Lawyer have the right to be secure in his person, papers and effects against unreasonable searches and seizures? Held No.

15. Does a Lawyer have a natural right to dissent to expose the other side of questions of public concern? Held No.

16. Can a Lawyer be deprived of his life, liberty and property by a Bill of Attainder? Held yes.

17. Can the Supreme Courts of the United States and of the State of Minnesota enact a Law? Held yes.

18. Is the Constitution of the United States and of the State of Minnesota binding? Held No.

19. Is a Lawyer entitled to the right to freedom of Conscience? Held No.

20. Can a Lawyer be restrained from criticising any or all Religious-combinations? Held yes.

21. Must a Lawyer profess or renounce this or that Religious opinion of any one or more Religions? Held yes.

22. Must a Lawyer support the ethical and legal opinions of the National and International Bankers? Held yes.

23. Can a Lawyer be restrained from the free access to the Courts? Held yes.

24. Do the people have the right to free speech, Petition, and assembly; the right to consult with each other in a fraternal organization and the right to select a spokesman from their number who could be expected to give the wisest Counsel? Held No.

25. Can a State foreclose the exercise of constitutional rights by mere labels? Held yes.

AS TO EACH AND EVERY ONE OF THE LEGAL ISSUED SET FORTH ABOVE, THE MEMBERS OF THE SUPREME COURT OF MINNESOTA THE MINNESOTA STATE BAR ASSOCIATION, THE SO CALLED PRACTICE OF LAW COMMITTEE, THE MINNESOTA STATE BOARD OF LAW EXAMINERS AND THE REFEREE APPOINTED HEREIN HAVE HELD ADVERSELY TO RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF MINNESOTA.

STATEMENT OF FACTS

The above proceedings were initiated by the Supreme Court on September 5, 1969 upon its own motion, without charges, accusation, notice, trial or hearing and no resulting Judgment, interlocutory or otherwise issued under the Seal of the Court and signed by the Clerk of the Supreme Court. It is directed to be carried forward by an arm of the Supreme Court, The Minnesota State Board of Law Examiners. There are no named parties. No lawful process is issued in the name of the State of Minnesota or at all.

The State Board of Law Examiners by Kenneth M. Anderson filed a Petition and accusation herein on September 17, 1969.

The sum and substance of the complaint of the Board of Law Examiners is that Jerome Daly is litigating the issue of the validity of the activity of the Federal Reserve Banks and National and State Banks without any lawful basis or theory.

The Minnesota State Board of Law Examiners is composed of 6 members, every one of whom is on the Board of Directors or is Counsel for some Bank. Kenneth M. Anderson is member of a firm that represents the Midland National Bank of Minneapolis. John W. Padden of Crookston is President and Chairman of the Board of Directors and Counsel for the Polk County State Bank. His partner, Morris Dickel is a Director of the Crookston National Bank. Gerald Rufer is Counsel for the First National Bank and Security State Bank of Fergus Falls. Donald D. Harries is Counsel for the Northern City National Bank of Duluth. C. Allan Dosland is a member of the firm of Gislason and Reim and represent

the Citizens State Bank of New Ulm. Reim is on the Board of Directors of the American National Bank of St. Paul. James Reitz represents, as Counsel, the Security Bank and Trust Co. of Owatonna, Minn.

Twenty Eight out of the Thirty Six members of the Board of Governors of the Minnesota State Bar Association are either on the Boards of Directors of Banks or both.

At least 10 out of the 19 members of the new State Board of Ethics and Discipline are Counsel or Directors for Banks.

Richey B. Reaville, Chairman and Executive Director is head of a firm in Duluth which represents the First American National Bank of Duluth

The Referee, C. Donald Odden, in these proceedings was elected to the Board of Governors of the Minnesota State BAR Association after the hearing and before he made his decision herein.

It is quite apparent that the real party in interest in these proceedings are the Banks and their Directors including the Board of Governors of the Federal Reserve System.

That the activity of the Banking system now in operation in the United States is outside the Constitution of the United States and premised in fraud is admitted by the very evidence offered by Petitioners.

A history of banking was offered by the Petitioners. It is as follows:

Lightning Over the Treasury Building

CHAPTER I

THE GOLDSMITHS

Once upon a time, gold—being the most useless of all metals—was held in low esteem. Things which possessed intrinsic value were labored for—fought for—accumulated—and prized. These things became the standards of value and the mediums of exchange in the respective localities producing them.

One of the most urgent requirements of man is a wife, and it used to be that one of the most prized possessions of a father was a strong, hard working daughter; and she was considered his property. In those days he didn't give a dowry with her to get rid of her—but if a young blade desired her he had to recompense the Dad before he could lead her away to his cave. Good milch cows were as scarce as good girls—so a wooer hit upon the happy idea, one day, of offering a cow to the "Old Man" for his daughter. The deal was made and cows became, probably, the first money in history.

Since that ancient date most everything that you can think of has been used for money. Carpets, cloth, ornaments, beads, shells, feathers, teeth, hides, tobacco, gophers' tails, woodpeckers' heads, salt, fish hooks, nails, beans, spears,

bronze, silver and gold—and later, receipts for gold which did not exist—have all been used for money.

The latter article was the invention of the goldsmith and has yielded greater profits than all other inventions combined. It all came about like this:

Women have always had a fondness for beautiful ornaments. The plainer women—the ones who needed decorating with trinkets—were the ones who received the fewest ornaments. This was because men were the ones who supplied them, and—as contradictory as it may seem—the more beautiful the lady was, the more ornaments she usually received. Rings for her fingers—rings for her toes—rings for her ears—and rings for her nose—bracelets, anklets, tiaras, throatlets, pendants and foibles of yellow gold were hung on her like decorations on a Christmas tree.

Gold was also used to beautify the palaces of the kings, and of the near kings, shrines and temples. It was held in such high esteem that the people actually began to worship it—making gods and goddesses of it. It became the most desired of all substances. Because of the high esteem in which it was held it superseded all of its competitors in the civilized world as a medium of exchange. The value of other goods was measured by the amount of gold for which those goods could be exchanged.

The yellow metal, for convenience sake, and because the gold itself—and not the ornaments which could be made from it—was in demand, was shaped into rings, bars, discs and cubes, usually bearing an imprint of the kingly or princely owner.

Every community, or city, had its king or ruler. These rulers were all eager to increase their hoard of gold. Raiding expeditions were promoted and the weaker tribes, or kingdoms, were looted of the gold which they had accumulated. At times they would become so prosaic and unromantic as to carry on legitimate trade with other communi-

ties and obtain the gold in that way—but that was usually too slow and unexciting.

When the king arrived home with the precious stuff, his worries were not over. There were thieves in those days. There were also goldsmiths. The goldsmiths were the manufacturers of the ornaments which the ladies wore, and they always had a considerable amount of the coveted metal on hand. To safeguard their treasures they built strong-rooms on their premises in which to store the gold entrusted to their care.

It was not surprising, then, that the custom grew for the leader, upon his return from his thieving expedition, to leave the hoard of gold which he had obtained, with the goldsmith for safe-keeping. The merchants, too, who had traded profitably with other nations, communities or tribes, as well as other merchants and raiders passing through the city where the goldsmith lived, found it convenient—and usually safe—to leave their gold in the strong-room of the goldsmith.

When the gold was weighed and safely deposited in the strong-room, the goldsmith would give the owner a warehouse receipt for his deposit. These receipts were of various sizes, or for various amounts; some large, others smaller and others still more small. The owner of the gold, when wishing to transact business, would not as a rule take the actual gold out of the strong-room but would merely hand over a receipt for gold which he had in storage.

The goldsmith soon noticed that it was quite unusual for anyone to call for his gold. The receipts, in various amounts, passed from hand to hand instead of the gold itself being transferred. He thought to himself: "Here I am in possession of all this gold and I am still a hard working artisan. It doesn't make sense. Why there are scores of my neighbors who would be glad to pay me interest for the use of this gold which is lying here and never called for.

14 LIGHTNING OVER THE TREASURY BUILDING

It is true, the gold is not mine—but it is in my possession, which is all that matters.”

The birth of this new idea was promptly followed by action. At first he was very cautious, only loaning a little at a time—and that, on tremendous security. But gradually he became bolder and larger amounts of the gold were loaned.

One day the amount of loan requested was so large that the borrower didn't want to carry the gold away. The goldsmith solved the problem, pronto, by merely suggesting that the borrower be given a receipt for the amount of gold borrowed—or several receipts for various amounts totalling the amount of gold figuring in the transaction. To this the borrower agreed, and off he walked with the receipts, leaving the gold in the strong-room of the goldsmith.

After his client left, the goldsmith smiled broadly. He could have a cake and eat it too. He could lend gold and still have it. The possibilities were well nigh limitless. Others, and still more neighbors, friends, strangers and enemies expressed their desire for additional funds to carry on their businesses—and so long as they could produce sufficient collateral they could borrow as much as they needed—the goldsmith issuing receipts for ten times the amount of gold in his strong-room, *and he not even the owner of that.*

Everything was hunky-dory so long as the real owners of the gold didn't call for it—or so long as the confidence of the people was maintained—or a whispering campaign was not begun; in which case, upon the discovery of the facts, the goldsmith was usually taken out and shot.

In this manner, through the example of the goldsmiths, bank credit entered upon the scene. The practice of issuing receipts—entries in bank ledgers and figures in bank pass books—balancing the borrower's debt against the bank's obligation to pay, and multiplying the obligations to pay by thirty or forty times the amount of money which they (the

banks) hold, is a hangover of the goldsmith's racket and is the cause of most of the distress in America and the civilized world today.

As a result of the enormous profits being made by the bankers, the United Nations scheme has been formed to protect them in their franchise and to enable them to exploit the world.

The Bank of Amsterdam, established in 1609 in the City of Amsterdam, was, it seems, the first institution which followed the practice of the goldsmiths under the title of banking. It accepted deposits and gave separate receipts for each deposit of its many depositors, each deposit comprising a new account. The procedure greatly multiplied the number of receipts outstanding. The receipts constituted the medium of exchange in the country.

At first these bankers did not think of or did not intend to follow the practice of the goldsmiths in issuing more receipts than they had in gold, but their avarice soon gained control and that practice was introduced and pursued. The receipts were not covered by gold but by mortgages and property which they believed could be converted into gold on short notice, if necessary.

All went well for a time, but in 1795 the truth leaked out. It was found that the outstanding receipts called for several times the amount of gold which was held by the bank. This discovery caused a panic and a run on the bank resulting in its destruction—because the demand for its gold far exceeded its supply.

The collapse of the Bank of Amsterdam should have been an object lesson to all posterity, but alas, avaricious men again took advantage of the forgetfulness and gullibility of the people and the fraud was revived and perpetuated.

Roland D. Graham, General Counsel and Vice President of the Federal Reserve Bank of Minneapolis, testified in part as follows and admits that his Bank is privately owned and creates credit upon its books all without consideration.

Wednesday, February 11, 1970
Approximately 2:30 p.m.

(WHEREUPON, the following proceedings
were duly had:)

MR. DAVIS: Mr. Graham.

ROLAND D. GRAHAM

being first duly sworn, testified
as follows on behalf of the Petitioner
on:

DIRECT EXAMINATION

BY MR. DAVIS:

Q Will you state your full name please.

A I am Roland D. Graham, G-r-a-h-a-m.

Q Your address, Mr. Graham?

A My address is 73 South Fifth Street, Minneapolis:
Federal Reserve Bank of Minneapolis.

Q What is your profession?

A I am an attorney.

Q By whom are you employed?

A I am Vice-President and General Counsel of the
Federal Reserve Bank of Minneapolis.

A Are you licensed to practice law in the state of
Minnesota?

A Yes, Sir.

Q For how long a time have you been counsel for
the Federal Reserve Bank of Minneapolis?

A I have been general counsel for the Federal Re-
serve Bank of Minneapolis since 1966; however, I was on
the staff of the legal department of the bank since 1959.

Q In the course of your duties with the Federal
Reserve Bank of Minneapolis, have you had occasion to be
involved in litigation with one Jerome Daly?

A Yes.

Q Have you received any inquiries from other agencies
of government or other persons within the banking group
concerning these actions commenced by Mr. Daly?

A Well, we received several inquiries with respect
to the actions commenced against our bank and especially
by other Federal Reserve Banks and the Board of Governors;
we kept them constantly informed of the progress in these
cases as it occurred.

And there was an occasional inquiry made with refer-
ence to these cases from our office, yes.

Q Do you have any compilation or list of inquiries
that were made either to you or to the Board, the Federal
Reserve Board?

A I have a compilation of inquiries that were made and letters sent out by the Board of Governors and the Treasury Department with reference to a case arising in Credit River, Minnesota, involving the constitutionality of the Federal Reserve System.

Q Do you have that letter with you?

(WHEREUPON, Petitioner's Exhibits 66 and 67 were duly marked for purposes of identification.

Q I show you Petitioner's Exhibit Number 66, will you identify that for the Court?

A This is a letter dated September 2, 1969, addressed to me from Mr. Robert Sanders, Assistant General Counsel of the Board of Governors of the Federal Reserve System. And Mr. Sanders sent me this list at my request, in which it contains a list of a number of responses made by the Board of Governors and the Treasury Department, in connection with inquiries received by them, certain congressional offices, relating to a case arising out of Credit River, Minnesota, and arising as a result of a publication, primarily of a publication distributed, reporting that case, entitled Myers' Finance Review.

Q And I show you Petitioner's Exhibit 67 and ask you to identify that.

A This was a subsequent Xerox copy of some articles that were referred to in that letter, which also were the basis of inquiries that we received.

CROSS-EXAMINATION

BY MR. DALY:

Q You say you have been with the Federal Reserve Bank for how long?

A For ten years; approximately ten years.

Q And you are a Vice-President of the bank?

A Yes, Sir.

Q. And you say that you have been in the practice of law in the state of Minnesota?

A Yes, Sir.

Q And also in the United States District Court?

A Yes, Sir, for the state of Minnesota.

(WHEREUPON, Respondent's Exhibit J was duly marked for purposes of identification.)

Q Showing you Respondent's Exhibit J, I will ask you if you can identify that.

A. Respondent's Exhibit J is a publication put out by the Board of Governors of the Federal Reserve System explaining its purposes and functions.

Q And what issue is that?

A According to this; this is an issue that was published in 1963.

Q Are you familiar with that, Respondent's Exhibit J?

A I am familiar with its publication; I could not cite it, all the language; but I am familiar with its publication.

Q Have you looked it over?

A Yes.

Q Generally, do you agree that the statements in there are true?

A As to the functions and so forth, yes, Sir.

Q That is the official publication of the Board of Governors, is it not?

A Yes.

MR. DALY: I offer in evidence Exhibit J.

MR. DAVIS: No objection.

THE COURT: It will be received.

Q Now, your Federal Reserve Banks, there are twelve of them in the United States, aren't there?

A That is correct.

Q And more or less the head bank is in New York, is it not?

A There is a Federal Reserve Bank of New York, that represents a second Federal Reserve District; it is a separate incorporated bank, separate from the other eleven banks, yes.

Q Now, by the way, these Federal Reserve Banks have employees, do they not?

A Yes, they do.

Q And there are none of these employees on Civil Service?

A No, Sir.

Q That is a true statement, is it not?

A Yes, Sir.

Q You are not on Civil Service, yourself?

A No, Sir.

Q And the Federal Reserve banks pay taxes to the state for the real estate they are situated upon?

A Yes, Sir.

Q And the Federal Reserve banks are owned by the member banks, are they not?

A I don't know what you mean by owned, Mr. Daly.

Q I withdraw the question. The Federal Reserve corporation is a corporation organized and existing by virtue of the laws of the United States, is that correct?

A That is correct.

Q And the member banks are required to subscribe to so much stock?

A That is correct.

Q But this is non-voting stock, isn't that correct?

A They have a right to elect six of the directors of the Federal Reserve Bank.

Q I didn't mean that; it is a stock that doesn't actually carry any rise to ownership with it, isn't that ri-ht?

A The Federal Reserve stock, owned by the member banks of the Federal Reserve System, represent the capitalization they put into the system required by law and it gives them certain limited rights as to the election of directors on the Board of the reserve banks. However, in the event of dissolution of any Federal Reserve bank, they are only entitled to their reserves, the amount of capitalization they have put into the reserve bank. And after the reserve banks have paid all of the liabilities and expenses, all the residuals go into the United States Government.

Q And the member banks, like the First National here in Minneapolis; Northwestern National; they have a right to use the services of the Federal Reserve bank?

A Yes, we do provide services for them, yes.

Q And the First National Bank of Montgomery is one of your member banks?

A Yes, Sir.

Q Now, calling your attention to Page Seventy-Five in that book, will you read the last two paragraphs out loud.

A The last two paragraphs?

Q I think that is what I want.

A The commercial banks as a whole can create money only if additional reserves are made available to them. The Federal Reserve System is the only instrumentality endowed by law with discretionary power to create (or extinguish) the money that serves as bank reserves or as the public's pocket cash. Thus, the ultimate capability for expanding or reducing the economy's supply of money rests with the Federal Reserve.

New Federal Reserve money, when it is not wanted by the public for hand-to-hand circulation, becomes the reserves of member banks. After it leaves the hands of the first bank acquiring it, as explained above, the new reserve money continues to expand into deposit money as it passes from bank to bank until deposits stand in some established multiple of the additional reserve funds that Federal Reserve action has supplied.

Q Now, by the way, since March of 1968, there is no gold reserve backing up circulating Federal Reserve notes?

A By legislation in 1968, there was removed from the Federal Reserve Act the requirement that Federal Reserve notes circulating, be backed at least twenty-five per cent in gold certificates.

Q That requirement was removed?

A Yes, Sir.

Q So, there is no legal requirement that the Federal Reserve notes be backed by gold or gold certificates?

A No, Sir.

Q That is a true statement, is it not?

A Yes, Sir.

Q And there is no legal requirement that it be backed by gold and silver coin?

A No, Sir.

Q That is a true statement, is it not?

A Yes, Sir.

Q Now, the mechanics, can you explain the mechanics by which the Federal Reserve bank runs its open market committee.

A Runs its open market committee?

Q Yes.

A The open market committee is not a committee of the Federal Reserve banks, Mr. Daly. It consists of seven members of the Board of Governors of the Federal Reserve System and five of the seven -- five of the twelve presidents of the Federal Reserve banks.

Q And the seven members of the Board of Governors?

A Yes, Sir.

Q Will you explain to the Court what their function is?

A The function of the Federal Open Market Committee is to meet and make policy with reference to the purchase or sale of government securities by Federal Reserve banks.

Q Now, can you elaborate on that.

A The purchase and sale of government securities by Federal Reserve Banks, under the direction of the Open Market Committee, is a device, one of the monetary tools used by the Federal Reserve System to expand on one of the Federal Reserve--

Q Expand or reduce the reserves?

A Yes.

Q Now does the Federal Reserve Bank expand its reserves?

A The reserves of the commercial banks?

Q Or its own reserves?

A The action taken with reference to the Open Market Committee and expansion of the commercial bank reserves that are required to be held in the Federal Reserve banks in their own vault, by expanding reserves of the commercial banks. This then takes out of circulation or the ability of commercial banks to expand loans or investments. If reserves are reduced, this expands the ability of the commercial banks in the country to expand loans and investments.

Q So that seven members of the Board of Governors and the twelve presidents of the Federal Reserve banks have the control over the volume of credit that is made available to the public?

A The Open Market Committee, which consists of five of the twelve presidents of the Federal Reserve banks and the seven members of the Board of Governors, directs policy with reference to the sales or purchase of the government securities on the open market, which expands or contracts the ability of commercial banks to make loans and investments.

Q And this has a direct bearing upon the amount of money that is available to the public?

A It would have a direct bearing on the amount of money and supply of credit available.

Q Now, the Federal Reserve Bank actually creates credit on its books, does it not?

A The only way in which it creates credit is by its discount policy, in which it may credit, by making a temporary loan and credit the reserve account of that individual bank.

Q It can credit the account of the individual bank by making a loan to the bank?

A Yes, Sir, this is a loan that is repaid.

Q And when the Federal Reserve bank makes the loan or that credit first comes into existence, is when they manufacture it on the books?

A It is a credit to their reserve.

Q And it first comes into existence at that time?

A These are temporary loans.

Q And it doesn't make any difference if it is temporary or long term, the first time it comes into existence is when it is credited on the books of the bank?

A Yes, Sir.

Q And as a practical matter, this credit never leaves the books of some bank; it is transferred by check entry from one bank to another?

A The effect of that particular transaction may or may not be transmitted through the banking system, I don't know.

Q What percentage of the volume of business was done by check in this country?

A I don't have that figure, Mr. Daly; I don't know the break down upon demand deposits and currency at the present time.

Q Now, when a member bank makes a loan, what is the percentage of so-called reserves that they are supposed to have on hand?

A That is determined by the Board of Governors of the Federal Reserve System and it varies at what the Board decides.

Q What is it at present?

A It is kind of a multiple breakdown at present; my recollection is reserves are seventeen per cent reserve requirement; a sixteen per cent for the country banks, which are required to have a lower reserve.

Q In other words, when say like the First National Bank of Montgomery wants to make a loan of one hundred dollars; if it has a reserve of seventeen dollars on deposit with your bank, it can make a loan of a hundred dollars?

A If the reserve bank decides to lend it, yes; this is discretionary.

Q If the First National Bank decides to lend it?

A Now, now, an application for a loan or discount from the Federal Reserve Bank may be made; in discretion with the Federal Reserve Bank, if it feels it is an appropriate borrowing.

Q Does the First National Bank of Montgomery, do they have to get the permission of the Federal Reserve Bank of Minneapolis before they can make a loan?

A They make application for a loan and they can be turned down if the Federal Reserve Bank in Minneapolis did not deem it a good loan.

Q To an individual?

A They only make loans and discounts to banks.

Q I am talking about the individual citizen that walks into a bank and wants to borrow ten thousand dollar from the bank out in the country.

A All right.

Q Does that bank out in the country also create money on its books?

A That bank may make a loan to that individual if it has the funds available to make that loan.

Q Does that bank, the commercial banks can also create credit on their books?

A To the extent that the reserve or equity at the position permits them to make a loan in accordance with their policy. They can do this by issuing a cashier's check, which is a liability in the bank or do so by crediting the deposit account of that individual.

Q To what extent can they do that?

A I guess I don't follow your question.

Q Is there a limit upon them? Is there a limit to the extent that they can do that?

A The ultimate limit to which they would be restricted would be determined by the amount of reserves they are required to hold back, dependent upon what the reserve requirements, as established by the Board of Governors of the Federal Reserve System, are.

Q So, there is a percentage of limit?

A Yes.

Q They also create credit on their books?

A To the extent they can make loans or investments.

Q And this credit first comes into being when they create it?

A When the credit is made to the account of the customers, they have thus created a loan to the customer in the form of a deposit balance. Now, this may be drawn upon to pay off perhaps creditors of the individual, that is making the loan.

Q But in any event, this is the first time that this credit comes into existence, they create it on their books?

A Yes.

Q So, in effect, the books of the member banks, amount to a bill of credit, do they not?

A What is your definition of a bill of credit, Mr. Daly?

Q There has been some argument about that, isn't that right?

A Yes.

Q But at any rate, the credit is manufactured on the books though?

A There is a credit on the account of the customers, either that he is given in disbursed funds by means of a cashier's check or some other.

Q Now, have you had a chance to read over my publication, the Daly Eagle?

A I don't remember if I have read it through or not, Mr. Daly.

Q Have you attempted to read it?

A I believe I did read it at one time; but I don't recall all the language in it.

Q There is a picture of a note in here, on Page Twelve, a one dollar Federal Reserve note?

A Yes, Sir.

Q Is this a sample of what is in circulation?

A As currency?

Q Yes.

A It appears as though it is a Federal Reserve note, yes, Sir.

Q Well, that is a reasonably accurate portrayal, is that right?

A Yes.

Q And those notes, are they redeemable in gold dollars?

A Are they redeemable in gold dollars?

Q Yes, at your bank.

A No, Sir.

Q Are they redeemable in silver dollars at your Bank?

A No, Sir, they are not redeemable; because Congress has prohibited it. There is no redemption of gold or silver under the laws of the United States.

Q And there is no redemption in silver dollars either?

A No, Sir.

Q So, in effect, in the United States, your bank is issuing -- I will withdraw that question. The Federal Reserve notes, your various Federal Reserve Banks get those for the cost of the printing, do they not?

A You mean--

Q The notes themselves.

A The notes themselves are collateralized by the United States Government obligations or other types of debt obligations that are permitted by law. They are collateralized by the Board of Governors of the Federal Reserve System.

Q Your bank acquires United States obligations by creating credit on its books, do they not?

A I guess you might say by creating credit as permitted under the policy of the Federal Reserve, yes.

Q But the physical notes themselves, they are made up by the Bureau of Printing and Engraving?

A That is correct.

Q And that is under the control of what, the Treasury Department?

A I believe it is the Treasury Department.

Q The notes themselves, you get these notes in denominations from one dollar up to ten thousand dollars, is that right?

A I don't believe there is a ten thousand dollar bill in circulation; but we get them in the various denominations now permitted by law.

Q And your bank gets them for the cost of the printing?

A We get them, yes; these are the actual physical notes, yes, for the cost of the printing; but they are issued as a liability to the Federal Reserve Bank of Minneapolis or whatever Federal Reserve Bank is involved.

Q And you have to deposit United States Securities with the Federal Reserve Agent in order to get whatever quantity of these notes that you get?

A They have to be collateralized with the Board of Governors through the Federal Reserve Agent, who acts as an agent of the Federal Reserve.

Q Where is his office?

A The Federal Reserve Agent is the same as the Chairman of the Federal Reserve Bank. He serves as a Federal Reserve Agent, a representative of the Board of Governors, and the obligations are collateralized before him.

Also, before a Federal Reserve Bank may issue, it must make application to him, through the Board of Governors, Board of the Federal Reserve System; he does not have authority to issue Federal Reserve Notes.

Q You got those notes for the cost of the printing isn't that right?

A The physical notes.

Q And these are the notes that the public is using every day up and down the street as part of their pocket cash?

A This is legal tender under the laws of the United States, yes.

Q You claim it is legal tender?

A It is under the statutes of the United States, yes.

Q Well, now, there are notes in circulation that state say the Federal Reserve Bank say of Minneapolis, there are notes in circulation that state: This note is redeemable in lawful money?

A Yes, Sir.

Q At the Treasury or at any Federal Reserve Bank upon demand, isn't that right?

A I don't believe the recent issues of this Federal Reserve note contain the language. For example, I don't think this one: This note is legal tender for all debts, public and private.

Q And the new ones are coming out, replacing the old ones that indicate they are redeemable in lawful money?

A Yes, Sir, I think there was a change in that.

Q Is there any statutory authority for your bank to issue notes that are not redeemable in lawful money?

A Section 16 of the Federal Reserve Act.

Q You have got that?

A I don't believe I have the Federal Reserve Act.

Q What section did you say?

A Section 16.

THE COURT: We will take a fifteen minute recess.

Q (By Mr. Daly, continuing) Well, now, I direct your attention to Page 69 of that Daly Eagle. They are numbered on the side.

A Yes.

Q Section 411, Federal Reserve Notes, do you see that?

A Yes, Sir.

Q It states: Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are authorized.

A Yes, Sir.

Q Is that statute still in existence?

A Yes, Sir, this is Section 16 that I referred to.

Q This is the one you called Section 16?

A Yes, Sir.

Q Well, now that first sentence indicates that the only purpose of Federal Reserve Notes are between Federal Reserve Banks and national banks, isn't that right?

A This statement says that Federal Reserve Notes shall be issued at the discretion of the Board of Governors and shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs and other public dues. This reference is that all national and member banks receive these as obligations of the United States.

There is a Section, Title 31, 329: All currency of the United States, including Federal Reserve Notes, shall be legal tender for all debts, public and private.

Q Let's get back here to Section 411. The first sentence indicates that the notes are for making advances to Federal Reserve Banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are authorized.

A Yes.

Q Then it goes on to say: Said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues.

A Yes, Sir.

Q They shall be redeemable in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank.

A Yes, Sir.

Q The promise to redeem the notes in lawful money at any Federal Reserve bank is not contained on your new notes, isn't that right?

A The words "lawful money" in here would refer to all lawful money of the United States. The language in here was substituted back, I believe, back in the days when we went off the gold standard. They replaced it with redeemable indigo, lawful money would include Federal Reserve notes. It is an anachronism in the statute.

Q I don't care what you want to call it; your notes don't comply with the statute, the new ones.

A In what way?

Q There is no promise to pay redeemable in lawful money, upon demand at the Federal Reserve bank.

A If a Federal Reserve note is redeemed at a Federal Reserve Bank, we can send them other Federal Reserve notes or coins; they are all legal tender.

Q Whose idea was it to take off the Federal Reserve notes the language: This note is redeemable upon demand at any Federal Reserve bank or at the United States Treasury?

A I have no idea, Mr. Daly; I can assure you, it wasn't me.

Q Do you know why it was taken off?

A No.

Q But the notes are issued pursuant to this statute, 411?

A This statute, 411; 412; the entire section, yes.

Q 418 indicates the denominations they may be printed in on Page Seventy, isn't that right?

A Yes, Sir. I don't know if this was; there was an amendment to this, Mr. Daly, and I don't know if this contains the amended language or not.

Q June 4, 1963; do you know when it was amended?

A I don't remember the date of the last amendment. However, they are in denominations of one, five, ten, twenty, one hundred, five hundred and one thousand dollars.

Q But in any event, your Federal Reserve notes are not redeemable in gold and silver coin.

A No, Sir.

Q And they are not redeemable in standard silver dollars?

A No, they are not redeemable in standard silver dollars.

Q That is right.

A They would be redeemable to the extent that people would pay a silver dollar; but a silver dollar is not available, as I understand.

Q If you took a hundred dollar bill off to your bank and say this note is redeemable in lawful money at the United States Treasury or any Federal Reserve bank, you couldn't come up with a hundred?

A We could come up with a hundred dollars in Federal Reserve notes or coin. Any currency that is legal tender of the United States; this would serve the same medium of exchange for whoever redeemed the note, as any other currency.

Q Could you produce a hundred silver dollars, containing four hundred twelve and a half grains of silver?

A I couldn't.

Q I mean your bank.

A I don't know, very frankly, whether there are any silver dollars there or not; it is not my function.

Q Well, are you familiar with the statute, Section 314 of Title 31?

A I don't recall.

Q The dollar of gold nine-tenths fine consisting of the weight determined under the provisions of Section 821 of this title shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of Treasury to maintain such parity. Do you have any dollars, that is gold dollars, in your bank that comply with that section?

A Not that I am aware of. It is my recollection, Mr. Daly, that the United States went off the gold standard in 1933 and 1934 and the gold dollars are no longer minted.

Q But this statute is still on the books?

A I don't know; I am not familiar with that section.

Q Well, now, I believe you indicated that you had some correspondence from the head office of the Board of Governors of the Federal Reserve System?

A Yes, Sir.

Q With yourself, for purposes of following it to the Bar Association, is that right?

A This arose, because I had heard that there was some testimony being given before the Ethics Committee with reference to the Credit River proceeding. I talked to Mr. Orren with the Ethics Committee and indicated I had

a number of telephone calls with respect to the Credit River proceeding and I acknowledged they had received a number of inquiries down at the Board, at the Treasury Department, arising out of the Myers' Finance Publication.

Q This is Myers' Finance Review?

A Yes.

Q From Calgary, Alberta, Canada?

A Yes, Sir.

Q Did you ever see his review before this?

A Before today? I had seen copies of a publication, I believe, that was dated May 27, 1969.

Q May 27, 1969?

A Yes, Sir.

Q And this is the first publication in which he published it, is that right?

A Published what, I am sorry.

Q This story with reference to the Credit River verdict?

A I don't know, Mr. Daly, I just saw the May 27th issue.

(WHEREUPON, Respondent's Exhibit K was marked for purposes of identification.)

Q Do you recognize that as a copy that you saw?

A Yes, Sir.

Q And how soon after May 27th of 1969 did you see that?

A The only one I recollect was a publication that came out, I believe, in June. I don't subscribe to the publication.

Q Well, it is fair to say that you gentlemen that are counsel for the Federal Reserve banks and the general counsel for the Board of Governors, you are keeping very close tab on this dispute?

A Well, as a matter of information, yes, yes.

Q And you have since 1963?

A I have transmitted all the information down to the Board of Governors, with reference to the suits, yes.

Q Showing you what has been marked as Respondent's Exhibit N, which is a copy of Myers' Finance Review, September 5, 1969, on Page Three, there is an answer from William McChesney Martin. I wonder if you would read that please.

A Right here?

Q Right.

A "Dear Mr. Myers: "Thank you very much for your recent letter in which you make reference to my recent correspondence with Mr. William E. Johnson of Rome, Georgia.

"Upon receipt of your letter, I contacted the Board of Governors of the Federal Reserve System concerning this matter, and with the thought that you might find it of interest, I am enclosing herewith a copy of the response I received. Sincerely, Herman E. Talmadge."

Do you want me to continue?

Q Yes.

A The letter which Senator Talmadge enclosed was signed by William McChesney Martin, Jr. Mr. Martin reviewed the case of the First National Bank of Montgomery v. Jerome Daly, and stated further:

" On June 20, 1969, in connection with Joyce v. Northwestern State Bank of Appleton, U.S.D.C. Minnesota file number 3-68 Civil 32, the Court issued a permanent injunction against Mr. Daly 'continuing, commencing or prosecuting any suit, action or proceeding, either in this Court or in any court, state or federal, upon any claim arising out of ... any claims regarding unlawful creation of money and credit."

"On the substantive legal questions involved, it should be noted that the Constitutional authority of the Congress to enact a law making Treasury notes legal tender was upheld in 1884 in the Legal Tender Case (U.S. Reports, volume 110, page 421). The most recent legislation in this area is the Coinage Act of 1965, which provides that 'All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations), regardless of when coined or issued, shall be legal tender for all debts, public and private, public charges, taxes duties and dues' (United States Code title 31, section 392). We feel confident that the Supreme Court would hold this Act of Congress constitutional for reasons similar to those it found persuasive in the Legal Tender Case."

Q You never saw that letter, is that right, or a copy of it?

A My recollection is that this is a letter -- I don't recall seeing that specific letter. I believe there is a letter that was drafted of that language or similar language for response to inquiries that came in.

Q Now, there is something I wanted to talk to you about. Do you have any gold and silver coin in your bank over here at the Federal Reserve bank?

A Mr. Daly, we have no gold coin; we are not permitted by law to have gold coin. Now, when you refer to silver coin, what are you referring to? Pure silver coin?

Q No, the Constitution of the United States states that no state shall make any Thing, and the thing is capitalized, but gold and silver Coin as legal tender in payment of debts; and the word coin is capitalized and the word tender is capitalized; payment is capitalized and debts is capitalized. I am talking about a coin that has both gold and silver in it; both.

A No, Sir, we do not have any coins that have both gold and silver.

Q How do you know you don't.

A It would be in violation of law.

Q Did you ever see a coin that had both gold and silver in it?

A A mixture of gold and silver?

Q Yes.

A No, I have not.

Q Do you know there was such a coin?

A I didn't have any knowledge there was a coin that had both gold and silver; unless, are you referring to the gold coins that were minted prior to the 1930's?

Q Prior to 1873.

A No, Sir, I am not familiar with them.

Q Have you ever seen one?

A No.

Q Prior to 1873, there is evidence in here by the Act of 1792 and the Act of Congress of 1837, the gold dollar pieces, two-and-a-half dollar and five and ten and twenty dollar pieces, contained, I believe, to the dollar, 25.8 grains of gold, nine-tenths fine and with an alloy of silver and copper, one-tenth of the coin was to be alloy and the alloy of silver and copper was not to exceed one half silver; you have never seen a coin like that?

A No, Sir not that I am aware of.

Q The Constitutional provision does say gold and silver; it doesn't say gold or silver; it says gold and silver?

A Yes, Sir, that makes a reference to the state, doesn't it?

Q That is right.

A Yes, Sir.

Q And you agree with the proposition that Congress can't authorize the state to violate a prohibition.

A The Congress can't authorize--

Q To violate a prohibition against the state.

A In my opinion, the federal government could not authorize a state to violate the Constitution, no.

Q Congress can't pass a law authorizing this state to violate the Constitution?

A I wouldn't think so, no.

Q So, in other words, Congress couldn't pass a law authorizing a state to grant a title of nobility?

A Would you describe what a title of nobility is?

Q Making you king of Minnesota?

A No, I am afraid, in my opinion, Congress could not authorize the state to make me king of Minnesota.

Q Congress couldn't authorize the state or the state officials, from making anything but gold and silver coin as legal tender of debts?

A Anything but?

Q That is right.

A I don't think Congress can authorize a state to make gold coin a legal tender of debts, Mr. Daly.

Q I said any thing but gold or silver a tender of legal debts.

A You are saying that Congress cannot authorize a state to have any constitutional authority, other than an alleged constitutional authority to make gold coin and issue gold coin?

Q Listen to my question very carefully: Congress cannot authorize a state to "Make any Thing but gold and silver Coin as legal Tender in Payment of Debts."

A Well, if you are citing a section of the Constitution, then I would go along with what the section of the Constitution states. I would also state that since the 1930's, gold coin is not a legal tender for the payment of debts.

Q Well, it has been outlawed by Congressional statute, isn't that right?

A By Congressional statute, yes, Sir.

Q Whether that is constitutional or not is still a question?

Q By the way, are you acquainted with how much gold is left in the United States Government Depository at Fort Knox at the present time?

A No, Sir.

Q Do you know anything about it?

A In what way?

Q What quantity is there?

A I don't know.

Q What is your best guess?

A My recollection is the last published report I have ever seen as to the amount of gold and this, in any way, is no official statement, this is my recollection; the last published report I have seen as to the amount of gold, owned by the United States, is somewhere in the neighborhood of twelve billion dollars.

Q You don't know where its location is?

A I have no official knowledge of where its location is, no; only the knowledge that any member of the public, that it is in Fort Knox.

Q What has the gossip been around the Federal Reserve bank as to how much there is there?

A I don't believe I know of any gossip around the Federal Reserve bank as to the amount of gold.

Q Have you ever seen the gold in the Federal Reserve bank of New York?

A Yes, I have.

Q Is there any left there?

A Yes, Sir, the last time I was there.

Q How much?

A I have no knowledge of the amount of gold.

Q What is your best estimate?

A I don't know.

Q Now, the Federal Reserve bank of New York has suspended payment in coin or bullion of gold and silver, isn't that right?

A I would assume that they have suspended the payment of redemption of Federal Reserve notes in gold or silver bullion, yes.

Q Or gold and silver coin?

A Otherwise, they would be in violation of law.

Q You mean of Congressional statute?

A Of Congressional statute.

Q Is that the statute we talked about the other day?

A Which one?

Q Authorizing one dollar Federal Reserve notes.

A No, it is my recollection that the redeeming of currencies of the United States in gold is prohibited since the 30's.

Q And by the way, the Board of Governors of the Federal Reserve System are independent of the control by Congress, are they not?

A No, Sir, that is not true.

Q Well, can you elaborate on why it is not true?

A The Federal Reserve System was established by Congress under the Federal Reserve Act, by legislation enacted by Congress; it can be modified or revoked by Congress.

Q But at the present time, Congress exercises no control over them?

A Are you talking about control over the decisions, policy decisions made by the Federal Reserve?

Q Right.

A There is no specific law I am aware of that any Congressman can effectuate a policy decision upon the Federal Reserve.

Q That is what I am driving at.

A Yes.

Q And the Board of Governors of the Federal Reserve System controls volume of credit that is put into circulation?

A The policy decisions of the Board of Governors, Mr. Daly, influences the supply of money and credit in the contry, yes; I think that is a fair statement.

Q And that, under the present laws, is independent of any act of Congress?

A The policy decisions, I am aware of, are not subject to any Congressional mandate, that is correct.

Q And the determination of the interest rate is not subject to any Congressional mandate?

A No, Sir, I think the determination of the interest rate is a result of the market place, are you talking about?

Q Actions of the Open Market Committee?

A Actions of the Open Market Committee could have an influence on the level of interest rates.

Q Isn't that set by basically, it is set or controlled, that is the prime rate is set and controlled by the Board of Governors?

A The prime rate, no.

Q Pardon me?

A no.

Q What do they do with reference to the interest rate?

A The only interest rate, I think you are referring to, is a discount rate, established by the Federal Reserve banks. The discount rate is established initially by the Board of Directors of Federal Reserve banks, subject to review and determination by the Board of Governors. The discount rate is the rate charged against member banks of the Federal Reserve System, who make loans or discounts at Federal Reserve banks.

Q Isn't it pure and simple, the rate of interest that the Federal Reserve bank charges the member banks for the credit that they create on their books?

A Would you repeat that one?

Q To use simple language: Isn't the rate of interest that the Federal Reserve bank charges the member banks for credit they create on their books?

A This is for loans or advances given to member banks, yes.

Q And these loans and advancements are created on the books of the Federal Reserve bank?

A The making of a loan or discount is effected of a credit to the reserve account of a member bank.

Q When they create the credit on their books, it comes into existence?

A Yes.

Q This discount rate is set by the Board of Governors of the Federal Reserve System?

A The discount rate is initially set by the Boards of Directors of reserve banks, independently; they are subject to review and determination of the Board of Governors in the Federal Reserve System.

Q So if all of the member banks get together and agree to set the discount rate, that is the federal reserve banks get together and set the discount rate, the Board of Governors doesn't have anything to say about it?

A They have to approve a discount rate.

Q And the people in charge of the Federal Reserve banks are not, none of them are government employees as such?

A Of the Federal Reserve Banks?

Q Right.

A None of them are under Civil Service, no.

Q And none of them are government employees as such then?

A No, Sir, they are not under Civil Service.

MR. DALY: I think that is all the questions I have.

EXAMINATION

BY MR. DAVIS:

Q In Respondent's Exhibit PP appears a letter dated September 5, 1969, purported to be signed by you, directed to Harding A Orren; do you recognize that?

A Yes, Sir.

Q Will you tell the Court when you first had any kind of communication with Mr. Orren?

A Just prior to this letter, I had a conversation with Mr. Orren and informed him that it was my understanding that the Board of Governors was receiving a number of inquiries with respect to the proceedings at Credit River. I then called Mr. Orren and informed him of this fact and asked him whether or not he was interested in this particular fact and he said he was.

I then called the Board of Governors and requested the list that was introduced in evidence. I then sent Mr. Orren that list together with a copy of Myers' Finance Review and the Daly Eagle. This is the covering letter, yes.

Q Will you identify Mr. Orren for us please.

A I have never met Mr. Orren; I believe he was a member of the Ethics Committee at that time.

Q Have you had any contact, other than that, with Mr. Orren?

A No, I have not.

ARGUMENT

1. Respondent has been denied Due Process of Law from the very outset in these proceedings in the following respects:

A. There was no Contempt of any Writ of Prohibition issued pursuant to Law by either Justice Martin V. Mahoney or Jerome Daly.

B. The Order to show cause was not issued under the Seal of the Court and signed by the Clerk Ordering Jerome Daly to show cause why he should be held in Contempt; likewise, The decision of the Court of Sept. 5, 1969 suspending Jerome Daly's license or rights to peaceable assemble before the Judicial Branch of the Government of the State of Minnesota was not issued under the Seal of the Court and signed by the Clerk; likewise the Order to show cause ordering Respondent to answer the Petition of the Board of Law Examiners was not signed by the Clerk and issued under the Seal of the Court.

C. No adverse parties are listed as is required by due process of Law.

D. No proceedings are had by the real party in interest as is required by Law, the real party in interest in this case being the people of the State of Minnesota and not the National and International Bankers.

E. The Court erred in proceeding in an Ex-Parte proceeding on Sept. 5, 1969 without Notice, Charges, hearing or resulting Judgment.

F. The Court erred in denying Respondent a Jury Trial.

G. The Court erred in forcing Respondent to a Trial before his adversary, The Minnesota State Bar Association and its agents, members and servants, a/k/a "The Minnesota State Bankers" Association, its members, agents and servants".

The following authorities and argument support each and every assignment of error:

See Amendment 5 of the Constitution of the United States wherein it states that no person shall be deprived of life, liberty or property without due process of law.

See also Amendment 14 of the United States Constitution wherein it provides that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction equal protection of the laws.

See also Minnesota Constitution Preamble. "We, the people of the State of Minnesota, grateful to God for our civil and religious liberty and design to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution."

Article I, Bill of Rights of Minnesota Constitution, Object of Government: "Government is instituted for the security, benefit and protection of the people in whom all political powers is inherent, together with the right to alter, modify or reform such government whenever the public good may require."

Section II, Minnesota Bill of Rights: "No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in this state, otherwise than the punishment of crime whereof the party shall have been duly convicted."

Article I, Section 8, Minnesota Constitution. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character. He ought to obtain justice freely and without prejudice completely and without denial, promptly and without delay, conformable to the laws.

Article I, Section II, Minnesota Constitution. No bill of attainder, Ex Post Facto law, nor any law impairing the obligation of contract shall ever be passed."

It is elementary, a Court cannot proceed without adverse parties before it.

See M.S.A. 546.01. "Issues either of law or of fact shall arise upon the pleadings, whenever a factor conclusion of law is maintained by one party and controverted by the other. A trial is a judicial examination of such issues between the parties."

See Article VI, Minnesota Constitution, Section 2. "The Supreme Court shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all other cases, but there shall be no trial by jury in said Court."

See Article III, Sections 1 & 2 of the United States Constitution which provides as follows: "The judicial power of the United States shall be vested in one Supreme Court," etc; and Article III, Section 2: "The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority." 2/.

The provisions of the Constitution of the United States are made applicable to the states by the Fourteenth Amendment. It is to be noted that the Constitutions of the United States and of the State of Minnesota only extend or vest in the judicial branch jurisdiction over cases.

There can be no case before the Court unless there are two adverse parties. This is fundamental.

See Minnesota Statutes 540.01 and 540.02.

540.01 provides the distinction between actions at law and suits in equity and the forms of such actions in suits are abolished. There shall be in this State but one form of action for the enforcement or protection of private rights and the regress of private wrongs. This shall be called a civil action, and the party complaining shall be styled the plaintiff, and the adverse party the defendant.

See 540.02. "Except when otherwise expressly provided by law, every action shall be prosecuted in the name of the real party in interest, but this section shall not authorize the assignment of a thing in action not arising out of contract; provided that when the question is one of common or general interest to many persons or when those who might be made parties are numerous, and it is impractical to bring them all before the Court, one or more may sue or defend for the benefit of all."

See 7 American Jurisprudence 2d on Attorneys at Law, Section 60: "A disciplinary proceeding is civil rather than criminal in its nature." See *ex parte Wall*, 107 U. S. 265, 27 L. Ed. 562. It is a proceeding at law and not in equity, and is governed by the rules applicable to other civil actions. See *Wormont v. State*, 101 Arkansas 210, 142 S.W. 194.

Disbarrment proceedings may be entitled in the name of the state, the people or the commonwealth. See *Commonwealth v. Roe*, 129 Kentucky 650, 112 S.W. 683.

Due process of law is required in a disciplinary proceeding. See Section 64, 7 American Jurisprudence 2d, quoting the case of *Bradley v. Fisher*, 13 Wallace 335, 20 L. Ed. 646: "Due process and disciplinary proceeding requires that the attorney be given notice of the proceeding and an opportunity to defend at a hearing and that the proceeding be essentially fair."

Due process of law requires the naming of actual parties. See *Prague v. Pennsylvania*, 16 Peters 621, *United States v. Norris*, 9 Peters 8, *Randolphs Case*, 2 Brock 447, *United States v. Norris*, 4 Kransh 151, *U. S. v. Bullock*, 6 Peters 485, and *John Denn v. Hoboken Land and Improvement Company*, 59 U. S. 286, 15 L. Ed. page 372, at page 376 where it is stated:

"Due process of law implies and includes actor (plaintiff), reus (defendant), judex (court), regular allegations, opportunity to answer, and a trial according to some settled course of judicial proceedings."

The very first essential elements of due process of law are lacking in this case, which are a plaintiff and a defendant.

This goes right to the question of the right of a party to notice. A party has a right to have full and complete notice as to who the actual adverse party is. In this case, the actual adverse parties appear to possibly be the Board of Governors of the Federal Reserve System, the Federal Reserve Banks and National Banks; the Minnesota State Bar Association, of whose members 28 out of 36 members comprising the Board of Governors are on the Board of Directors of banks and represent banks; or the State Board of Law Examiners, all six of whom are on the Board of Governors of banks and the Board of Directors of banks and represent banks.

Daly was entitled to notice of who his adversary was.

The Court could not possibly proceed without all of the parties in interest appearing before the Court.

This is essential to due process of law, as no appeal could possibly be taken by anyone to the next highest court without named parties. Without parties, no judgment can be entered determining the rights of anyone.

2. No lawful process has been issued by the Supreme Court.

The Referee acquired no jurisdiction over respondent because of a patent failure to comply with M.S.A. 484.04 which provides in full as follows:

A copy of 484.04 is photographed. 24

The Order to Show Cause signed by the Chief Justice of this Court, which process is the basis for the Court attempting to acquire jurisdiction over respondent in this proceedings was not in accordance with General Statutes 1927, Section 157, which provides that every writ of process issuing from the court of records shall be vested in the name of the presiding judge, signed by the clerk, sealed with the seal of the Court, and dated on the day of its issue, and before delivery to the officer for service, shall be endorsed by the clerk with the name of the attorney or other person procuring the same.

It is fundamental that a Court cannot acquire jurisdiction to proceed for any purpose without parties before it, as it is in violation of the due process clause of the Fifth and Fourteenth Amendments, and of the Minnesota Constitution.

Article I, Section 7, Minnesota Constitution, provides no person shall be deprived of life, liberty or property without due process of law.

In this case, the process was not signed by the clerk and sealed with the seal of the Court, nor was it endorsed by the clerk with the name of the attorney or other person procuring the same.

A violation of this statute makes the proceedings absolutely void. See *Wheaton v. Thompson*, 20 Minn. 196, *Gilfillan* 175: "A writ of attachment signed by the judge but not by the clerk and without the seal of the Court is void, and no Order thereunder is of any effect." See *State v. Barrett*, 40 Minn. 65: "The seal of the Court and not the seal of the clerk must be used." See also *State ex rel Graves v. Haugen*, 124 Minn. 456, 145 N.W. 167. See also *Schultz v. Oldenberg*, 202 Minn. 237, 277 N.W. 918, and *Melin v. Aronson*, 205 Minn. 353, 285 N.W. 830.

Minnesota cases universally hold that a process issuing from a court of record without the seal on it is absolutely void.

See United States Supreme Court case of *Aetna Insurance Company v. Hallock and Stoddard*, 73 U. S. 561, 18 L. Ed. 948, where it states: "A process, issuing from a court which by law authenticates such process with its seal, is void if issued without a seal."

The Order in this case directing the respondent to put in and file an Answer was without the signature of the clerk or the seal of the Court and was therefor absolutely void.

This case holds that where process must issue under the seal of the Court that "without the seal it is void, it can infer no authority, and all proceedings under it are simply void."

It is obvious that the Court acquired no jurisdiction over respondents.

3. The Court erred failing to grant respondent a right to a trial by a jury of his peers.

Amendment 1 of the Constitution of the United States being applicable to the states through the Fourteenth Amendment states the Congress will make no law abridging the right of the people to peaceably assemble and petition their government for redress of grievances nor abridging the right of freedom of speech or freedom of the press.

This proceeding is an attempt to deprive respondent of his rights to life, liberty, property, the right of self-defense, the right of freedom of association, the right of freedom to peaceably assemble before the courts and petition the judicial branch of the government of the State and Federal for a redress of grievances in his own behalf and along with other citizens of the United States.

This amounts to a substantial deprivation of rights to life, liberty and property, and all three of these rights without due process of law and without jury trial.

There can't be any question of the right of life, liberty, and property, and the right to freedom of association and freedom to peaceably assemble and petition the judicial branch of the government, for redress of grievances is a natural right, touching upon the rights of life, liberty, and property, and cannot be taken away without due process of law. See *National Association of Colored People v. Button*, 371 U. S. 415, 9 L. Ed. 2d 405, 83 Sup. Ct. 328. This case held that the National Association of Colored People could practice law without a license and even solicit people outside of their organization for purposes of bringing civil litigation to vindicate constitutional rights. This case also holds that a state may not, under the guise of prohibiting professional misconduct, ignore constitutional rights. See also *Schwere v. Board of Law Examiners*, 353 West 232, 1 L. Ed. 2d 796, 77 Sup. Ct. 752. See also *Brotherhood of Railroad Trainmen ex rel v. Virginia State Bar Association*, 377 U. S. 1, 12 L. Ed. 2d 89, 84 Sup. Ct. 1113, where the Supreme

Court of the United States held "the First Amendment's guarantees of freedom of speech, petition and assembly, give railroad workers the right to gather together for the lawful purpose of helping and advising one another in asserting their rights under the Safety Appliance Act, 45 U.S.C., Sections 1-43.

The Court further went on to state in this case that the First Amendment's guarantees of free speech, petition, and assembly are the rights of members to consult with each other in a fraternal organization and necessarily includes the right to select a spokesman from their number who could be expected to give the wisest counsel. "A state cannot foreclose the exercise of Federal constitutional rights by mere labels." Further, "a state cannot by invoking the power to regulate the professional conduct of attorneys infringe in any way upon the right of individuals and the public to be fairly represented in lawsuits authorized by Congress to effect a basic public interest in the associating together of laymen who cannot be expected to know how to protect their rights when dealing with practiced and carefully counselled adversaries. To help one another to preserve and enforce rights granted them under Federal Law cannot be condemned by a state as a threat to legal ethics no more than a state can interfere with the right to petition the courts by using more direct means to bar the individual from resorting to the courts to vindicate their legal rights."

To the same effect, see *United Mine Workers of America v. Illinois State Bar Association*, 88 Sup. Ct. Reporter, page 353, where it is stated with reference to the *United Mine Workers of America* representing members of the union in compensation cases. The Court stated:

"We start with the premise that the rights to assemble peaceably and petition for redress of grievances are among the most precious of the liberties safeguarded by the Bill of Rights. These rights moreover are intimately connected both in origin and in purpose with the other First Amendment rights of free speech and free press. All these, though not identical, are inseparable."

See also the case of Chandler v. Fertig cited as 348 U. S. 3, 99 L. Ed. page 475, Sup. Ct. page 1, where it is stated with reference to the right of an individual to select a lawyer of his own choice in a criminal proceeding in 99 Lawyers Edition on page 10: "Regardless of whether defendant would have been entitled to the appointment of counsel, his right to be heard through his own counsel was unqualified." In this proceeding, there is an attempt to disbar respondent, slander his good name, and prohibit him from appearing in any of the courts, State or Federal, as counsel for fellow citizens in civil or criminal cases.

These are basic constitutional rights which cannot be deprived under any circumstances without a constitutional right to a trial by a jury of one's peers, as it is a substantial deprivation of liberty.

It will be seen from the above recited constitutional provisions that the law of the land does not give anyone the right to disenfranchise respondents of their license, right or liberty to practice law and represent other people before the Court and to petition the government for redress of grievances.

The only other way it could be done would be pursuant to right to a trial by jury.

Respondents were deprived of their rights to a trial by jury.

Had respondent been convicted of a crime, then his civil rights could be deprived of him during the term of the conviction, judgment and sentence, but not otherwise. 30,

It was error for the Court to deny respondent the right to trial by jury in these proceedings.

4. The Statute of Limitations has run out on most of the charges which are set out in here against the respondent.

Minnesota Statutes Annotated 481.15 enacted in 1969, amended by laws 1969, Chapter 399, Section 499, effective July 1, 1969, are as follows:

Quote the statute in full

Pursuant to Amendments 1, Amendments 6, Amendments 9, and Amendments 14 of the United States Constitution and pursuant to the Bill of Rights of the Minnesota Constitution, the legislature of Minnesota passed this statute pursuant to the authority vested in them and granted them by the people.

This statute is constitutional, and sets a limitation upon actions which may be taken against an attorney to deprive him of his rights to peaceably assemble and petition his government for redress of grievances and his freedom of speech and freedom of press with other citizens, and to engage in his profession to practice law in keeping with his rights to life, liberty, property, and the pursuit of happiness.

This statute outlaws all complaints over two years old against respondent, which encompass almost all of the complaints contained in the petition and so-called accusation attempted to be issued out of the Supreme Court of the State of Minnesota in violation of law, and not under the seal of the Court and subscribed to by the clerk.

It was error to bring this proceeding as an original proceeding in the Supreme Court, when it should have been brought in the District Court of this state before a duly constituted Court of the district wherein the defendant resides and tried by a jury of his peers.

By virtue of Article VI of the Minnesota Constitution, the District Courts, Municipal Courts, and Courts of the Justice of the Peace are the courts of original jurisdiction in this state.

The Constitution limits the jurisdiction of the Supreme Court as to what proceedings may be originally commenced therein.

Other than the part of the statute granting a limitation on bringing and commencing a proceeding for the removal or suspension of an attorney at law, the rest of Minnesota Statutes 481.15 is unconstitutional and void, as it sets up a procedure which is unacknowledged by our laws and foreign to our Constitution for the deprivation of rights to life, liberty and property without due process of law and without notice and lawful procedure and jury trial.

Further, it does not indicate who the parties are to be. It is elementary that every proceeding must be brought in the name of the real party in interest.

The real party in interest in this case has to be the State of Minnesota.

This proceeding cannot be brought by the Minnesota State Bar Association or any committee connected thereto or anybody a member of the Minnesota State Bar Association, which is a private corporation, commonly known as the Minnesota State Bankers Association. It is a private organization set up for private purposes and private gain, in which self-interest is implicit. Note: Every member of the Practice of Law Committee of the Minnesota State Bar Association is on the Board of Directors and is a lawyer for some bank or banks in the State of Minnesota, as appears from Exhibit C attached and made a part of this brief.

The Minnesota State Bar Association is a private corporation, organized and existing privately under the laws of this state for private purposes. Since respondent does not belong to the Minnesota State Bar Association, it has no jurisdiction over him. The only thing that the Minnesota State Bar Association could do would be to expel a member from its organization which would be similar to expelling somebody from the Book of the Month Club, and has no greater legal force or effect than that.

All writs and processes issuing from the courts of the United States had to be signed by the clerk of the court from which they issued, and be under the seal of the court from which they issued. *Middleton Paper Co. v. Rock River Paper Co.*, C.C. Wis. 1884, 19 F. 252. See, also, *U. S. v. Sharrock*, D.C. Mont. 1921, 276 F. 30.

A summons must issue from the court and be sealed with the seal of the court. *Dwight v. Merritt*, C.C.N.Y. 1880, 4 F. 614.

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20 Am. Jur. 20, Courts:

§ 94. *Jurisdiction as dependent on application by party for relief.*

The general rule is that a court cannot undertake to adjudicate a controversy on its own motion; it can do this only when the controversy is presented to it by a party,⁴ and only if it is presented to it in the form of a proper pleading.⁵ A court has no power either to investigate facts or to initiate proceedings.⁶ Before it may act there must be some appropriate application invoking the judicial power of the court in respect to the matter sought to be litigated. Where a statute prescribes a mode of acquiring jurisdiction, that mode must be followed or

⁵ *United States v. Choate* (CA 5) 276 F. 2d 724, 86 A.L.R. 2d 1337 (before federal jurisdiction attaches in particular case, there must be suit instituted in regular course of judicial procedure); *Swing v. St. Louis Refrigerator & W. G. Co.* 78 Ark. 246, 93 S.W. 978 (jurisdiction of a court may be called into action only by party in some mode recognized by law); *Roberts v. Seaboard Surety Co.* 158 Fla. 686, 29 So. 2d 743; *Union Coal Co. v. La Salle*, 136 Ill. 119, 26 N.E. 506; *State ex rel. Clark v. Allaman*, 154 Ohio St. 296, 43 Ohio Ops. 190, 95 N.E. 2d 733.

Where complaint was filed in federal district court on January 12, and clerk did not issue summons until August 22, because of erroneous assumption that plaintiff was required to file undertaking for payment of costs in accordance with state statute requir-

accident occurred by reason of its defective construction, either in the use of poor material or otherwise, they would be liable to the plaintiff in damages; but if it was the duty of Wysong to furnish this frame-work, and it was defective, he would be the party liable in damages if the accident occurred on account of its being defective."

This made the defendants' liability entirely independent of negligence on their part, and for this reason there must be a new trial.

Order reversed.

IGNATIUS F. O'FARRELL vs. I. V. D. HEARD & another.

September 29, 1875.

Warrant of Attachment held Void.—A document purporting to be a warrant of attachment, issued by a court commissioner in 1865, and signed by him, but not signed by the clerk, or sealed with the seal of the court, was void.

Same—Title of Purchaser Unaffected thereby, or by Denial of Motion to Vacate.—

The title of a person to whom premises, assumed to be attached upon such pretended warrant, were conveyed after the attachment, was unaffected by the same, or by the fact that a motion to vacate the attachment, made by the attachment debtor, and which does not appear to have been pending when such person acquired his title, was denied, and no appeal taken from the denial.

Action under the statute to determine the adverse claims of defendants to certain lands in Fillmore county in possession of plaintiff, and to quiet plaintiff's title thereto. The defendant, Howell, answered, denying plaintiff's title, asserting title in fee in himself, and praying that his title be confirmed as against the plaintiff and his co-defendants, and for possession of the land. By consent of parties the action was referred to John Q. Farmer, Esq., who reported a judgment for the plaintiff, finding the facts substantially as follows: On January 2, 1865, one Burgess conveyed the land in suit to Frederic Wehman, (from whom both parties claim,

judge, and, therefore, need not be issued by the clerk, nor under the seal of the court. *Genin v. Tompkins*, 12 Barb. 265; *Greenleaf v. Mumford*, 19 Abb. Pr. 469; s. c., 30 How. Pr. 30. Our court commissioners have the power of a judge in vacation. Pub. St. ch. 7, § 80; Laws 1860, ch. 43; *Gere v. Avery*, 3 Minn. 352.

H. R. Wells, for respondent.

BERRY, J. Wehman became owner of the land to which this action relates in January, 1865. On May 6, 1865, in an action commenced against him by certain creditors, application was made to a court commissioner for a warrant of attachment. The court commissioner issued a pretended warrant of attachment, the same being a document signed by him as court commissioner, but not signed by the clerk, nor sealed with the seal of the court, or otherwise. Under the authority of this document the sheriff assumed to attach the land in question.

For the reasons assigned in *Wheaton v. Thompson*, 20 Minn. 196, the document referred to was, as a warrant of attachment, simply void, and the levy made under it incurably void also. There is nothing in the distinction between the *warrant* provided for under the law in force in 1865 and the *writ* provided for under the law in force in November, 1866, when the pretended writ referred to in *Wheaton v. Thompson* was issued; for, if there be any doubt whether the warrant be a writ, there can certainly be none that it is a process, and, therefore, required to be executed in the same way and with the same formalities as a writ, under Pub. St. ch. 57, §§ 12, 13.

On May 22, 1865, Wehman conveyed the land to Molinett, of whose title the plaintiff has become possessed. Subsequently judgment was recovered against Wehman in the action in which the pretended warrant of attachment was issued, and the land sold upon execution to defendant, Howell. Defendant's claim is that the attachment was valid, that Molinett took title subject to the lien created thereby,

run in the name of the state.⁹ That an execution does not run in the name of the state is a defect of form only which does not render it void.¹⁰ A writ of attachment signed by the judge, but not by the clerk, and without the seal of the court is absolutely void.¹¹ A writ of attachment need not show by what officer it was allowed.¹² An execution should be dated as of the day it issues from the clerk's office and not as of the day it is delivered to the sheriff.¹³ The seal of the court and not the seal of the clerk must be used.¹⁴ A writ may be signed by a deputy clerk.¹⁵ Writs of habeas corpus should be attested in the name of the presiding judge though granted by a court commissioner. But an attestation in the name of the commissioner is not fatal.¹⁶

7799. Statutory forms.

While there are authorities holding that an act of the legislature prescribing forms of process in legal procedure is mandatory, and that such forms must in all cases be used, such is not the rule in this state.¹⁷ A summons in form required by the law of another state is not valid in this state upon that ground.¹⁸

7800. When deemed issued.

A summons is deemed to have been issued when the action is commenced in compliance with the statute or rule on the subject of commencement of an action.¹⁹

7801. Pleading.

In pleading the process of a court of inferior and limited jurisdiction, it is necessary to allege every fact requisite to show that such court had

Schultz v. Oldenburg (1938) 202 Minn. 237, 277 N. W. 918. See 30 A. L. R. 700 (effect of informality). On process or papers to be served the attorney or a party appearing in person, besides subscribing or indorsing his name shall add thereto the name of the city, town, or village in which he resides, and the particular location of his place of business, by street, number, or otherwise. Rule 13, District Court.

9. See §7802.

10. Thompson v. Bickford (1872) 19 Minn. 17(Gil.1).

11. Wheaton v. Thompson (1873) 20 Minn. 196(Gil.175); O'Farrell v. Heard (1875) 22 Minn. 189.

12. Shaubhut v. Hilton (1862) 7 Minn. 506(Gil.412).

13. Mollison v. Eaton (1871) 16 Minn. 426(Gil.383).

14. State v. Barrett (1889) 40 Minn. 65, 41 N. W. 459.

15. Clements v. Utley (1904) 91 Minn. 352, 98 N. W. 188 (a writ signed "L. H. Prosser, Clerk, by

D. W. Bacon", sustained).

16. State ex rel. Graves v. Haugen (1914) 124 Minn. 456, 145 N. W. 167.

17. Lawton v. Barker (1908) 105 Minn. 102, 104, 117 N. W. 249.

18. Tharp v. Tharp (1949) 228 Minn. 23, 36 N. W. (2d) 1.

19. Minn. Rule Civ. Proc. 3.01, superseding Minn. St. 543.01 (Mason's Minn. St. 9224); Hudson v. Patterson (1913) 123 Minn. 330, 143 N. W. 792 (the words "at the time of issuing the summons" contemplate a compliance with the statute on the subject of the commencement of an action); Borgen v. Corty (1930) 181 Minn. 349, 232 N. W. 512 (to constitute the issuance of a summons it must be either served or delivered to the proper officer for service); Chapman v. Foshay (1931) 184 Minn. 318, 238 N. W. 637 (id.). See Action, §89; Webster Mfg. Co. v. Penrod (1907) 103 Minn. 69, 71, 114 N. W. 257 (a process is issued when filled out and completed, with an intention to have it served, or

PUBLICATION OF SUMMONS

--Cont'd

Form of summons--Defects--
Misnomer, 7830.

Personal service out of state, 7831.
Statutes and rules must be followed
and construed strictly,
7832.

When and how jurisdiction acquired,
7833.

Presumption of jurisdiction, 7834.

PUBLICATION OF SUMMONS

--Cont'd

Constitutionality of statutes, 7835.
Extent of jurisdiction acquired over
nonresidents, 7836.

ABUSE OF PROCESS

What constitutes, 7837.

Distinguished from malicious prosecution,
7838.

IN GENERAL

7797. Definition.

Process is a generic term applied in practice to the several writs issued in an action. It is so called because it "proceeds" from a court. In a broader sense it is nearly synonymous with "proceedings", and means the entire proceedings in an action from the beginning to the end.¹ An "original process" is one by which an action is commenced.² A civil action is commenced against each defendant when the summons is served upon him or is delivered to the proper officer for such service; but such delivery shall be ineffectual unless within 60 days thereafter the summons be actually served on him or the first publication thereof made.³ A notice of appeal is not process.⁴ "Process", for the purposes of the Minnesota Foreign Corporation Act, means all statutory notices and demands required or permitted to be served on natural persons or corporations, including the summons in a civil action, and all process which may be issued in any action or proceeding in any court.⁵

7798. Formal requisites.

The Constitution provides that the style of all process shall be, "The State of Minnesota."⁶ Under our Constitution legal pleadings and proceedings in our courts are under the direction of the legislature. By virtue of the power so granted, the legislature has, by statute, defined and provided the means and directions for the issuance of writs and process.⁷ It is provided by this statute that "every writ or process issuing from a court of record shall be tested in the name of the presiding judge, be signed by the clerk and sealed with the seal of the court, be dated on the day of its issue, and before delivery to the officer for service, shall be indorsed by the clerk with the name of the attorney or other person procuring the same."⁸ A summons is not a process or writ required to

1. Dorman v. Bayley (1865) 10 Minn. 383(Gil.306); Hanna v. Russell (1866) 12 Minn. 80(Gil.43); Wolf v. McKinley (1896) 65 Minn. 156, 68 N. W. 2.

2. Pierce v. Huddleston (1865) 10 Minn. 131(Gil.105).

3. Minn. Rule Civ. Proc. 3.01. See Action, §89.

4. In re Dahmen's Estate (1937) 200 Minn. 55, 273 N. W. 364.

5. Minn. St. 303.02, subd. 5 (Mason's Minn. St. 7495-1).

6. Const. Art. 6, §14.

7. Minn. St. 484.04 (Mason's Minn. St. 157); Schultz v. Oldenburg (1938) 202 Minn. 237, 277 N. W. 918; Melin v. Aronson (1939) 205 Minn. 353, 285 N. W. 830. See Constitutional Law, §1596.

8. State ex rel. Graves v. Haugen (1914) 124 Minn. 456, 145 N. W. 167;

injunction granted below is modified accordingly.⁸⁹ It is at least doubtful whether the legislature can determine what shall constitute a contempt of court.⁹⁰ A law providing for the consolidation of two or more banks or trust companies held not a legislative invasion of the judicial power of appointing trustees.⁹¹ Since Youth Conservation Act merely determines what the sentence will be for a youthful offender, and so is not operative as to district court cases until conviction by trial or plea of guilty, it does not violate constitutional provisions for separation of powers.⁹² The extent to which the legislature may prescribe rules of evidence is considered elsewhere.⁹³

1597. Delegation of legislative power.

The Constitution vests all legislative power in the legislature and there it must remain. The legislature cannot abdicate. It cannot surrender or delegate its legislative power. No one but the legislature can determine what the law shall be.⁹⁴

The legislature may not delegate its power to the executive or judicial departments of the government.⁹⁵

It is often difficult to discriminate, in particular cases, between what is properly legislative, and what is or may be executive or administrative, duty. The authority that makes the laws has large discretion in determining the means through which they shall be executed; and the performance of many duties, which they may provide for by law, they may refer to some ministerial officer, specially named for the duty. It is not every grant of powers, involving the exercise of discretion and judgment, to executive or administrative officers, that amounts to a delegation of legislative power. The difference between the departments undoubtedly is that the legislative makes, the executive executes, and the judiciary construes, the law; but the maker of the law may commit something to the discretion of the other departments, and the precise boundary of this power is a subject of delicate and difficult inquiry, into which a

89. *Gowern v. Nelson* (1940) 207 Minn. 642, 290 N. W. 795.

90. *State v. Binder* (1933) 190 Minn. 305, 251 N. W. 665.

91. *First Minneapolis Trust Co. v. Lancaster Corp.* (1931) 185 Minn. 121, 240 N. W. 459.

92. *State v. Meyer* (1949) 228 Minn. 286, 37 N. W. (2d) 3.

93. See *Evidence*, §3220.

94. *State v. Young* (1882) 29 Minn. 474, 551, 9 N. W. 737; *State v. Simons* (1884) 32 Minn. 540, 543, 21 N. W. 750; *State v. Chicago, M. & St. P. Ry. Co.* (1888) 38 Minn. 281, 298, 37 N. W. 782, rev'd on other grounds (1890) 134 U. S. 418, 10 Sup. Ct. Rep. 462, 702, 33 L. Ed. 970; *State v. Sullivan* (1897) 67 Minn. 379, 384, 69 N. W. 1094; *State v. Board Park Comrs.* (1907) 100 Minn. 150, 110 N. W. 1121; *State v. Great Northern Ry. Co.* (1907) 100 Minn. 445, 111 N. W. 289; *State v. Robinson* (1907)

101 Minn. 277, 285, 112 N. W. 269; *Brenke v. Belle Plain* (1908) 105 Minn. 84, 117 N. W. 157; *Williams v. Evans* (1917) 139 Minn. 32, 165 N. W. 495; *State v. Brothers* (1919) 144 Minn. 337, 176 N. W. 685; *State v. Oliver Iron Mining Co.* (1940) 207 Minn. 630, 292 N. W. 407, cert. den. 311 U. S. 719, 61 Sup. Ct. Rep. 439, 85 L. Ed. 468; *Panama Refining Co. v. Ryan* (1935) 293 U. S. 388, 55 Sup. Ct. Rep. 241, 79 L. Ed. 446; *A. L. A. Schechter Poultry Corp. v. United States* (1935) 295 U. S. 495, 55 Sup. Ct. Rep. 837, 79 L. Ed. 1570, 97 A. L. R. 947. See 19 Minn. L. Rev. 763, 801; 36 Col. L. Rev. 871 (bibliography of subject--comparison of American and European law); 21 Harv. L. Rev. 205; 48 Harv. L. Rev. 798; 33 Mich. L. Rev. 512; 44 Yale L. J. 856.

95. *Bridgie v. Koochiching County* (1948) 227 Minn. 320, 35 N. W. (2d) 537.

a state agent so as to affect a judgment;⁷⁹ to repeal a franchise;⁸⁰ or to make certain orders issued and received in payment for the construction of highways a legal indebtedness against counties.⁸¹ The legislature cannot determine a private controversy.⁸² The legislature may prescribe the procedure of courts.⁸³ It is provided by the constitution that "legal pleadings and proceedings in the courts of this state shall be under the direction of the legislature."⁸⁴ The legislature cannot deprive courts of the power to admit persons to practice law and to discipline and remove attorneys at law.⁸⁵ Minn. St. 481.15, subd. 2 (Mason's Minn. St. 5697, subd. 2), providing a 2-year period of limitation for the bringing of disciplinary proceedings against an attorney, held unconstitutional as an attempted invasion by the legislature of the judicial field.⁸⁶ The constitutionality of a statute limiting the power of courts over the disbarment of attorneys has been questioned but not determined.⁸⁷ While attorneys at law are officers of the courts they are not exempt from legislative regulation by virtue of their office, except in so far as such legislation may interfere with the discharge of their functions as officers of the courts.⁸⁸ The judicial branch of the state government, as a matter of comity and for the reasons stated in the opinion, accepts the legislative declaration of public policy relative to the unauthorized practice of law contained in Minn. St. 481.02 (Mason's Minn. St. 5687-1), in so far as it relates to the drafting by brokers, in transactions involving the sale, trade, or leasing of property or a loan thereon where they represent the parties or a party thereto, of instruments incident to such transactions where no charge is made for drafting such instruments; the making of a charge therefor is excluded from such acceptance and is disapproved. The

79. *State v. Torinus* (1881) 28 Minn. 175, 9 N. W. 725.

80. *Myrick v. Brawley* (1885) 33 Minn. 377, 23 N. W. 549.

81. *State v. Gunn* (1904) 92 Minn. 436, 442, 100 N. W. 97.

82. *Sanborn v. Rice County* (1864) 9 Minn. 273 (Gil. 258).

83. *Zimmerman v. Chicago & N. W. Ry. Co.* (1915) 129 Minn. 4, 151 N. W. 412; *State v. Johnson* (1927) 173 Minn. 271, 217 N. W. 351; *Jovaag v. O'Donnell* (1933) 189 Minn. 315, 249 N. W. 676. See 34 Harv. L. Rev. 424 (how far legislature may regulate judicial procedure).

84. Art. 6, §14; *State v. Day* (1937) 200 Minn. 77, 273 N. W. 684; *Schultz v. Oldenberg* (1938) 202 Minn. 237, 277 N. W. 918; *Melin v. Aronson* (1939) 205 Minn. 353, 285 N. W. 830; *In re Halweg's Estate* (1940) 207 Minn. 263, 290 N. W. 577; *In re Petition for Integration of the Bar of Minnesota* (1943) 216 Minn. 195, 12 N. W. (2d) 515. Petition dismissed (1948) 226 Minn. 578, 34 N. W. (2d) 157.

85. *Ex parte Secombe* (1857)

60 U. S. (19 How.) 9, 15 L. Ed. 565 (by the rules and practice of common law courts, it rests exclusively with the court to determine who is qualified to become or continue one of its officers, as an attorney and counselor of the court; the power being regulated, however, by sound and just judicial discretion--guarding the rights and independence of the bar as well as the dignity and authority of the court); *In re Greathouse* (1933) 189 Minn. 51, 248 N. W. 735; *Fitchette v. Taylor* (1934) 191 Minn. 582, 254 N. W. 910, 94 A. L. R. 310; *In re Petition for Integration of the Bar of Minnesota* (1943) 216 Minn. 195, 12 N. W. (2d) 515. Petition dismissed (1948) 226 Minn. 578, 34 N. W. (2d) 157.

86. *In re Tracy* (1936) 197 Minn. 35, 266 N. W. 88, 267 N. W. 142. See 20 Minn. L. Rev. 813; 35 Mich. L. Rev. 130.

87. *In re Friedman* (1931) 183 Minn. 350, 236 N. W. 703.

88. *LaBelle v. Hennepin County Bar Assn.* (1939) 206 Minn. 290, 288 N. W. 788.

which the court denied any jurisdiction over the case on account of the power of the Executive Department over its judgment by the 14th section of the act of 1863. That section was repealed by the 1st section of the act of March 17th, 1866.

The decree or judgment, in the present case, is that the claimant recover of the government a military land-warrant for one hundred and sixty acres of land, and that it be made out and delivered to the said Julian Alire by the proper officer, and the decree to be certified and remitted to the Secretary of the Interior. We find no provision in any of the statutes requiring a judgment of this character, whether in this court or in the court of claims, to be obeyed or satisfied. Nor does either court possess any authority to render such a judgment, as is apparent from a perusal of the 7th section of the act of 1863, and which is the only one providing for the rendition of a judgment or decree in any case before the court below.

Even if the 1st section of the act of 1855 and the 2d of 1863 could be construed as giving a jurisdiction in cases, other than money demands against the government, no judgment could be rendered by the court below, and, of consequence, the carrying into effect their finding must depend on the act of 1855. But we are of opinion that it was intended by the several provisions of the act of 1863 that the cases to be heard were to pass into a judgment as prescribed in the 7th section of the latter act, and hence they must be such in their nature and character as may admit of a judgment or decree in conformity with its provisions.

Our conclusion is that the court below had 577*] no jurisdiction of *this case, and that the decree must be reversed, and the cause remanded to the court with directions to enter a decree dismissing the petition.*

THE UNITED STATES, Appt.,

v.
JULIAN ALIRE.

Case of rejected pension claim.

After appeal dismissed, on motion, for involving too small an amount, cause reinstated on the docket, for purpose of special appeal by United States from court of claims, under § 5, act, Mar. 3, 1863.

[No. 114.]

APPEAL from the Court of Claims.

Mr. Justice Nelson delivered the opinion of the court:

This is a motion on the part of the United States to reinstate this cause on the docket, which was dismissed at this term and remanded back to the court of claims with a view to an amended or special appeal, under the 5th section of the act of March 3d, 1863. 12 U. S. Stat. 765, 766.

The cause was dismissed on the ground that it did not appear that the amount in controversy exceeded \$3,000. The same section provides "that when the judgment or decree will effect a class of cases or furnish a precedent for the future action of any executive department of the government in the adjustment of such class of cases, . . . and such facts shall be 948

certified to by the presiding justice of the court of claims, the Supreme Court shall entertain an appeal on behalf of the United States, without regard to the amount in controversy."

The case involves the right of the claimant to a military bounty land-warrant under the acts of Congress passed March 3, 1855, and May 14, 1856, which claim had been rejected by the Commissioner of Pensions, and the rejection confirmed by the Secretary of the Interior. The case would seem to fall within the provision providing for a special appeal on behalf of the government. We see no valid objection to the motion, and therefore direct the cause to be reinstated on the docket, and the record remanded back to the court of claims for such further proceedings as may seem fit and proper in the cause as it respects the appeal prayed for.

*THE AETNA INSURANCE COMPANY [*556
and Joseph Bennett, Plffs. in Err.,
v.

DOE, ex dem. ALLEN C. HALLOCK and William C. Stoddard.

(See S. C. 6 Wall. 556-561.)

Process which requires a seal is void without one—void process confers no authority—Indiana law.

A process issuing from a court which by law authenticates such process with its seal is void if issued without a seal.

If an officer's power to sell depends upon a process, and that process shows on its face that it is void, it can confer no authority, and all his proceedings under it are simply void.

Under the Indiana statute the sheriff could not sell land on foreclosure sale without an order of sale certified under the seal of the court.

[No. 124.]

Argued Mar. 25, 1868. Decided Apr. 6, 1868.

IN ERROR to the Circuit Court of the United States for the District of Indiana.

The case is stated by the court.

Messrs. A. G. Porter, R. M. Corwine, for plaintiffs in error:

The general rule in judicial sales is that the purchaser is not bound to look beyond the "judgment, levy and sale." All other steps are merely directory to the officer (*Jackson v. Bartlett*, 8 Johns. 361; *Jackson v. Rosevelt*, 13 Johns. 101); such as the issuing of an execution after a year and a day without a revivor.

As between the parties to the process or their privies, the return is usually conclusive, and not liable to be collaterally impeached.

1 Litt. 66, 129; 17 Mass. 601; 4 Mass. 479; 7 Pick. 551; 3 Mon. 351; 10 Pick. 169; 2 N. H. 79, 81; 1 Pet. C. C. 441; 1 Carter (Ind.), 427, and 2 Carter (Ind.), 252, both same cases.

Besides the cases just cited, in the case of *Sowle v. Champion*, 16 Ind. 165, it is held that an order of sale, issued on a decree of foreclosure, which does not set out a copy of the decree, is informal, under the statute, but is not void, and if not set aside on defendants' motion, all acts done under it are valid.

This law being, then, merely directory to the clerk, the absence of any of these acts fail to be

NOTE.—Effect of writ or process issued without seal of court—see note, 20 L. R. A. 424.

73 U. S.

of the essence of the thing required to be done. As long as it appears that the process did actually issue out of the clerk's office, and as such came to the sheriff, the law was complied with and he might well execute it. Being satisfied that it was a true copy of the decree and judgment entered in the case, and that it was the act of the clerk, he could go on and obey its mandate. The supreme court of that state says the seal, etc., might be there or not. Being directory only, its omission ceased to be of any particular consequence after the sale. It was not essential.

1 Burr. 447; *Doe v. Harter*, Cart. Ind. 253. Messrs. Conrad Baker, Hughes, Denver & Peck, for defendants in error:

We insist:

First. That an execution not authenticated by the seal of the court from which it is issued, is a nullity.

Bouvier in the third volume of his Institutes, at page 573, in treating of Executions, says: "It (the execution) must be signed by the clerk of the court, and sealed with the seal."

And in note "a" to the same page, it is said: "An execution issued without a seal from a court having and using a seal, is void, and of course all proceedings under it are void also; but if it be sealed, although it is not signed by the clerk, it is valid."

See *Hall v. Jones*, 9 Pick. 446; *Ex parte Smith*, 15 Pick. 446; *Witherell v. Randall*, 30 Me. 170; *Rybee v. Ashby*, 2 Gilm. Ill. 151, and especially 166; *Tibbetts v. Shaw*, 10 Me. 204.

Second. We further insist that there is an additional reason why this process should be held to be void, because of the absence of the seal of the court, which does not apply to ordinary executions. That reason is, that a certified copy of the decree of foreclosure is not, *per se*, an execution; but is made to have the effect of an execution by statutory enactment; and the statute which gives it this extraordinary effect, in terms requires it to be sealed with the seal of the court.

Mr. Justice Miller delivered the opinion of the court:

This is an action to try the title to land, in which the defendants below, who are plaintiffs in error, had possession, claiming under a judicial sale in proceedings to foreclose a mortgage. It was admitted that plaintiffs below had the legal title to the land in controversy, unless it had been divested by those proceedings.

The single question decided by the circuit court, which we are called on to review, is thus set forth in the bill of exceptions:

The defendant having introduced a transcript of the record of the proceedings under which they claimed title from the court of common pleas of Vanderburgh county, "the plaintiffs then offered in evidence the original order of sale issued to the sheriff on the decree of foreclosure, and upon which order of sale the sheriff sold to said defendant, Bennett, the premises in controversy, which order of sale appeared, on inspection thereof, not to have been issued under the seal of said court of common pleas of Vanderburgh county, and not to have had the seal of said court impressed thereon, or in any manner annexed thereto." "And the court, because

said order of sale was not issued under the seal of said court of common pleas of Vanderburgh county, did find for plaintiff, to which finding of the court the defendants at the time excepted."

If the paper here called an order of sale is to be treated as a writ of execution or fieri facias issued to the sheriff, or as a process of any kind issued from the court, which the law required to be issued under the seal of the court, there can be no question that it was void, and conferred no authority upon the officer to sell the land.

The authorities are uniform that all process issuing from a court, which by law authenticates such process with its seal, is void if issued without a seal. Counsel for plaintiffs in error have not cited a single case to the contrary, nor have our own researches discovered one.

We have decided in this court that a writ of error is void for want of seal, though the clerk had returned the transcript in obedience to the writ. *Overton v. Check*, 22 How. 46, 17 L. ed. 285.

*We have held that a bill of exceptions [*559 must be under the seal of the judge. *Pomeroy v. Bk. of Ind.* 1 Wall. 592, 17 L. ed. 638; and see also *Boals, Lessee, v. King*, 6 Ohio, 11; *Rybee v. Ashby*, 2 Gilm. 157; *Tibbetts v. Shaw*, 10 Me. 204; *Witherell v. Randall*, 30 Me. 170; *State v. Curtis*, 1 Hayw. (N. C.) 471; *Hall v. Jones*, 9 Pick. 446.

It is true that the paper now under consideration is not an ordinary fieri facias, nor is it any other common-law writ. It may be well, therefore, to consider what is its relation to the writ of fieri facias, and especially whether it was essential to the authority of the sheriff to make the sale. That the ordinary writ of fieri facias is the authority of the sheriff to levy on property and sell it is undoubted, and needs no reference to authorities to support it; and if the supposed writ is void, then the levy and sale are also void, and not merely voidable, because they are made without any authority on the part of the officer.

The decisions cited by counsel are all cases where process was issued irregularly, in point of time, or where the officer has not proceeded according to some statutory requirement which was directory to him, but did not affect his power to sell.

But if his power to sell depends upon a process, and that process shows on its face that it is void, it can confer no authority, and all his proceedings under it are simply void.

The question then recurs, Did the authority of the sheriff to make the sale on which plaintiffs in error rely, depend upon the order of sale issued by the court of common pleas?

In courts which pursue the chancery practice in foreclosing mortgages, unaffected by statutory provisions, the sale is made by a commissioner appointed by the court. This is usually one of the standing master commissioners of the court, or, for reasons shown, some special commissioner for that purpose. In neither case does any process or order under seal of the court issue to the commissioner. He may, if he thinks proper, procure a copy of the decree and order appointing him commissioner, or if the party who wishes "the decree exe- [*560 cuted thinks proper in this mode to demand of him to proceed, he may furnish him such copy.

2. The Court erred in assuming Jurisdiction over Respondent on Sept. 5, 1969 and without due process of Law, charges, hearing, notice and Judgment, in finding Respondent in Contempt and suspending Respondent's License to practice Law.

Respondent is charged with deliberately disregarding a Writ of Prohibition issued by the Supreme Court on July 11, 1969.

Respondent acting as Attorney for Leo Zurn in an action against the N.W.National Bank of Minneapolis obtained a Summons in a Civil Action from the Justice of the Peace Court in Credit River Township, Scott County, Minnesota.

The Summons and Complaint issued by the Justice of the Peace was returnable on July 11, 1969 at 7:00 P.M. It was served upon the Bank on July 3, 1969.

Gordon Busdicker, Attorney for N.W.National Bank, made no appearance before Justice of the Peace, Martin V. Mahoney nor did he attempt to otherwise contact him for any purpose. Busdicker appeared before Supreme Court Justice, C. Donald Peterson on July 11, 1969 at about noon (T.Vol. 4, page 61). Busdicker was directed to notify DALy of the application of prohibition, but when the time for the hearing before Justice Peterson was set he informed the Court that he could not locate either Daly or Justice Mahoney.

The jurisdictional requirements for the issuance of a Writ of Prohibition are set forth in MSA 587.01; "Writs of prohibition shall be issued only by the supreme Court and shall be applied for upon affidavit, by motion to the Court, or to a Judge thereof in vacation. If the cause shown appears to be sufficient, a Writ shall be issued."etc.

No Motion or Notice of Motion was presented to the Supreme Court with proof of service upon Daly and Mahoney. The Writ was not applied for upon Affidavit or verified petition. Rule 19 of the Supreme Court Rules directing that the Writ of Prohibition be signed by the Clerk, with the Seal of the Court, tested of the day when the same issued, and made returnable in accordance with the Order of the Court was not complied with. No Writ of Prohibition was issued by the Clerk.

Daly, on behalf of his client Leo Zurn, made a motion for summary Judgment and asserted that the Order of Justice Peterson was a nullity because the Statutes prescribing the mode of acquiring Jurisdiction were not complied with in Writ of Prohibition proceedings. Justice of the Peace Martin V. Mahoney granted the Motion and on July 14, 1969 entered a summary Judgment in favor of Zurn.

At no time, either before or after the entry of Summary Judgment by Justice Mahoney did the Bank or its Attorney make any application to the Justice of the Peace for relief of any kind, nor did the Bank or its Attorney make any request upon Mr. Daly before going to the Supreme Court for a citation of contempt.

Based upon Rule 19 of Supreme Court Rules, upon MSA 587.01, 20 American Jur. 2d, Courts Sec. 94, "Where a statute prescribes a mode of acquiring jurisdiction, that mode must be followed or the proceedings and resulting Judgment will be null and void and the judgment subject to collateral attack."

The General Statutes of Minnesota, 1927, Sec. 157, MSA 484.04 provides; "Every Writ or Process issuing from a Court of REcord shall be tested in the name of the presiding Judge, be signed by the Clerk and Sealed with the Seal of the Court----"

Taken from State vs. Barrett, 40 M 70

The clerk of the district court is not one of the officers who are by law specially required to have a seal. The court itself must have one; and in the attestation of papers, and upon all writs and process, the seal of the court, not that of the clerk, must be impressed. Gen. St. 1878, c. 22, § 2, and c. 64, §§ 12, 13.

Taken from Longdon vs. Minn. Farmers Mutual Fire Insurance Co.

BERRY, J. Wehman became owner of the land to which this action relates in January, 1865. On May 6, 1865, in an action commenced against him by certain creditors, application was made to a court commissioner for a warrant of attachment. The court commissioner issued a pretended warrant of attachment, the same being a document signed by him as court commissioner, but not signed by the clerk, nor sealed with the seal of the court, or otherwise. Under the authority of this document the sheriff assumed to attach the land in question.

For the reasons assigned in *Wheaton v. Thompson*, 20 Minn. 196, the document referred to was, as a warrant of attachment, simply void, and the levy made under it incurably void also. There is nothing in the distinction between the warrant provided for under the law in force in 1865 and the writ provided for under the law in force in November, 1866, when the pretended writ referred to in *Wheaton v. Thompson* was issued; for, if there be any doubt whether the warrant be a writ, there can certainly be none that it is a process, and, therefore, required to be executed in the same way and with the same formalities as a writ, under Pub. St. ch. 57, §§ 12, 13.

Taken from *Wheaton vs. Thompson* 20 M. 199

SAINT PAUL, MINNESOTA, APRIL, 1873

199

Wheaton v. Thompson et al.

At the trial of the action of claim and delivery, the defendant therein introduced all the writs of attachment in which the plaintiffs' names are specifically

mentioned in the above extract from the answer, and one other in which James W. Dresser and wife were plaintiffs.

It further appears that in addition to these writs of attachments said defendant Wheaton "held what he claimed to be a writ of attachment in an action pending in said court in which Brown & Smith were plaintiffs, and said Hempel defendant, and that prior to the commencement of the action of claim and delivery he levied the same upon said stock of goods which he claimed to hold under and by virtue of all said writs. The so called writ of attachment in the action brought by Brown & Smith was signed N. M. Donaldson, judge district court fifth district," but was not signed by the clerk, nor sealed with the seal of the court, or otherwise.

Under the law in force at the time when the pretended writ purports to have been issued, the district judge had authority to allow a writ of attachment. *Gen. St., ch. 66, §§ 129, 130.* But by section 13, ch. 64, tit. 1, *Gen. Stat.*, the writ was required to be sealed with the seal of the court, and to be signed by the clerk.

Whatever might have been the case if the paper in question had been signed by the clerk, or sealed with the seal of the court of which the clerk is the proper custodian, the signature of the judge without the seal, and without the signature of the clerk, is ineffectual to make it a writ of attachment. While the judge's signature might be regarded as an allowance of a writ of attachment, it does not make the document signed a writ of attachment for the simple reason that the writ is purely statutory, and the statute does not authorize the judge to issue it.

If the writ had been issued by an authorized officer, any mere irregularities in the manner of issue might have been cured by amendment, but in this case, the pretended writ is as a writ simply void, and of course any levy made under it is incurably void also.

This pretended writ was not introduced in evidence upon the trial of the action of claim and delivery. If it had been offered, it would have been inadmissible, not only because void, but because, not being duly issued out of or under the seal of the court, it was not one of the writs pleaded in the answer either specially or generally.

In conclusion on assignment No. 2., at no time did Respondent ever consent to the Jurisdiction of the Court over his person by reason of the several defective services of process. At each and every occasion when the Court attempted to proceed without Jurisdiction Respondent objected and maintained a Special Appearance.

3. The Referee erred in finding that Respondent was in violation of U.S. District Judge, Roy L. Stephenson's Order dated June 20, 1968.

See the Testimony of Roland D. Graham, Vice President and General Counsel of the Federal Reserve Bank of Minneapolis to be found in the record herein and set out above in the statement of facts. Graham admits that the Federal Reserve and National Banks create credit out of nothing with which they are acquiring United States and State Securities.

Where is the Consideration? What are these private Bankers parting with? The simple Answer is they are parting with nothing. The Bonds they have acquired and the Mortgages they have acquired with which they have enslaved the American People are all absolutely void. The reason THESE PRIVATE BANKERS HAVE ACQUIRED THESE BONDS BY FRAUD.

See the Decision of Justices of the Peace, Martin V. Mahoney, Robert L. Mahoney, George Kelzer and William Drexler a copy of which are to be found in a separate appendix filed herein.

How can there be any question. Where are the Dollars as defined by Statute and which square with the Constitution of the United States that these Bankers loaned to the People or their Government?

They do not exist.

Unbelievable, in the face of this fraud, a United States District Judge has entered an Order restraining Alfred M. Joyce from ever bringing the issue up again in any further litigation concerning the theft of his farm. The Order is void as prohibiting free access to the Courts in violation of the Bill of Rights to the Constitution of the United States.

Furthermore, the claim that Respondent should have appealed the so called restraining Order in Joyce vs. Commodity Credit Corporation and others for stealing his farm in the U.S. District Court, should have been appealed by Respondent is absurd.

Since Respondent was not a party, likewise, Respondent could not appeal. See State v. Probate Court 200 Minn. 167, 273 N.W. 636 and Midland Loan Finance Co. v. Lorentz, 209 Minn. 278 296 NW 911 where it is quoted " An Attorney at Law does not have a right, by reason of appearance in litigation for a client, to have a review of a Judgment of decision rendered in such litigation."

288

200 MINNESOTA REPORTS

UPON APPLICATION FOR REARGUMENT.

On March 7, 1941, the following opinion was filed:

JULIUS J. OLSON, JUSTICE.

Plaintiff asks that our original opinion "should be so modified as to preserve plaintiff's right to proceed against Madsen, the car dealer" and assignor of the conditional sale contract upon which the present suit was brought.

The petition is denied since Madsen was not a party to the cause and as such not "directly interested in the subject-matter" of the action. He had no right to control the proceedings or to examine and cross-examine witnesses, nor could he have appealed from the order or judgment finally entered. Clearly, then, no rights or remedies as between plaintiff and Madsen were in any way involved or determined in the present cause. Counsel should know that this is so since no one but the parties to the cause, or their privies, could be bound by the result here reached. Madsen has not intervened or applied for leave to become a party, hence he is a "stranger" to this cause. 5 Dunnell, Minn. Dig. (2 ed.) §§ 7314, 7314a, and cases cited under notes; State v. Tri-State T. & T. Co. 146 Minn. 247, 251, 178 N. W. 603; State ex rel. Nordin v. Probate Court, 200 Minn. 167, 169, 273 N. W. 636.

Other matters concerning which complaint is again made were considered and determined in our former opinion, to which we adhere.

Petition denied.

There is no contempt of Judge Stephenson's Order of June 20 restraining Alfred M. Joyce from litigating the same issues raised in his pleading over again.

Respondent was not a party to the proceedings and could not be bound by any Judgment or Order rendered therein. In order to be bound by an Order or Judgment one must be a party. See 30 Am Jur Sec. 24 on Judgments.

30A Am Jur

JUDGMENTS

§ 24

of this rule is not affected by the judicial discretion of a court.¹ In order to confer jurisdiction on a court to render judgment, the subject matter must be presented for its consideration in some mode sanctioned by law.²

§ 24. —Parties.—It is essential to the proper rendition of a judgment in personam that the court have jurisdiction of the parties,³ even though such parties have knowledge, as distinguished from notice, of the action,⁴ and, indeed, even though they are present at the trial.⁵ Even in an action in rem, a judgment in personam may not be rendered if the court lacks jurisdiction of the parties.⁶ A judgment ordering a defendant to pay over money may be validly rendered only when the court has jurisdiction of the person of the defendant.⁷ A personal judgment rendered without jurisdiction is void

Massachusetts.—Smith v Hill, 232 Mass 188, 122 NE 310, 2 ALR 1667, affd 260 US 592, 67 L ed 419, 43 S Ct 219 (declaring that ordinarily one who asserts the binding force of a judgment by any court must show jurisdiction by that court over the person

sought to be charged with the force of the judgment).

Michigan.—Sawart v Eaton, 287 Mich 466, 283 NW 2d 129 ALR 1354.

Minnesota.—Anders Trust Co. v Davidson, 146 Minn 241, 178 NW 735; Bordwell v Collins (Bordwell v Anderson) 44 Minn 97, 46 NW 315, 9 LRA 152, 20 Am St Rep 547.

3 United States.—Employers Reinsurance Corp. v Bryant, 299 US 374, 81 L ed 289, 57 S Ct 273; Grignon v Astor, 2 How 319, 11 L ed 283; Kroese v General Steel Castings Corp. (CA3d) 179 F2d 760, 15 ALR2d 1117, cert den 339 US 983, 94 L ed 1386, 70 S Ct 1026.

Missouri.—Noell v Missouri P. R. Co. 355 Mo 687, 74 SW2d 7, 94 ALR 634; Adams v Cowles, 95 Mo 501, 8 SW 711, 6 Am St Rep 74.

Montana.—Holt v Sather, 81 Mont 442, 264 P 108.

4. The Referee errored in finding that there was any impropriety in litigation by Respondent at Attorney or otherwise with reference to the Unconstitutionality of the Federal Reserve and National Banking System and the complete lack of legal Tender in the U.S.

The Facts and the Law do not support this Charge. See for foregoing arguments and the Testimony of Roland Garham, General Counsel of the Federal Resesrve Bank of Minneapolis.

See also decisions set forth in Apendix to this Brief filed herein.

5. The Referee errored in finding any misconduct on the part of Respondent in connection with charge No. 3 in the Peterson vs. Peterson Divorce Case.

Respondent is charged with securing funds in the hands of a receiver and that he did in fact misappropriate a sum or sums of money in violation of an Order of the Hennepin County District Court, in the case of Dr. Palmer Peterson vs. Faye v. Peterson.

There is no evidence that Daly secured or obtained any fnds which were in the hands of the receiver nor did Daly misappropriate any sum of money in violation of Orders of the Court directed to Daly nor is there any evidence that Daly did advise Dr. Peterson, his client, to violate any Orders of the Court commanding Dr. Peterson to refrain from or to do any thing.

Likewise, no Orders were issued by the Court under the Seal of the Hennepin County District Court and signed by the Clerk directing Dr. Peterson to do or refrain from doing any thing. Therefore, it was not possible for Respondent to advise Dr. Peterson to violate a Lawful process of the Court.

6. The Referee erred in finding that there was any misconduct on the part of Respondent in filing affidavits of prejudice in any Court.

The slightest reflection by any one upon the First Amendment Rights to Peaceably Assemble and to Petition the Judicial Branch of the Government for a redress of grievances and the right to the untrameled access to the Courts and to fair and ~~impartial justice would lead to the inescapable~~

impartial justice would lead to the inescapable conclusion that an Attorney should have the same

right to freedom of speech as any other citizen. Further Daly testified that any affidavits and pleadings that he filed criticizing public officials was done without malice and for the constructive purpose of correcting their activity to conform to the Constitution. Daly has harbored no malice against any public official and has not refused to discuss any subject at any time with them as is evidenced by the

admissions of Judge Friedrich as follows:
(Transcript Vol II. page 47-8)

Q. Now, John, I have never refused to talk to you at any time, have I, about anything?

A. Well, you have always answered questions when I have put them to you, yes, Jerome.

Q. And when you adjourned Court on occasion to go into chambers and talk things over and I went in with you, didn't I?

A. Correct.

7. The Referee erred in finding that there was any impropriety on the part of Respondent in Charge No. V. in regard to Traffic Cases that

Respondent was listed as Attorney in.

In traffic cases Daly is charged with failing to advise clients of dates of appearances.

Kenneth Dorholt, of the Municipal Court of Minneapolis is the only person to testify on this charge. The cases involved minor traffic offenses. (TVol II page 70.) There was nothing to indicate that DALY appeared with any of the clients at the first appearance. Dorholt testified as follows:

Q I told you to notify them(the clients) directly?

A.(previous answer- A. No, Sir. I remember I recall one instance where you asked me why I don't notify your clients.)

A. (Dorholt continuing) Yes, and I told you I wouldn't do that as long as you appeared as the Attorney of Record; that our notices go out to the attorneys only.

Mr. Daly: I have no further questions.

Daly further testified that in 1964 he secured the release of a client from jail to Daly's custody and the client was released on his own personal recognizance. The client was not heard from again. The Hennepin County Municipal Court had a privileged list of Attorneys who could secure releases of their clients to the Attorney's custody. Daly stated he never tried to get on the list again because Daly was of the opinion that it is improper for a Lawyer to exercise the custodial dominion over his client as it could precipitate an adversary situation calling for a release of the client in a Habeas Corpus proceeding, especially where the jurisdiction of the Court to hold or demand the presence of the Defendant came into issue.

8. The Referee errored in finding that Respondent errored in securing files and in refusing to deliver them up upon Appeal or upon Order of Superior Courts.

There is no proof that Daly violated an Order of the Court to deliver up a file.

Justice Mahoney refused to allow an Appeal upon his own decision that the Appeals statutes had not been complied with for Appeals from the Justice Court to the District Court. The First National Bank of Montgomery could have brought an Attachment proceeding against Mahoney, made him a party, compelled him to produce the file and to allow the Appeal. The Bank did not choose to proceed according to Law. The evidence shows that Justice of the Peace Mahoney had control of his own file at all times. The Justice decided that the deposit of two one Dollar Federal Reserve Notes did not comply with the requirements of the Appeals Statutes which conditioned an Appeal upon the deposit of Two Dollars with the Clerk of the District Court. The Bank did not appear at the hearing set before Justice Mahoney to determine the validity of the two One Dollar Federal Reserve Notes nor did it appeal from his decision holding the Notes Void for any purpose.

9. The Referee errored in finding that there was any unethical or improper conduct on the part of Respondent for pleading the 5th amendment on income tax returns and on other occasions.

The United States Supreme Court has held in the case of Spevack v. Klein that a Lawyer cannot be disbarred by reason of the fact that he has taken the 5th amendment privilege of refusing to answer upon the grounds that to do so might tend to incriminate him under either State or Federal Law. See 87 S. Ct. 625, (1967).

10. The Referee erred in finding any improper conduct on the part of Respondent in the Krull or RAY Salfer matters.

IN the first place Respondent was never lawfully suspended from practice in this State.

No Judgment or Order was issued under the Seal of the Supreme Court and signed by the Clerk there of which adjudged or decreed that Respondent could no longer peaceably assemble and petition the Judicial Branch of the Government with clients and other citizens for a redress of grievances.

For the necessity of such process see the foregoing arguments.

Furthermore, respondent, in a criminal case does not need a license to practice Law. See appendix attached hereto for a part of a brief on the very issue now pending before one of the Circuit Courts of Appeals in the Federal Courts. The Citizen has the absolute right to Counsel of his choice in a Criminal Case whether the Counsel is licensed or not.

See the Power of Attorney for filed in the Appendix hereto and also see the brief in the appendix.

The Findings of the Referee also contain bombast and slander of a dead person completely outside the charges and evidence and without any proof. Before there can be a conspiracy there must be an unlawful purpose. It is interesting to note that as a reward for his slander of the name of a dead person the Referee, C. Donald Odden lower himself in accepting an appointment to the Board of Governors of the Minnesota State Bar Association, the adversary of Respondent herein.

his choice in a Criminal case whether the Counsel is licensed or not.

CONCLUSION

The motives of those instrumental in the conduct of the proceedings is a proper matter for consideration in connection with the evidence offered of the Respondent's guilt. See State Board vs. Byrnes 97 Minn. 534, 105 N.W. 965.

Every member of the Minnesota State Board of Law Examiners is either on the Board of Directors of a Bank or is Counsel for a Bank or Both. Here it is.

THE MINNESOTA STATE BOARD OF LAW EXAMINERS

No Lawyer can be admitted to practice Law upon graduation from Law School, (which now takes 8 years of College), until he has passed a Bar Examination given and administered by this Board.

The Board of Law Examiners also files Petitions for the disbarment of Attorneys.

In 1969 and 1970 the Board of Law Examiners was composed as follows:

John W. Padden, Chairman of Board of Law Examiners and President of Minnesota State Bar Association. This Board member is from Crookston, Minnesota. He is a member of the firm of Padden, Dickel, Johanson & Wall. John W. Padden is President, Chairman of the Board of Directors and Counsel for the Polk County State Bank. His Partner Morris Dickel is on the Board of Directors of the Crookston National Bank and the firm is Counsel for the Bank.

Gerald S. Rufer, 1st National Bank Bldg. Fergus Falls, Minnesota. Member of Board of Law Examiners. Rufer is Counsel for The First National Bank of Fergus Falls and Security State Bank of Fergus Falls.

Donald D. Harries, member of Minnesota State Board of Law Examiners. Harries is a member of the firm of Sullivan, Mc Millan Hanft & Hastings. This firm is Counsel for the Northern City National Bank of Duluth. Francis C. Sullivan of the Law firm Harries is a member of is also on the Board of Directors of this Bank. They office at 1200 Alworth Bldg. and also represent Insurance Companies. The Bank is one of the biggest in Duluth. This Bank has stolen more than 31 million in U.S., State and Municipal Securities by manufacturing or forging credit upon their books.

C. Allan Dosland, member of Minnesota State Board of Law Examiners. He is an Insurance Lawyer and is a member of the firm of Victor Reim and Sidney P. Gislason. See the run down on Sidney P. Gislason above on page___. Dosland's boss Victor Reim is on the Board of Directors of the American National Bank of St. Paul and the Citizens State Bank of New Ulm.

Kenneth M. Anderson, 300 Roanoke Bldg. Minneapolis, Minn. is also on the State Board of Law Examiners. He is a member of the firm of Cant, Haverstock, Gray, Plant & Moody. Franklin D. Gray is on the Board of Directors of Midland National Bank of Minneapolis. This Bank is affiliated with the Northwest Bancorporation. The firm does Corporate work in the main. Anderson is chairman of the State Board of Law Examiners and definitely is under the direct domination of the Bankers.

James Reitz, Member of the Minnesota State Board of Law Examiners; He is Counsel for and Represents the Security Bank and Trust Co. of Owatonna, Minnesota.

28 out of the 36 members of the Board of Governors of the Minnesota State Bar Assn are on the Boards of Directors and are Counsel for one or more Banks.

At least 10 out of the 19 members of the State Board of Professional Responsibility, recently appointed are on the Boards of Directors or are Counsel for Banks, Richey B. Reaville is head of the firm that represents the First American National Bank of Duluth.

Fallon Kelley, Associate Justice of the Supreme Court of Minnesota was, prior to his appointment, on the Board of Directors of the American National Bank of St. Paul and the Drovers State Bank of So. St. Paul.

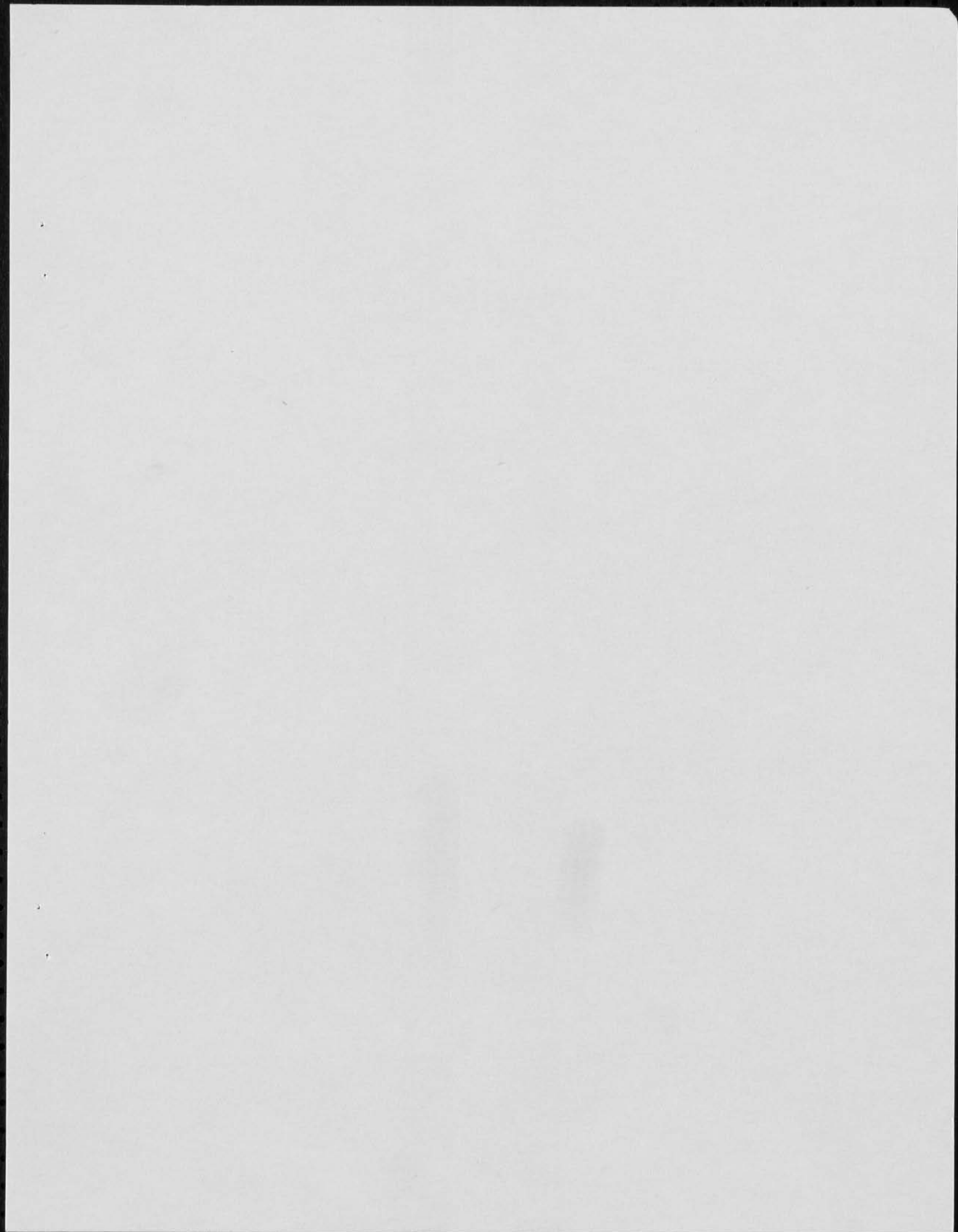
The Minnesota State Board of Law Examiners is engaged in theft of United States and State Securities by aggravated forgery using false entries upon the books of Banks to carry out the theft.

This proceeding is brought against Jerome Daly because he effectively exposed this fraud and theft. It was not until after it was accidentally exposed by International Finance News Papers that the Board of Governors of the Federal Reserve System ordered the license of Jerome Daly and William E. Drexler to be suspended and that they be disbarred.

The right to practice law in Minnesota exists solely at the whim of the National and International Bankers who have already wrecked the United States.

These proceedings ought to be dismissed.

Jerome Daly
28 East Minnesota Street
Savage, Minnesota



CLERK OF MINNESOTA APPELLATE COURTS
245 MINNESOTA JUDICIAL CENTER
25 CONSTITUTION AVENUE
ST. PAUL, MN 55155
(612) 296-2581

October 1, 1991


State Archives
MN Historical Society Research Center
1500 Mississippi Street
St. Paul, MN 55101

Re: Supreme Court file 42174, In Re the Discipline of
Jerome Daly.

To whom it may concern:

Please add the attached document to the above file. It may be helpful for you to know that it is a two box file. I recently visited your office to view the file, so I know that it is there. If you have any questions or if you need further information, you may contact me by phone at 296-9540. Thank you for your help.

Sincerely,



Deborah A. Walsh
Assistant Clerk

enc.

ORIGINAL

OFFICE OF
APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF MINNESOTA

AUG 22 1991

In Re: Jerome Daly

No. 42174

FILED

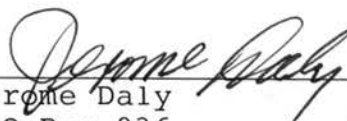
Whereas, I Jerome Daly, have written the Clerk of the Supreme Court of Minnesota several times asking for a certified copy of the Judgment Roll in the above proceedings, and whereas all of my letters have gone unanswered, and,

Whereas, I have called the Clerk's Office several times for a copy of said Judgment Roll, all to no avail,

NOW THEREFORE, I, Jerome Daly, hereby move the Supreme Court of Minnesota to Order the Clerk of the Supreme Court of Minnesota to furnish me with a ^{certified} copy of the Judgment Roll in the above entitled action.

I declare under penalties of perjury that the facts stated above are true.

August 17, 1991


Jerome Daly
P.O.Box 936
Martinez, California
94553

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the above paper to Lawyers Professional Responsibility Board, 520 Lafayette Rd., 1st Floor, St. Paul, Minnesota, 55155 on August 20, 1991 by depositing the same in a postage pre-paid wrapper at Martinez, Ca. 94553
August 20, 1991


Jerome Daly

Cert. copy sent 8-27-91

June 1, 1989

OFFICE OF
APPELLATE COURTS

Clerk, Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota
55101

JUN - 6 1989

FILED

Sirs:

In Re Jerome Daly, File No. 42174

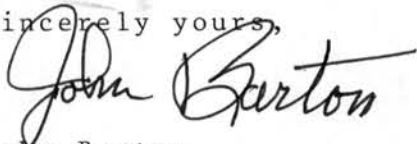
Judgment was entered on July 16, 1971 in the above case.

Please send me a certified copy of the Judgment. Also, does your file reflect that the Judgment was carried into execution by being served on Jerome Daly. In other words, is there a proof of service in the file on Jerome Daly.

If there is no proof of service, was the Judgment renewed after 10 years.

Please advise and if you have a bill send it to me.

Sincerely yours,



John Barton
1424 Stonehedge Drive
Pleasant Hill California
94523

P.S. I am advised this file is now in the Historical Archives in Minnesota.

If you have any questions call me at 415-372-0987

No. Sp.

SUPREME COURT

PER CURIAM

In Re Jerome Daly

No. 42174

STATE OF MINNESOTA

SS


COUNTY OF SCOTT

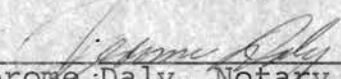
William E. Drexler, being first duly sworn deposes and states that he retained Jerome Daly, Attorney at Law to represent him before the Ethics Committee of the Minnesota State Bar Association and Daly did appear at a hearing held in Minneapolis Athletic Club more than 1 1/2 years ago. That with reference to these charges brought by the Minnesota State Bar Association Mr. Daly has represented me ever since.

There is now a proceeding entitled In Re William Drexler now pending before Judge Murphy of Grand Rapids, Minnesota and is Scheduled for hearing on January 6, 1969.

That Mr. Daly is familiar with the case and I want him to represent me as he is the Attorney that I have confidence in.

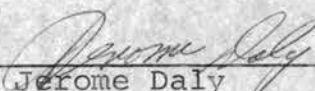
Subscribed and sworn to before
me this 20th day of January, 1969


William E. Drexler


Jerome Daly, Notary Public
Dakota County, Minnesota
My Commission Expires 1-15-73

APPLICATION

Upon the foregoing, I hereby make application to the Supreme Court to make an exception to the suspension Order of Sept. 5, 1969 and that I be granted permission to Appear for William E. Drexler in his attempted Disbarment hearing.


Jerome Daly
28 East Minnesota Street
Savage, Minnesota

ORDER

Upon the foregoing Petition and Application of William E. Drexler and Jerome Daly;

IT IS HEREBY ORDERED, That Jerome Daly, Attorney at Law, be and hereby is authorized to appear and represent William E. Drexler in the matter of the Application of the Minnesota State Bar Association for the discipline of William E. Drexler, an Attorney At Law now pending before the Supreme Court of Minnesota and Judge Murphy, Referee appointed herein.



CHIEF JUSTICE
SUPREME COURT OF MINNESOTA

Dated January 5th, 1969

16

42174

SUPREME COURT
FILED

JAN 5 1970

JOHN McCARTHY
CLERK

Application and Order

August 3, 1970

Wayne,

Here is a copy of the exhibit inventory
you asked me for in the Daly case.

Some of the court files, etc. should
be returned when the case has been
completed.

Lana

I N D E X O F E X H I B I T S

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S:</u>		<u>VOLUME I</u>		
1	Opinion -- In re Jerome Daly	15	15	15
2	Complaint -- Wildanger v. Federal Reserve Bank	30	31	31
3	Complaint -- Joyce v. Commodity Credit	32	33	33
4	Civil Docket -- U. S. District Court 4-66 Civ. 225	34	35	35
5	Complaint -- Zurn v. Federal Reserve Bank 4-66 Civ. 399	36	37	37
6	Order -- Joyce v. Commodity Credit 4-66 Civ. 225	37	38	38
7	Summons & Complaint Joyce v. Northwestern State Bank et al File No. 18777	38	39	39
8	Permanent Injunction Joyce v. Northwestern State Bank 3-68 Civ. 32	61	63	63
9	Appeal from the U. S. District Court-No. 19002 Joyce v. Commodity Credit	63	63	64
10	Order for Judgment -- Zurn v. Federal Reserve Bank 4-66 Civ. 399	64	64	64
11	Complaint -- Koll v. Wayzata State Bank File No. 637291	64	65	65

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S:</u>		<u>VOLUME I</u>		
12	Appeal from U. S. District Court, Koll v. Wayzata State Bank No. 19,080	67	67	67
13	Order -- State v. Drexler File No. 360991	68	70	70
14	First National Bank of Montgomery v. Jerome Daly Justice Court	77	77	77
15	Letter from Daly to Foley	79	80	80
16	The Daly Eagle February 7, 1969	81	82	84
17	Letter -- Daly to Ramier June 16, 1969	85	85	86
18	News clipping from San Diego Union	86	86	87
19	Affidavit of Joyce M. Simpson- September 2, 1969	87	By Stip. 87	87
20	Zurn v. First National of Minneapolis & Derrick	90	91	91
21	Daly v. Savage State Bank Justice Court - Credit River	91	92	92
22	Daly v. Kearney et al Writ of Summons	92	93	93
23	Contempt Certificate In re Jerome Daly 4-69 Crim. 35	100	101	101
24	Summons & Complaint Haring v. Federal Reserve Bank Civil 69-735	105	106	106

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S</u>		<u>VOLUME I</u>		
25	Deposition of Jerome Daly Sept. 9, 1969	107	109	109
26	Complaint -- Joyce v. Supreme Court et al	114	114	115
27	Complaint -- Daly v. Minnesota State Bar et al	120	120	120
28	Order -- U S. v. Muncaster CR. NO. 12,252-N	124	125	126
29	Affidavit of Jerome Daly Oct. 13, 1969	123	130	130
30	Order -- U.S. et al v. Daly No. 3-66-349 Civ.	144	144	145
31	Mandate -- U. S. et al v. Daly April 11, 1968	145	146	146
32	Findings of Fact, Conclusions of Law and Order for Judgment-- U. S. et al v. Jerome Daly 3-66 Civ. 349	146	147	147
33	Affidavit of Prejudice Peterson v. Bartels Case No. 632581	147	149	149
34	Affidavit of Prejudice Husby et al v. Carl R. Anderson et al	147	151	151
35	Affidavit of Jerome Daly Husby et al v. Anderson et al File No. 65865	147	151	152
36	Order -- Dearing v. Dearing File No. 67255	157	158	158

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S</u>		<u>VOLUME I</u>		
37	Unknown	163		
38	Unknown	163		
39	Order -- Joyce v. Northwestern State Bank of Appleton et al	166	169	169
40	Order on Plaintiff's Petition -- Joyce v. Krebs No. 11524	166	168	168
41	Amended Complaint Joyce v. Krebs et al	166	167	168
42	Summons & Complaint Joyce v. Krebs et al	166	167	167
43	Summons & Complaint Joyce v. Nelson et al	166	174	174
44	Answer of Compton & Joyce -- Joyce v. Northwestern State Bank of Appleton	171	172	172
45	Findings of Fact, Conclu- sions of Law and Order For Judgment -- Joyce v. Northwestern State Bank of Appleton et al	182	183	183
46	Joyce v. Northwestern State Bank of Appleton et al -- Judgment	182	183	183
		<u>VOLUME II</u>		
47	Deposition of Jerome Daly First Nat'l Bank of Mpls. v. Zurn et al	10	10	10

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S</u>		<u>VOLUME II</u>		
48	Affidavit of Charles A. Geer -- Teeman v. People's State Bank et al	25	25	25
49	Teeman v. People's State Bank et al -- Order	28	28	28
50	Transcript before Judge Friedrich - Husby v. Anderson	41	42	42
51	Affidavit of Prejudice Holman etc. v. A & J Builders	44	45	45
52	Mortgage Deed between Jerome Daly & First Nat'l Bank of Montgomery	57	58	58
53	Power of Attorney from First Nat'l Bank of Montgomery to Mellby	57	58	58
54	Notice of Mortgage Foreclosure Sale by First Nat'l Bank of Montgomery	57	58	58
55	Notice of Pendency -- First Nat'l Bank of Montgomery v. Daly	57	58	58
56	Notice to the Public by Jerome Daly	57	58	58
57	Affidavit of Publication by First Nat'l Bank of Montgomery	57	58	58
58	Sheriff's Certificate and Foreclosure Record	57	58	58

INDEX OF EXHIBITS (Cont'd)					VOLUME II	
<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>		
59	Complaint -- First Nat'l Bank of Montgomery v. Daly	61	62	62		
60	Answer & Counterclaim First Nat'l Bank of Montgomery v. Jerome Daly	61	62	62		
61	Reply -- First Nat'l Bank of Montgomery v. Daly	61	62	62		
62	Answer & Counterclaim First Nat'l Bank of Montgomery v. Daly	62	62	62		
63	Note from Daly to Joyce Swan	120	120	120		
64	Summons - Porth et al v. Federal Reserve Bank of Kansas City et al	123	124	124		
65	Summons & Complaint Porth et al v. Federal Reserve Bank of Kansas City	123	124	124		
66	Letter from Bob Sanders to R. D. Graham and news clipping	126	127	127		
67	News clippings and note from Bob Sanders to Rollie Graham	126	127	127		
68	Letter from Salfer to Judge Durda	161	161	162		
69	Power of Attorney Krull to Daly	172	172	172		
70	Juvenile Court Transcript -- Krull case	173	173	174		

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER's:</u>		<u>VOLUME III</u>		
71	Amended Findings of Fact, Conclusions of Law & Order for Judgment Peterson v. Peterson et al	22	22	22
72	Notice of Filing Findings Amended Judgment and Decree etc. -- Peterson v. Peterson et al	25	26	26
73	Letter from Judge Brand to Daly, Gill, Saliterman, Dygert, Morris & Halvorson	32	32	32
74	Court transcript 1/7/65 Peterson v. Peterson et al before Judge Brand	39	39	39
75	Court transcript 1/7/65 Peterson v. Peterson before Judge Kane	40	41	41
76	Order Appointing Receiver & Referee Peterson v. Peterson et al by Judge Kane	41	41	41
77	Transcript of 1/13/65 Peterson v. Peterson	47	47	47
78	Photocopies of envelopes	50	54	55
79	Photocopy of envelope	50	50	50
80	Letter from Dr. Peterson to his patients, 1/65	50	50	50
81	Postal Box Rent Receipts	50	52	52
82	Application for Postal Box	50	52	52

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S:</u>		<u>VOLUME III</u>		
83	Washington Federal Savings -- Check	60	63	63
84	Signature card -- Washington Federal Savings	60	63	63
85	Receipt signed by P. A. Peterson for Woodard Elwood & Co.	60	63	63
86	Savings Account Balance Sheets -- Halverson Trustee Account	60	63	63
87	Motion & Motion of Motion, Summons & Complaint -- Drexler v. Kane et al	60	64	64
88	Dismissal Without Prejudice Drexler v. Kane et al	60	64	64
89	Photocopies of Checks	60	62	62
90	Letter from Daly to George Engwald	65	65	65
91	Powers of Attorney by Halverson	66	67	68
92	Findings of Fact and Order of Conviction etc. Peterson v. Peterson et al by Judge Fosseen	70	70	70
93	Opinion of Supreme Court -- Peterson v. Peterson et al	70	71	71
94	Decision & Order for Judgment Peterson et al v. Bartels et al, File No. 632581	72	73	73
95	Opinion of Supreme Court Peterson et al v. Bartels et al -- Judge Otis	73	74	74

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>PETITIONER'S:</u>		<u>VOLUME III</u>		
96	Subpoena and letters concerning witness Drexler	146	148	149
97	Memo-Letter from Drexler's secretary to Mr. Davis	146	149	150
		<u>VOLUME V</u>		
98	Defendant's Requested Instructions -- First National Bank of Montgomery v. Daly	65	66	66
99	Partial transcript of Justice Mahoney's testimony -- First National Bank of Montgomery v. Daly	65	66	66
<hr/>				
<u>RESPONDENT'S:</u>		<u>VOLUME I</u>		
A	<u>Six Seconds in Dallas</u> by Josiah Thompson	68	69	69
B	Letter from Daly to George O. Lethert, I. R. S.	141	141	142
C	Daly's 1965 U. S. Individual Income Tax Return	141	141	142
D	<u>Religions of the World</u> by Gerald L. Berry	153	200	200
E	<u>Modern Business</u> by Major B. Foster, M. A.	153	200	200
		<u>VOLUME II</u>		
F	Form, taken from Mr. Daly's form book (Mr. Daly to furnish exhibit)	81	87	87

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME II</u>		
G	Appeal from the U. S. District Court -- Horne et al v. Federal Reserve Bank of Mpls. et al	100	101	101
H	Brief for Appellant -- Koll v. Wayzata State Bank et al- No. 19080	105	106	106
I	Record in the U. S. Court of Appeals for the Eighth Circuit, Koll v. Wayzata State Bank et al	105	106	106
J	<u>The Federal Reserve System Purposes and Functions</u>	127	128	128
K	Myers' Review - May 27, 1969; No. 67	149	150	150
L	Myers' Finance Review -- June 9, 1969; No. 68-X	149	150	150
M	News clipping from San Diego Union, Nov. 1, 1969	152		
N	Myers' Finance Review -- Sept. 5, 1969; No. 74	154	156	156
O	Record in the U. S. Court of Appeals for the Eighth Circuit - No. 18906	6	6	6
		<u>VOLUME III</u>		
P	Transcript of Proceedings - U. S. of America v. Daly U. S. District Court 3-66-349 Civil	58	59	59
Q	Appeal from the U. S. District Court -- Daly v. U. S. of America; No. 18,906	58	59	59
R	Brief for the Appellees -- Daly v. U. S. of America et al U. S. Court of Appeals for the Eighth Circuit	58	59	59

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME III</u>		
S	Record in the U. S. Court of Appeals for the 8th Circuit--Daly v. U. S. of America et al-No. 18,906	58	59	59
T	Brief of Appellant -- Daly v. U. S. of America et al No. 18,906; U. S. Court of Appeals for the 8th Circuit	59	59	59
U	Transcript of Proceedings-- Peterson v. Peterson et al before Judge Brand	100	100	100
V	Letter from Judge Brand to Daly, Gill, Saliterman, Dygert, Rorris & Halvorson	100	100	100
W	Judgment and Decree dated August 19, 1964, Peterson v. Peterson et al	100	100	100
X	Transcript of Proceedings-- before Judge Brand 1/13/70 Peterson v. Peterson et al	100	100	100
Y	Notice of Entry of Judgment & Judgment and Decree dated 1/23/65 Peterson v. Peterson et al	104	105	105
Z	Appellants Joint Brief in Supreme Court - Peterson v. Bartels et al	112	112	112
AA	Myers' Finance Review Sept. 5, 1969; No. 74	124	125	125
BB	Myers' Finance Review June 9, 1969; No. 68-X	124	125	125
CC	Myers' Finance Review May 27, 1969; No. 67	124	125	125

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME III</u>		
DD	Myers' Finance Review June 4, 1969; No. 68	124	125	125
EE	Myers' Finance Review Sept. 19, 1969; No. 75	124	125	125
FF	Myers' Finance Review (To be furnished by Mr. Daly)	124	125	125
GG	Myers' Finance Review (To be furnished by Daly)	124	125	125
HH	Myers' Finance Review (To be furnished by Daly)	124	125	125
II	News clippings-- San Diego Union, 11/1/69 and San Francisco Chronicle 10/22/69	124	125	125
		<u>VOLUME IV</u>		
JJ	Court file -- Alfred M. Joyce et al vs. Supreme Court of State of Minn. 4-66 Civil 340	6	6	6
KK	Supreme Court Record on Zurn case 42088 & 42117	43	43	43
LL	Supreme Court pleadings Zurn v. First Nat'l Bank Of Mpls. et al No. 52088	64	64	64
MM	Newspaper article written by Mr. Lundegard	97	98	
NN	Joint Resolution, Hennepin County Board of Commissioners, 1968	99	100	
OO	(Number skipped)			

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME IV</u>		
PP	Federal Reserve Bank's correspondence regarding Credit River case	115	115	116
QQ	Defendant's Motion to Dismiss Plaintiff's Complaint and Memorandum -- Haring v. Federal Reserve Bank of San Francisco; No. 69-735 Civil	121	121	121
RR	Letters from Finnegan to McChesney and from Molony to Finnegan in reply	128	128	129
SS	Letters and attachments From Carmichael of F.R.S. to Schuyler	128	128	130
TT	An Easter Tenet by Daly	139	139	139
		<u>VOLUME V</u>		
UU	Brief in Support of Writ of Prohibition, Supreme Court of U. S. Anderson v. U. S. of Am. et al	12	38	38
VV	Ridge Lutheran Home Bond January 1967	36	36	38
WW	First Nat'l Bank of Montgomery v. Daly, Scott County District Court File No. 19144 (Daly to furnish)	41	43	43
XX	Judge Lord's file (Daly to examine & furnish relevant material)	49		
YY	Unknown (Daly to furnish)			

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME V</u>		
ZZ	Official files of U. S. District Court (Daly to furnish pertinent portions)	53	53	54
AAA	<u>Long Live the American Jury</u> BY Justice Walter R. Hart	66	106	108
BBB	<u>My Platform for Election to the Congress of the U. S. of America by Jerome Daly --Paid Advertisement</u>	66	106	108
CCC "	Pamphlet by S. W. Adams June 30, 1956	106	106	109
DDD	Appellants' Reply Brief in Horne et al, v. Federal Reserve Bank of Mpls. et al U. S. Court of Appeals, 8th Circuit--No. 17,683	106	106	109
EEE	<u>THOMAS JEFFERSON on DEMOCRACY</u> Edited by Saul K. Padover	106	106	110
FFF	<u>The Story of Paper Money by Fred Reinfeld</u>	106	106	110
GCC	Appellants Brief; A & J Builders v. Harms et al Supreme Court of Minn. File No. 41727	106	106	111
HHH	Appellant's Brief -- Lowe v. Patterson et al; Minnesota Supreme Court, No. 38740	106	106	111
III	Myers' Finance Review Dec. 19, 1969; No. 82	106	106	112
JJJ	Myers' Finance Review Jan. 16, 1970; No. 84	106	106	112
KKK	Photocopies of Title XXXVII Coinage, Weights, and Measures	106	106	112

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME V</u>		
LLL	Life Magazine, Dec. 5, 1969 issue	106	106	
MMM	Reprint from Mpls Star, <u>Special Law Passed for Zionist</u> by Thompson	106	106	113
NNN	News clippings from the Register, 4/12/68; from the L. A. Times, 4/12/68	106	106	114
OOO	<u>John Locke on Civil Government Introduced by Kirk</u>	106	106	117
PPP	<u>The Story of Our Money</u> by Olive Cushing Dwinell	106	106	117
QQQ	<u>Lightning Over the Treasury Building</u> by John R. Elsom	106	106	117
RRR	<u>The Strange Case of James Earl Ray, The Man Who Murdered Martin Luther King</u> by Clay Blair, Jr.	106	106	
SSS	Record in Supreme Court of Minnesota; Lowe v. Patterson et al; No: 38740	106	106	118
TTT	Appellant's Brief in Minnesota Supreme Court; Lowe v. Patterson; No. 39341	106	106	119
UUU	Appellant's Reply Brief in Minnesota Supreme Court Lowe v. Patterson et al No 38740	106	106	119
VVV	<u>Here I stand A Life of Martin Luther</u> by Roland H. Bainton	106	106	

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
<u>RESPONDENT'S:</u>		<u>VOLUME V</u>		
WWW	<u>Whitewash, the report on the Warren Report by Harold Weisberg</u>	106	106	
XXX	<u>The Unanswered Questions About President Kennedy's Assassination by Sylvan Fox</u>	106	106	
YYY	<u>Report of the Warren Commission on the Assassination of President Kennedy by Harrison E. Salisbury</u>	106	106	
ZZZ	<u>A Citizen's Dissent/ Mark Lane Replies by Mark Lane</u>	106	106	
AAAA	<u>The Great Treasury Raid by Philip M. Stern</u>	106	106	
BBBB	<u>Plot or Politics - The Garrison Case & Its Cast by James and Wardlaw</u>	106	106	
CCCC	<u>Libel and Academic Freedom A Lawsuit against Political Extremists by Arnold M. Rose</u>	106	106	
DDDD	<u>Congressional Record - 91st Congress, First Session, Volume III, No. 195, 11/25/69 Vietnam Resolution - Why Not Victory by Rarick</u>	106	106	
EEEE	<u>Deposition of Carl R. Anderson taken 9/19/67; Ridge Lutheran Home et al v. Carl R. Anderson et al</u>	106	106	125
FFFF	<u>Ten Commandments for the New Judge by Judge Devitt</u>	106	106	127
GGGG	<u>Order & Cover Letter by Judge Devitt in suspension of Daly</u>	106	106	127

INDEX OF EXHIBITS (Cont'd)

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
	<u>RESPONDENT'S:</u>		<u>VOLUME V</u>	
HHHH	<u>The History of Judaism by</u> <u>Rabbi Jacob Neusner, Ph.D.</u>	106	106	
IIII	<u>PROTOCOLS of the Learned</u> <u>Elders of ZION by Victor</u> <u>Marsden</u>	106	106	
JJJJ	Pamphlet -- Review of the News -- 7/16/69 Volume V, No. 29	129	129	129

* * * * *

State of Minnesota

SUPREME COURT

IN RE JEROME DALY

42174

- VAULT -

RECEIVED, OF MAE SHERMAN, CLERK OF THE SUPREME COURT OF
MINNESOTA, the following original files and exhibits in the above entitled action:

EXHIBITS - See Court Reporter's Inventory

Dated _____

Clerk of the District Court

STATE OF MINNESOTA

IN SUPREME COURT

RECEIPT

MAE SHERMAN
230 State Capitol
St. Paul, Minn. 55101

State of Minnesota

SUPREME COURT

IN RE JEROME DALY

42174

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Clerk of the District Court

42174
-VAULT-

STATE OF MINNESOTA

IN SUPREME COURT

RECEIPT

MAE SHERMAN
230 State Capitol
St. Paul, Minn. 55101

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

EAE/rms

69-0015

United States Department of Justice

UNITED STATES ATTORNEY
DISTRICT OF MINNESOTA
596 U.S. COURTHOUSE
MINNEAPOLIS, MINNESOTA 55401

October 4, 1971

Mr. John McCarthy
Clerk of Supreme Court, State of Minnesota
State Capitol
St. Paul, Minnesota 55101

Re: In re Jerome Daly
Your file No. 42174

Dear Mr. McCarthy:

We have received an urgent request from the United States Attorney's Office for the Northern District of Alabama, to furnish them with a copy of the Order of Disbarment of the above-captioned attorney.

Under the Federal Rules of Civil Procedure, Title 28 U.S.C. 1738, we will need a certified copy of the Order of Disbarment with the attestation of yourself as Clerk, together with the Court seal. In addition, we will require an attachment thereto in the form of a certificate of a Justice of your Court that the said attestation is in proper form.

We appreciate your assistance in obtaining the necessary authenticated copy of the Order of Disbarment herein.

Very truly yours,

ROBERT G. RENNER
United States Attorney

Elizabeth A. Egan
BY: ELIZABETH A. EGAN
Assistant United States Attorney

Sent 10-7-71

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

EAE:alb

United States Department of Justice

UNITED STATES ATTORNEY

DISTRICT OF MINNESOTA
596 U.S. COURTHOUSE
MINNEAPOLIS, MINNESOTA 55401

July 27, 1971

Mr. John C. McCarthy
Clerk of Supreme Court of State
of Minnesota
State Capitol
St. Paul, Minnesota

Re: In re Jerome Daly
File #42174 - No. 153-3/4

Dear Mr. McCarthy:

May we have a certified copy of the judgment
of disbarment in the above captioned case, which
was filed with you on 7-16-61.

Yours very truly,

ROBERT G. RENNER
United States Attorney

Elizabeth A. Egan
BY: ELIZABETH A. EGAN
Assistant United States Attorney

7-28 Certified Judgment forwarded
WT.

Jerome Daly

28 East Minnesota Street

Savage, Minnesota

Telephone: 890-2274

July 26, 1971

Mr. John Mc Carthy
Clerk of Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota

In Re Jerome DALY
No. 42174-No. 153 3/4

Sir:

This will acknowledge our conversation of this date, wherein, I advised that I have just returned to town on July 24, 1971 and learned of the filing of the opinion and Order for Judgment of Disbarment which was filed on July 16, 1971. I did not know of the decision until July 24, 1971 and since I am desirous of filing a Petition for Re-hearing I would like a two week extension by Order of the Court to file a Petition for Re-hearing.

Please consider this letter an application to the Court for re-hearing extension of two weeks.

I remain,

Respectfully yours,

Jerome Daly
Jerome Daly

h/

CC Herbert Davis

ORDERED that the time for the
service and filing of the ~~petition~~
Petition for Rehearing be
extended to include Aug 10 19 71

Martin G. Nelson
CHIEF JUSTICE
Associate

CASES MR. JEROME DALY IS AUTHORIZED TO APPEAR AND
REPRESENT HIS CLIENTS AS THEIR ATTORNEY AT LAW:

Authorized October 13, 1969

State of Minnesota vs. James H. Stafford : Henn Co. Municipal
State of Minnesota vs. Wayne A. Krul, : Henn Co. Juneville
State of Minnesota vs. Richard Soderberg, Henn Co. Municipal
State of Minn. vs. Louis Evans, Dakota County Criminal
Charter Investment Co. Vs. Village of Burnsville, Dak. Co.
Marti Irmen vs. Thunderbird Motel and R. Wallace, Dak. Co.
Herbert Hauer vs. Cargill Inc. and Travelers Ins Co. Ind Comm.
State vs. Robert Leo Mahoney, Hastings Municipal Court
Carolyn A. Nelson vs. City of Bloomington, et al, Henn Co. 649437
Calvert vs. Calvert, Dak. Co.
Donald Poupard vs. Robert Nagele Sr. and Robert Nagele Jr.
and Lord Fletcher's
Robert O. Naegele Jr., vs. ~~Essex~~ Donald Poupard. Hen Co.
Carl Lidberg vs. A & H Machinery et al, Henn Co. 637151
USA vs. Wilbur Milton, et al and Carl Lidberg,
Rose M. Green vs. Kenneth Hageback, et al, Henn Co. 647064
Oscar Husby vs. Carl R. Anderson, A & J. Builders et al, Dak. Co. 6
A & J. Builders vs. Oliver Harms, Dak. Co. and Supreme Court of M

Authorized October 9, 1969

Oscar Husby, et al.; vs. Carl R. Anderson, et al (Dakota County
File No. 65865

Authorized January 5, 1970

Application for Discipline of William E. Drexler, etc.

Authorized February 4, 1970

State of Minnesota vs. Don C. Cook (Hennepin County -DWI)

Authorized October 8, 1970

Tax matters of James J. and Nora V. Bergstreser (Henn. County
Dist. Ct.

Authorized January 14, 1970

Fitzgerald vs Hansen; Hennepin County File No. 620856

Jerome Daly
28 East Minnesota Street
Savage, Minn. 55378
612-890-2274
January 29, 1971

Mr. John McCarthy, Clerk
Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota

In re. Jerome DALY, No. 42174
In re. William E. Drexler 42153

Sir:

This will acknowledge yours of January 28, 1971 in regard to the above entitled matters.

Neither Mr. Drexler nor myself had any word or definite time as to when the briefs were to be filed in the above proceedings although we were working on them.

Please extend the time for 30 days on both briefs and I think that we can have them in by that time.'

Today I talked to Herbert Davis over the phone who advised that he would consent to a 30 day extension. He further stated that he wanted to have these cases placed upon the April calendar for hearing before the Court, which, I assured him was O.K. with me.

I remain,

Respectfully yours,

Jerome Daly
Jerome DALY

h/

CC Herbert Davis

ORDERED that the time for the service and filing of the printed Respondent's brief be extended to include Mar 3, 1971

Wendell Hunter
CHIEF JUSTICE

OFFICE OF THE CLERK

Supreme Court of Minnesota
St. Paul, Minn.

JOHN MCCARTHY
CLERK
WAYNE TSCHIMPERLE
DEPUTY

January 28, 1971

Mr. Jerome Daly
28 E. Minnesota St.
Savage, Minnesota

Dear Mr. Daly:

In re. Jerome Daly, No. 42174

Your brief in these proceedings is a couple of weeks overdue. When may we expect the same to be filed?

Sincerely,

John McCarthy
John McCarthy, Clerk

HERBERT C. DAVIS

ATTORNEY AT LAW
6100 EXCELSIOR BOULEVARD
ST. LOUIS PARK, MINNESOTA 55416
929-8541

December 15, 1970

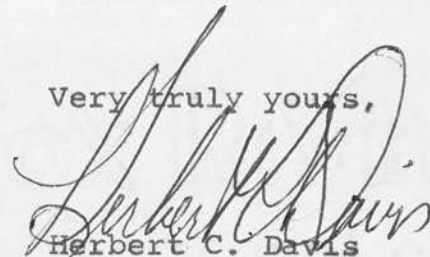
The Honorable Donald C. Odden
Judge of the District Court
St. Louis County Court House
Duluth, Minnesota

Dear Judge Odden:

Enclosed please
find Petitioner's Brief in the matter of In re
Jerome Daly. The Brief was filed today with the
Clerk of the Supreme Court.

Thank you for
your cooperation in this matter.

Very truly yours,



Herbert C. Davis

HCD/drr
encl.

November 3, 1970

Jerome Daly
28 East Minnesota Street
Savage
Minnesota 55378

Dear Mr. Daly:

To the best of
my knowledge, no Transcript was prepared of the
arguments made before Judge Odden in St. Paul.

I do not recall
the name of the reporter who was present, but he
was from St. Paul and, I believe, was with Christopher
Columbus and Associates. Lana M. Fruke, who had
taken the testimony in Minneapolis, was unable to be
present because of an illness of her child.

Thank you for
your cooperation in this matter.

Very truly yours,

Herbert C. Davis

HCD/drr
cc - Judge Odden

Jerome Daly
28 East Minnesota Street
Savage, Minn. 55378
612-890-2274
October 31, 1970

Mr. Herbert C. Davis
Attorney at Law
6100 Excelsior Blvd.
St. Louis Park, Minnesota

Sir:

Do you have a copy of the transcript of the proceedings had on or about July 24, 1970 before Referee Odden in the Ramsey County Court house?

If so would you be so kind as to forward me a copy?

Thanking you in advance for your kind co-operation in this matter I remain,

Very truly yours,

Jerome Daly
Jerome Daly

h/



DONALD C. ODDEN
JUDGE OF THE DISTRICT COURT
COURT HOUSE
DULUTH, MINNESOTA

October 27, 1970

Mr. John McCarthy
Clerk of the Supreme Court
State of Minnesota
State Capitol Building
St. Paul, Minnesota 55101

In re: Jerome Daly, No. 42174

Dear Mr. McCarthy:

In reference to your letter of October 21, I have looked through the entire file and I cannot find a copy of the Motion and Notice of Motion in USA vs. Muncaster. If my memory serves me correctly, I believe that those documents were marked as evidence during the Daly hearing and would be in the box that I gave to you last July containing all of the documents introduced during the course of the Daly hearing.

I still have in my possession the transcript which, as you can probably imagine, is very voluminous, and would be too expensive to mail, but I will bring it to St. Paul the next time I come down.

If I can help in any further way, you can feel free to call upon me.

Sincerely,

Donald C. Odden

DCO:cer

OFFICE OF THE CLERK

Supreme Court of Minnesota
St. Paul, Minn.

JOHN MCCARTHY
CLERK
WAYNE TSCHIMPERLE
DEPUTY

October 21, 1970

Hon. Donald E. Odden
Judge of District Court
Courthouse
Duluth, Minnesota

Dear Judge Odden:

In re Jerome Daly, No. 42174

This is to acknowledge the return of our files and the findings and recommendation in this action. One item which I could not find, and which does not seem of particularly critical importance, is Copy of Motion and Notice of Motion in "USA v. Muncaster" which bears our filing date of November 25, 1969. If it should crop up at some later date, will you kindly return it? Thanks for your help, Judge Odden.

Sincerely,

John McCarthy
John McCarthy, Clerk

LANA M. FRUKE
COURT REPORTER
1733
1882 FORD PARKWAY
ST. PAUL, MINNESOTA 55116

April 17, 1970

The Honorable Donald C. Odden
Judge of the District Court
St. Louis County Courthouse
Duluth, Minnesota

Dear Judge Odden:

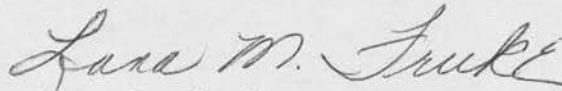
I realize that I am just ahead of the April 19th delivery deadline; but I am pleased to report that the transcript In Re Jerome Daly, consisting of eight-hundred-plus pages of testimony separated into five volumes, has been prepared pursuant to the order of the Court and is ready for delivery.

The only problem we have now is that the transcript and the two hundred plus exhibits are here in Saint Paul and you, of course, need them in Duluth.

At the conclusion of the hearing, you mentioned you frequently come to the Twin Cities or in the alternative, you might know of someone, who would be traveling to Duluth from the Twin Cities, and who would be willing to pick up the testimony and evidence from this hearing. I believe I also mentioned to you that I have relatives in Cloquet that we could visit in conjunction with bringing this transcript to Duluth. I will wait to hear from you as to what should be done in this regard.

As agreed at the conclusion of the hearing, I will deliver copies of the transcript to Mr. Davis and Mr. Daly the first part of next week.

Yours truly,



Lana M. Fruke
Court Reporter

April 1, 1970

Miss Virginia Gilliland
170 Harrigan Court
San Antonio, Texas 78209

Dear Miss Gilliland:

Re: Jerome Daly

I have your letter of March 26. I want to assure you that the disciplinary proceeding pending against Mr. Daly has nothing to do with his ideas about the currency. It involves only his conduct in court in this state. No action has been taken yet, but if he is disbarred it will not be on account of his views on money. He can think what he wants to about our currency but that does not give him the right to violate our code of ethics in the practice of law.

As far as your protest to my signing a declaration or resolution is concerned, it makes little difference to me what you think.

Yours truly,

ORK:dm
bc - John McCarthy

170 Harrigan Court
San Antonio, Texas 78209
March 26, 1970

Justice Oscar Knutson, Chief Justice
& Associate Justices
Minnesota Supreme Court
State Capitol
St. Paul, Minnesota 55102

Gentlemen:

I protest the disbarment of Attorney Jerome Daly for contesting the subject of money in court. Such action violates the United States Constitution and Bill of Rights.

I urge that Attorney Jerome Daly be restored to the Bar with full rights to contest any and all unconstitutional matters. The Constitution cannot be altered at the discretion of the Government. It is a government of laws and not of men.

Also, I protest your name appearing on a so-called "Declaration of World Citizenship" passed March 5, 1968, in Hennepin County, Minnesota. This action also violates the United States Constitution and promotes World Government.

Yours truly,

Virginia Gilliland

Virginia Gilliland

cc: Martin A. Nelson
Wm P. Murphy
James C. Otis
W. F. Rogosheske
Robert J. Sheran
C. Donald Peterson

KENNETH M. ANDERSON, MINNEAPOLIS, PRESIDENT
GERALD J. RUFER, FERGUS FALLS, SECRETARY
JOHN W. MADDEN, CROOKSTON
HARRY G. COSTELLO, ST. PAUL
DONALD D. HARRIES, DULUTH
C. ALLEN DOSLAND, NEW ULM
JAMES K. RIETZ, OWATONNA

WILLIAM J. LLOYD
DIRECTOR OF BAR ADMISSIONS
JOHN F. MARKERT
ASSISTANT DIRECTOR OF BAR ADMISSIONS



STATE OF MINNESOTA
STATE BOARD OF LAW EXAMINERS
900 MINNESOTA BUILDING • TELEPHONE 222-2050
ST. PAUL, MINNESOTA 55101

March 17, 1970

Honorable Donald C. Odden
Courthouse
Duluth, Minnesota

Dear Judge Odden:

We enclose herewith check in the amount of \$357.35 covering
your expenses as Referee regarding the Daly matter.

Yours very truly,

William J. Lloyd
Director

WJL:sam
Enc.

✓cc: Clerk of Supreme Court

March 5, 1970

Mr. William Lloyd
Director of Bar Admissions
920 Capitol Square
St. Paul, Minnesota

Dear Mr. Lloyd:

In re Dely, No. 42174

Enclosed please find the original statement of expenses of Judge Odden incurred as referee in the captioned proceedings. Judge Nelson has endorsed his approval for payment on page 2. When payment has been accomplished, will you please let me know? Thanks for your help.

Yours truly,

John McCarthy, Clerk

3-6-70-- Mr Lloyd is paying expense account

cc: Judge Odden

42174 (Copy)

PAGE 2

February 19

19 70

State of Minnesota

In re: JEROME DALY
Expenses of Referee

To Donald C. Odden Dr.

Judge Sixth Judicial District

Address 423 Court House, Duluth Minnesota 55802

DATE	ITEMS OF EXPENSE	AMOUNT
Feb. 15	To Minneapolis from Duluth, 160 miles at 10¢ per mile	16 00
	Meals (1)	4 50
	Hotel	15 90
	Tips	60
Feb. 16	Hotel	15 90
	Meals	9 00
	Tips, etc.	1 25
Feb. 17	Hotel	15 90
	Meals	10 00
	Tips and misc.	1 80
Feb. 18	Meals	10 20
	Tips, etc.	1 50
	To Duluth from Minneapolis, 160 miles at 10¢ per mile	16 00
	Miscellaneous expenses not covered herein	75 00
TOTAL,		\$ 357 35

State of Minnesota

County of St. Louis

ss.

Donald C. Odden

being first duly sworn, says that the foregoing itemized statement of railway, traveling and hotel expenses incurred and paid by him on the dates therein stated is just and true; that the money therein charged was actually paid for the purposes therein stated, and that no part of said claim has been paid.

Judge of Sixth Judicial District

Subscribed and sworn to before me this 19th day of February 19 70

Notary Public, St. Louis County, Minn.

February 19 1970

State of Minnesota

In re: JEROME DALY
Expenses of Referee

To Donald C. Odden Dr.

Judge Sixth Judicial District

Address 423 Court house, Duluth, Minnesota 55802

DATE	ITEMS OF EXPENSE	AMOUNT
Feb. 9	To Minneapolis, 160 miles at 10¢ per mile	\$ 16 00
	Meals (3)	9 30
	Hotel	15 90
	Tips and misc.	70
Feb. 10	Meals (3)	10 00
	Hotel	21 20
	Tips, pager, and misc.	1 80
	Parking	1 00
Feb. 11	Meals (3)	10 00
	Hotel	21 20
	Tips, paper, etc.	1 60
Feb. 12	Meals (3)	10 00
	Hotel	21 20
	Tips, papers, etc.	1 00
	Parking	80
Feb. 13	Meals (2)	4 80
	Tips	50
	Parking	80
	To Duluth from Minneapolis, 160 miles at 10¢ per mile	16 00
	TOTAL,	

State of Minnesota

County of

St. Louis

SS.

Donald C. Odden

being first duly sworn, says that the foregoing itemized statement of railway, traveling and hotel expenses incurred and paid by him on the dates therein stated is just and true; that the money therein charged was actually paid for the purposes therein stated, and that no part of said claim has been paid.

Donald C. Odden

Judge of Sixth Judicial District

Subscribed and sworn to before me this 19th day of February 1970

April E. Rogers

LAW OFFICES

DONALD J. PERRY

ATTORNEY-AT-LAW

JOHNSTOWN TRUST BUILDING

JOHNSTOWN, PENNSYLVANIA 15901

February 13, 1970

Honorable Oscar Knutson,
Chief Justice,
Minnesota Supreme Court,
State Capitol,
St. Paul, Minnesota

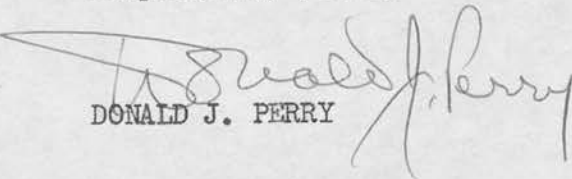
Dear Judge Knutson:

I am writing you on behalf of Jerome Daly. I was very disappointed in your decision and I will be pleased if you would consider your action against him.

I have followed Mr. Daley for some time and have read a great deal about him. I, too, have studied the Federal Reserve. More people should.

I believe that Mr. Daly is one of our greatest living patriots and he will live in the hearts of men long after this decision has been reversed. It is too bad that we still do not know who the Class "A" stockholders are in the Federal Reserve and if you do know, would you be kind enough to inform me.

Respectfully yours,


DONALD J. PERRY

2/17/70-Almost identical letter also sent to: Donald J. Perry
Attorney at Law
Johnstown Trust Bldg.
Johnstown, Pa. 15901

February 17, 1970

Mr. LeRoy Darling
5220 East Funston
Wichita, Kansas 67218

Dear Mr. Darling:

I have your letter of February 2 regarding
the proceeding pending against Jerome Daly.

Mr. Daly's opinion about our monetary
system has nothing to do with this proceeding. He
can think what he wants to about our Federal Re-
serve or money as long as he does not violate the
rules of ordinary conduct in our courts. The pro-
ceeding deals entirely with his actions as a lawyer,
not as an individual who may have whatever thoughts
he wishes.

Yours truly,

ORK:dm
bc - John McCarthy

5220 East Funston
Wichita, Kansas 67218

February 12, 1970

Honorable Chief Justice Oscar Knutson
Chief Justice Supreme Court, Minnesota
State Capitol
St. Paul, Minnesota

Dear Chief Justice Knutson:

It has been brought to our attention by Joan Van Poperin, Chairman, Minnesota Action Fund, that Jerome Daly has been suspended by the State High Court on September 5.

Though, it is not our intent to interfere in another state's activities, we do think that this is wrong. This decision will affect the whole nation eventually. It seems that no lawyer should be disbarred for bringing up the subject of money in court.

We write this letter on the birthday of another great American, Abraham Lincoln. We hope that justice will prevail again.

Even our great President Nixon has said that the Federal Reserve System is an independent agency. The money as issued under the heading, Federal Reserve Notes, is not legal tender by any stretch of the imagination.

Perhaps, if the economic system falls of its own volition, then the truth will come out. It certainly is in a monetary shambles now.

Thank you for any consideration that you give this matter. Best wishes to you.

Sincerely yours,

A large, stylized handwritten signature in cursive script, appearing to read 'LeRoy Darling', is written over the typed name. The signature is fluid and extends across the width of the typed name.

LeRoy Darling

January 27, 1970

Hon. Donald C. Odden
Judge of District Court
Court House
Duluth, Minnesota

Dear Judge Odden:

In re Jerome Daly, No. 42174

Enclosed please find a couple of additional items
which have been recently added to this file. They are
Letter from Mr. Daly to Judge Knutson, filed 1-27-70;
Letter from Judge Durda to J. McCarthy, dated 1-15-70.

Sincerely,
ours truly,

John McCarthy, Clerk

OFFICE OF THE CLERK

Supreme Court of Minnesota
St. Paul, Minn.

JOHN MCCARTHY
CLERK
WAYNE TSCHIMPERLE
DEPUTY

January 22, 1970

Hon. Donald Odden
Judge of District Court
Court House
Duluth, Minnesota

Dear Judge Odden:

In re Jerome Daly, No. 42174

I am sending the papers from our file to you by registered mail. The items include all of those returned to us by Judge Selnes plus a couple of recently filed papers. For convenience and to facilitate record-keeping, which promises to become quite complicated, I shall list these items as follows:

- Certified copy of syllabus and opinion of 9-5-69;
- Order to Show Cause, filed 8-19-69;
- Transcript of Proceeding of 8-21-69, filed 8-26-69;
- Affidavit of Gordon Busdicker, filed 8-21-69;
- Order Authorizing Transfer of Files, filed 9-4-69;
- Copy of Transcript of Rehearing on Contempt, dated 10-8-69;
- Petition to Vacate Opinion of 9-5-69 and Additional
Petition, filed 10-9-69;
- Petition and Special Appearance, filed 10-9-69;
- Petition and Order Granting Jerome Daly Permission to
Represent Certain Clients in Pending Litigation,
filed 10-13-69;
- Order, Petition and Accusation, filed 9-17-69, and
Answer to Petition and Accusation, filed 10-16-69;
- Certified Copy of Order of Reference, dated 11-14-69;
- Copy of Motion and Notice of Motion in "USA v. Muncaster",
filed 11-25-69;
- Copy of order in "USA v. Muncaster," filed 11-25-69;
- Copy of petition of William Drexler, Application of
Daly, and Order, dated 1-5-70;
- Copy of Motion and Notice of Motion, dated 1-19-70,
and Order, filed 1-21-70;
- Petition and Order, filed 1-15-70;
- Order Setting Date for Hearing, filed 1-22-70.

With best wishes to you and with thanks to Judge
Selnes for his many services,

Yours truly,

John McCarthy

E. R. SELNES
DISTRICT JUDGE- Retired
EIGHTH JUDICIAL DISTRICT
GLENWOOD, MINN.

January 20, 1970

Mr. John McCarthy, Esq.,
Clerk of Supreme Court
230 State Capitol
St. Paul, Minn. 55101

Dear Sir:

Re; Jerome Daly, No.42174

My connection with this case has now been terminated,
and I am returning your file.

You will find the original of my order setting a time
and place for hearing this matter, dated January 2, 1970, in
the file. I think all the other papers came from your office.

With kind personal regards, A am

Yours very truly,



E. R. Selnes

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re Jerome Daly.

O R D E R

WHEREAS, on September 5, 1969, the above entitled matter was referred to the Honorable E. R. Selnes, designated as referee herein; and

WHEREAS, the Honorable E. R. Selnes has requested that he be relieved from serving as such referee; and

WHEREAS, this matter has been set for hearing on February 9, 1970, at 2:00 P.M.;

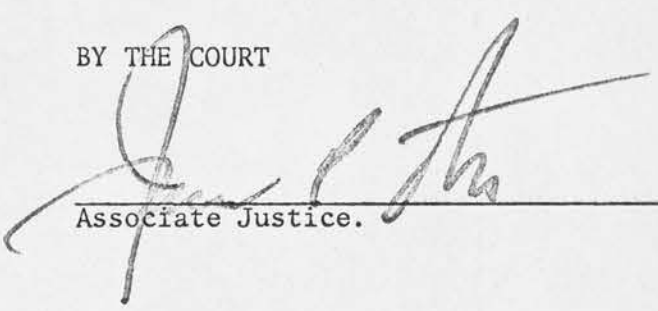
NOW THEREFORE, IT IS HEREBY ORDERED that the Honorable E. R. Selnes is relieved of the assignment as referee herein; and

IT IS HEREBY FURTHER ORDERED that this matter is herewith referred to the Honorable Donald C. Odden, designated as referee herein, for further proceedings consistent with the opinion of the court filed herein on September 5, 1969; and

IT IS HEREBY FURTHER ORDERED that the above entitled matter is set for hearing on February 9, 1970, at 2:00 P.M., in Room 722, Flour Exchange Building, Minneapolis, Minnesota, or as soon thereafter as counsel can be heard.

Dated January 20, 1970

BY THE COURT


Associate Justice.

42174

(Cofers)

January 19, 1970

Jerome Daly
Attorney at Law
Savage, Minnesota

Re: In re Jerome Daly,
File No. 42174

Dear Mr. Daly:

Per our telephone conversation of January 15, 1970,
enclosed please find 10 subpoenas, in duplicate, as
requested.

Yours truly,

John McCarthy, Clerk

By:

Enclosure (10)

42174

January 12, 1970

Stroms Valley
Attn: Mr. J. L. W.
Stroms Valley, Minnesota

Re: Stroms Valley
File No. 22174

Dear Mr. J. L. W.:

For our telephone conversation of January 12, 1970,
enclosed please find 10 copies of the report, as
requested.

Very truly,

John W. Smith, Clerk

cc:

Enclosure (10)

E. R. SELNES
DISTRICT JUDGE, Retired
EIGHTH JUDICIAL DISTRICT
GLENWOOD, MINN.

January 2, 1970

Richard E. Klein, Esq.
Administrative Assistant
The Supreme Court
The Capitol
St. Paul, Minnesota 55101

Dear Sir:

In re: Jerome Daly

At the suggestion of Mr. Davis I am tentatively setting the above matter for hearing on February 9, 1970, at 2 o'clock p.m., in Room 722, Flour Exchange Building, Minneapolis. It seems that Mr. Davis has some conflicts during the week of February 2nd, and Mr. Daly will be in court before Judge Haering for two weeks beginning January 19th. For that reason, the earliest possible date seems to be February 9th.

I am assuming that Room 722 will be available for our use. If not, will you kindly let me know so that I may amend the order?

Yours very truly,


E. R. Selnes

ERS:lof

STATE OF MINNESOTA
IN SUPREME COURT
42174

In re Jerome Daly

ORDER SETTING DATE FOR HEARING

WHEREAS, the above entitled matters were referred by this Court for hearing to the undersigned Referee by an order dated November 14, 1969, now, therefore,

IT IS HEREBY ORDERED that the said matters be set for hearing before the undersigned in Room 722, Flour Exchange Building, in the City of Minneapolis, Hennepin County, Minnesota, at 2 o'clock p.m., on February 9, 1970.

Dated January 2nd, 1970.

/s/ E. R. Selnes

Referee

O. M. NELSON

Attorney at Law

MONTESANO, WASHINGTON

December 23, 1969

42174

Hon. Oscar R. Knutson, Chief Justice,
The Supreme Court of Minnesota
St. Paul, Minnesota

Dear Judge:

I have become somewhat interested in the matter of the suspension of Jerome Daly to practice law, which suspension stems from the fact that he had the temerity to claim that our present "swindle-money system" is wrong. I agree with that ^{rather} because our U. S. Constitution provides that "Congress shall have power, --To COIN money, regulate the value thereof, and of foreign coin; and fix the standard of weights and measures: It doesn't say that "Congress shall FIX the value or standard" of money. The value of money is to be "regulated". That is quite significant. The question is: Is our Constitution wrong?

Not to make this letter too long, I am sending you a copy of a book I had put out in 1960, entitled, OUR LEGALIZED MONETARY SWINDLES, which I shall be pleased to have you peruse with an open mind and the tolerance of the rights of others to write or express their opinions on the significance of the constitutional provision that "Congress *** shall COIN our MONEY". But what did Congress do? In 1863 it passed the National Banking Act and delegated away its constitutional power TO COIN MONEY; and we have been skinned, fleeced and robbed by it ever since until we are now "the greatest and most powerful nation of DEBT-SLAVES in the World today". Do you realize the full impact of that?

Read my book and see; and read the enclosure which I have entitled OUR CONSTITUTIONAL TRAITORS. If intelligent men like our public officials in high places, including the judiciary, cannot, or do not want to, see or understand the swindling nature of our present money system, then it's going to be too bad for all of us, as we are drifting today into a revolutionary state that may surprise us more than we are prepared to realize now as we are in debt, publicly and privately, more than THREE TRILLION DOLLARS now when we were not in debt ONE RED CENT when this nation was put into being. This debt equals about \$15,000 on the backs of every man, woman and child in the nation. Do you see that? Would you call that a healthy financial climate?

If you went to a bank to borrow 1,000,000 DOLLARS, you wouldn't hesitate to give the bank your note for 1,000,000 DOLLARS, and agree to pay interest, say, at 10% for 10 years, which would increase your debt to the bank \$100,000 the first year if you made a new note for it, and so on, until in about 8 years, with interest compounded, you would owe the bank \$2 million. But, when you give your note to the bank, you get a deposit-slip. What did you borrow? Nothing. Do you see that? Yet, a lot of damnphools call that "Borrowing Money". How can you pay back TWO MILLION DOLLARS when you didn't get ONE? But that is the way our banking business is done. Isn't it? Do you see that? Very simple! But enormously complicated by wilfull ignorance. For these are common expressions: "Nobody knows any^{thing} about money"; "nobody knows anything about a depression." Why not?

12/23/69

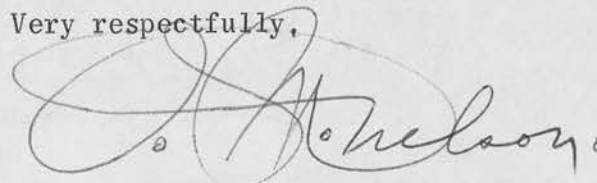
If eight ^{of you} Judges went in debt to a privately operated banking system \$1 million each, or 8,000,000 DOLLARS, and got "DEPOSIT SLIPS" indicating on the banks' deposit ledgers that you had borrowed \$8 million that you did not get, how in HELL could you pay back something that you did not get? Can you see that? Yet, you have promised to pay the banking thieves 8,000,000 DOLLARS with interest which you could only pay by notes or new obligations of some kind. But, you are "Sewed" up and stuck with an unpayable debt. Isn't that so? That is probably what Daly found out. He BORROWED NOTHING and is supposed to pay it back in DOLLARS. For exposing this form of swindle he is to be condemned and deprived of his right to practice law in what: A FREE COUNTRY?

I am enclosing a photographic copy of page "A-18" from the November 1969 issue of the FEDERAL RESERVE BULLETIN which shows that public and private "borrowers" (suckers) soaked their credit (by debts) to this privately operated banking system more than \$512 billion as of Oct. 29, 1969, which is termed "Bank credit", but how much was money loaned? Segregating this amount, it shows that our U. S. Government soaked its securities--bonds, bills and what have you--to this banking system \$112.4 billion, and never borrowed ONE RED CENT. Do you see that? "Other securities" (possibly bonds, etc., of States, counties, cities, school districts, etc.) soaked to this banking system totaled another \$80.7 billion for "Deposit" and never "borrowed" ONE RED CENT. Do you see that? Do you understand that? Then private suckers, under "Loans, net" soaked their credit (by debts) \$319 billion (and probably Daly was one of them) and what did they borrow? As this photocopy shows that, since 1947, the banks never had more than \$6.8 billion to "LOAN" or swindle the "borrowers" with. Can you see that?

And for trying to publicize this form of swindling device, Mr. Daly is to be deprived of his right to practice law, and maybe disbarred. What a climacteric! What about the constitutional right of "freedom of speech" and "freedom of the press"? Are these sacred rights to be relics of the past so far as tackling the most dangerous and most vicious swindling device and cancerous growth in our economy is concerned? (See page 27 of my book). Read the veto message of Andrew Jackson where he vetoed legislation by Congress to renew the charter of the Bank of the United States when it expired in about 1836. He certainly was not a catspaw or a sycophant for the international monetary thieves. Look at the catastrophic condition we are in now nationally and internationally. Is that due to the soundness of our present money or banking system? I say it is due to its rottenness. But who has the guts to change it and give us a constitutional money system?

~~XXXX~~ Mr. Daly proclaims that he is a "strict constructionist" and that we should use only a metallic ~~currency~~, which should not condemn ^{him} to lose his rights to say what he thinks, for he is certainly ^{right} in taking the position that nothing was borrowed when he went in debt to a bank on his home. Why should he be denied the right to make an honest living in an honest way even though he infringed upon the powerful grip that a debt-creating banking system has upon us through the treachery of our public officials who have taken a solemn oath to support, defend and protect that constitution of this Great Government of ours, which provides that CONGRESS SHALL COIN OUR MONEY which could be UNITED STATES NOTES, too?

Very respectfully,



12/23/69

P. S. If you will look at the beginning of my book, you will find from a publication of the U.S. Chamber of Commerce, published in 1957, that the total debt of these United States, public and private, is given as One trillion Dollars (\$1,000,000,000,000); and now, according to the US Statistical Abstract of 1969, page 440, Table 620, it was \$2,556.9 Billion in December, 1967. Probably by now, with interest and more debts of every kind and description, the total debt is THREE TRILLION DOLLARS, or three times what it was 12 years ago. How long can we last tthat way? We are the GREATEST and most POWERFUL nation of DEBT-SLAVES in this wide, wide World. Do you realize the significance of that?

With interest at only 6%, compounded, this debt will double every 12 years, without adding more and more debts every day as we are doing now with our "easy credit system". Don't you imagine that we should wake up and find out what is wrong? And then get an honest way out with a constitutional money system? Why did the founders of this nation provide that "Congress shall COIN our money"? Were they stupid when they did that? Or are we stupid now for giving a privately operated swindling device, like our present banking system ^{a right to} COIN, CREATE or MANUFACTURE BANK DEPOSITS (swindle-money, check-book money, debt-money) out of public and private debts? For what did we borrow when we have gone in debt to this privately operated swindling device--the private banking system--more than \$512,000,000,000 as shown by the December, 1969 issue of the FR. Bulletin?

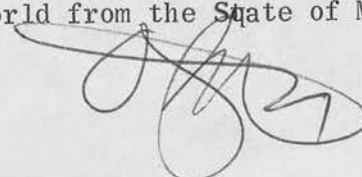
At a rate of 10% in interest, this banking system sucks around \$50 billion annually out of all of us. And, on the \$3 trillion we may pay around \$200 billion annually, which, besides taxes of \$180 billion, will have only one fatal consequence--the entire destruction of our present economy. Can you see that? Or don't you care? No wonder the Russian Communists stated that they did "not have to destroy us. We are doing it ourselves." Do you see that now? Why this violence and discontent and rioting we have had. Isn't it time that intelligent men and women wake up and look at the real cause--the swindling nature of our present monwy system? What else is it?

When eight persons go in debt to our banking system to borrow 1,000,000 DOLLARS ^{each} and all they get from our banking system are ~~SEPOSIT~~ DEPOSIT SLIPS, how can they pay back DOLLARS when they did not get any? However, interest at 10% must be paid, too. How can that be paid in DOLLARS when none was BORROWED?

I hope you will read my book and you can prove to yourself that our present money system (or swindle-money system) is a BIG SWINDLE. What else is it? Even though we have been sycophants for it the last 100 years, why let it strangle all of us as it is doing now? In 1929, the banks had ^a total debt-strangle on us of \$58.6 billion (swindle-money); and now it is over \$510 billion, over eight times what it was 40 years go. Why don't we pay? We certainly have promised to pay. But why don't we? Isn't it because we are too stupid to run a nation of free people (free from debt)? If we had an honest and intelligently run money system, how could we have poverty or unemployment? Why do our courts uphold this swindling device in our economy?

Inasmuch, as I am not affluent, would you kindly pass all these matters to your associates as they might find it interesting and a landmark decision could be made that would ring around the world from the State of Minnesota.

At least give Mr. Daly a white man's chance.



O. M. NELSON

Attorney at Law

MONTESANO, WASHINGTON

January 13, 1970

Minnesota State Bar Association
Minneapolis, Minnesota, 55402

Gentlemen:

Re: Jerome Daly, disbarment proceedings

Through various sources, and through some correspondence with Mr. Daly, I seem to have learned that he is to be disbarred from the practice of law in the GREAT State of Minnesota for telling the Truth about the most dangerous swindling device in our economy—the privately operated banking system.

Here is the point, simply stated, if you went to a bank and gave it a note for, say, \$112,000,000,000 (112 billion DOLLARS) and you get a deposit-slip for this amount, what did you "borrow"? Would even a lawyer be stupid enough to agree to pay back 112 billion DOLLARS when he borrowed none?

With interest at only 6% this debt would increase automatically over 511 billion DOLLARS IN ONE YEAR. In 12 years, with interest at 6% compounded, it could double. And, yet, we are supposed to be so stupid we cannot see what is happening to us.

Enclosed is a photocopy of page 4-18 of the November 1969 issue of the Federal Reserve Bulletin which shows that our political cats paws for the privately operated banking system, have soaked the nation's credit (by debts) more than 110 billion DOLLARS, and the government never "borrowed" ONE RED CENT. And our legal profession has in it lawyers so stupid that they cannot understand what a swindling money system we have. Yet, they are stupid enough to condemn Mr. Daly for trying to expose this egregious swindle.

According to this FR Bulletin, private fools of all kinds have soaked their CREDIT (by debts) more than 519 billion DOLLARS; and how much did they actually BORROW? Can you see through that kind of swindle? If not, why not?

"Other securities"—possibly states, cities, counties, school districts, etc.—were soaked to this banking system a total of over \$50.7 billion. All told, public and private SUCKERS have soaked their CREDIT (by debts) OVER 512 billion DOLLARS, AND HOW MUCH DID ANY ONE BORROW?

I believe our lawyers should wake up, before it is too late, to save this nation from ultimate bankruptcy. Every lawyer, as far as I know, has had to take an oath to "support, protect and defend" our Constitution which provides that our CONGRESS SHALL COIN OUR MONEY. Are not our ~~law~~ lawyers TRAITORS to this provision in our Federal Constitution? Or don't they believe in it when it comes to giving the people an honest and constitutional money system, intelligently provided? Let us not be TRAITORS any longer. Let us save our country from the depredations of the privately operated banking system where we soak our CREDIT, by debts, and then pay interest on our own debts. FOREVER!

Jan. 23, 1978

Do you know that we are the "greatest and most powerful nation of debt-slaves in this wide, wide world" and our lawyers are too stupid to analyze it and protect our citizens from its insidious inroads upon our economy. If you will turn to page 440 of the 1969 U.S. Statistical Abstract, you will find where our nation was in debt \$2,556,700,000,000 (over two trillion five hundred fifty-six billion DOLLARS), publicly and privately, as of December 31, 1967; and which, by now, will be over THREE TRILLION DOLLARS. Isn't that something? And we are supposed to be so stupid that we imagine that our nation can last FOREVER that way. What do you think, if you dare to think about it?

This debt is now possibly over \$3,000 on the backs of every man, woman and child in the nation, and a family of four people would be in debt over \$60,000. And, in 12 years from now, with interest at 6% compounded, we will be in debt more than SIX TRILLION DOLLARS. What then? Have our lawyers intelligence enough to WORRY just a little bit about that? Mr. Daly found out what a debt to the bank was when he borrowed nothing and had to pay it back in money. Do you see through that? Yet, because he had the "guts" to expose this swindle in a Minnesota Court, for courts, he is to be disbarred for telling the truth. What a tragedy that is! What a characteristic for our freedom FREEDOM to tell the truth about the most dangerous growth in our economy—a mounting debt upon the backs of all of us—even us stupid lawyers.

In 1950, according to the US Statistical Abstract, we were in debt, publicly and privately, \$831 million; and now we are in debt over \$3 trillion, or almost four times what it was in 1950. Is that a healthy financial setup? When are we going to pay this tremendous debt? So far, we are paying it by going more and more in debt. Why? Because us fools don't know any better. How about our future? Today we are a GREAT NATION OF DEBT-SLAVES. What are we lawyers doing about it, except to be good sycophants for the moneylending thieves? Then, when a person has the GUTS to resent this form of swindling device, like Mr. Daly, he is to be disbarred for fighting for a CONSTITUTIONAL money system. What a tragic situation! What a nation of button-heads!

When a person goes in debt to a bank, and can't pay because he didn't borrow any, the bank gets a stupid lawyer to take him to court, the court enters judgment directing the law-enforcement officer to go and ROB him, and "nobody knows anything about money" and "nobody knows anything about a depression". How lucky the moneylending thieves are to live in a nation of know-nothings like we are!

Not to make this letter too long, I am sending you a copy of a book I had published in 1960 which shows that our total debt, public and private, in 1957, was One TRILLION Dollars, now it is Three TRILLION Dollars. Good business for the moneylending thieves. But how about us poor suckers who have to pay? Who cares about us if our lawyers are TRAITORS to our Federal Constitution which provides that "Congress shall have power, —To COIN money" and "regulate the value thereof". Why are our lawyers against this Constitutional provision? Why should a privately controlled swindling device (like our present banking system) COIN, CREATE or MANUFACTURE bank deposits (debt-deposits) OUT OF PUBLIC or PRIVATE DEBTS? For instance, as I have shown, why should our government have had to print over \$110 billion, and ask them to the banking system for an "ink-entry" on a deposit register of the banking system? The government borrowed nothing and yet it has promised to pay the banks \$11 billion. What fools us fools is the fact that it works because we can draw checks and seemingly pay DOLLARS when NOT ONE CENT was BORROWED.

November 26, 1969

Mr. Kenneth M. Anderson
Board of Law Examiners
300 Roanoke Building
Minneapolis, Minnesota 55402

Dear Mr. Anderson:

Re: Jerome Daly

I am enclosing copies of the Order and Affidavit that I spoke to you about last night. The copies which I received from Judge Johnson have been forwarded by the clerk to Judge Selnes. The enclosed copies I received from Judge Devitt today, but they are identical. I assume you will want to turn these over to the attorney for the Board.

Sincerely yours,

ORK:dm

Enc.

cc - John McCarthy

November 26, 1969

The Honorable Edward J. Devitt
Chief Judge, United States
District Court
St. Paul, Minnesota 55101

Dear Ed:

I have your letter of November 25 with enclosures regarding Jerome Daly. I had already received copies of these from Judge Johnson in Alabama and they have been forwarded to Judge Selnes, who has been appointed referee to hear proceedings against Mr. Daly by the Board of Law Examiners and also the contempt proceedings we instituted some time ago. The two proceedings have been consolidated for hearing.

Thank you for sending these copies to me.

Sincerely yours,

ORK:dm

bc-John McCarthy

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EDWARD J. DEVITT
CHIEF JUDGE
GUNNAR H. NORDBYE
DENNIS F. DONOVAN
SENIOR JUDGES
EARL R. LARSON
MILES W. LORD
PHILIP NEVILLE

St. Paul, Minnesota
November 25, 1969

Honorable Oscar Knutson
Chief Justice, Supreme Court
of the State of Minnesota
State Capitol
St. Paul, Minnesota 55101

Dear Oscar:

I enclose herewith correspondence, and enclosures,
with Chief Judge Johnson of the United States District Court,
Montgomery, Alabama, about Jerome Daly, which is self-explanatory.

Very truly yours,


Edward J. Devitt

EJD HM

Enc.

100% cotton
ANNIVERSARY BOND

November 25, 1969

Honorable E. R. Selnes
Judge of District Court (Retired)
Glenwood, Minnesota 56334

Dear Judge Selnes:

In re Jerome Daly, No. 42174

Enclosed please find 2 items which you may add to the transmittals made to you on September 9th and November 17th. The items are

1. Copy of order in "U.S.A. v Muncaster" which denies Daly right to appear in U.S. District Court for Middle District of Alabama, and
2. Copy of Motion and Notice of Motion in "U.S.A. v. Muncaster."

When you have fulfilled your mission, please return these items to this office. Thanks again.

Yours truly,

John McCarthy, Clerk

November 24, 1969

The Honorable Frank M. Johnson, Jr.
Chief Judge, United States District Court
Middle District of Alabama
Post Office Box 35
Montgomery, Alabama 36101

42174

Dear Judge Johnson:

I have your letter of November 21 with enclosures. I am glad to have these papers. The Board of Law Examiners of this state has instituted proceedings against Mr. Daly and these papers will be referred to them with other matter that has been gathered against him. He is a difficult individual to handle.

Sincerely yours,

ORK:dm

bc - John McCarthy

(Re: In the matter of Jerome Daly)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
POST OFFICE BOX 35
MONTGOMERY, ALABAMA 36101

FRANK M. JOHNSON, JR.
CHIEF JUDGE

November 21, 1969

Honorable Oscar Knutson
Chief Justice of the Supreme Court
St. Paul, Minnesota

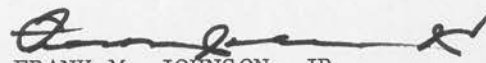
42174

Dear Mr. Justice Knutson:

For whatever assistance it may be to you in determining if and when to relieve Jerome Daly of the suspension to practice law in your court, I am enclosing herewith a copy of a motion filed by Daly with the Clerk of this Court on November 19, 1969, and a copy of an order I entered on November 17, 1969, denying Daly leave to practice before the United States District Court for the Middle District of Alabama.

With best regards,

Very truly yours,



FRANK M. JOHNSON, JR.
United States District Judge

Encls.



United States Money College Est. 1958

"Learn the Truth about your Money System"



November 20th, 1969

Supreme Court of Minnesota,
St. Paul, Minnesota.

Attention Mr. Wayne Tschimperle:

Dear Mr. Tschimperle:

Here is the \$2.10 for
the opinion in the Jerome Daly matter.

I have spent a fortune
trying to get justice for all Americans.
Our present money system is a Bunco game.
I liken this damn extortion to that of the
Mafia. Gouging here in St. Louis exceeds
this so called Inflation. The high and mighty
are a law unto themselves. No wonder we have
this break down of law and order. The people
say here who are in the crime wave that we
learned it from the Establishment. God help
the Republic.

Millions of real Americans
are behind attorney Jerome Daly. He and I do
not have to do what we are doing to help our
fellow Americans. We can also become permissive
and apathetic. But we love our country too much.
To sit idly by and do nothing aids and abets
the enemies within and without.

I may mention that we
salute the state of Minnesota. This state gave
us our first lawsuit against the 17 banks
who were fined \$253,000.00 by the U.S. Department
of Justice. Minnesota owes plenty to Mr. Daly's
great patriotism. The court should be with
Mr. Daly. We are all pleased with his fine work.
Yes, the 48 states where we have offices teaching
our thieving money system exposé.

In the Name of the Almighty God.
3946 S. Broadway, Arthur E. Aydt, Exe. Director-
St. Louis, Mo. 63118 Founder.

"REBELLION TO TYRANNY IS OBEDIENCE TO GOD"
OUR PRESENT MONEY SYSTEM IS REPULSIVE,
FRAUDULENT, EXPLOITIVE, EXTORTIVE, UNCONSTITUTIONAL
UN-HOLY, ROBBERY, LEGALIZED CRIME. THE BANKERS'
GOVERNMENT IS NOW STRONGER THAN OUR ELECTED GOVERNMENT.

Opinion mailed 11/24/69 W.O.T.

CLERK OF THE DISTRICT COURT
FOURTH JUDICIAL DISTRICT

HATTIE E. AUSTIN

STUTSMAN COUNTY

JAMESTOWN, NORTH DAKOTA

November 18, 1969

Mr. John McCarthy
Clerk of the Supreme Court,
State Capitol Building,
St. Paul, Minn.

Dear Sir:

Re: Jerome Daly,
Savage, Minn.

I am enclosing a copy of the letter I received from the Honorable Norbert J. Muggli, Judge of the Sixth Judicial District of North Dakota. I feel that the letter is self explanatory, however, if you recall, you sent me a copy of the opinion on the above named Subject.

{ Will you please be so kind and send to Judge Muggli, a certified or an authenticated copy of the Supreme Court's ruling concerning Mr. Daly.

Thanking you for your co-eration in this matter, I am,

Sincerely,

Hattie E. Austin

Hattie E. Austin,
Clerk of the District Court.

a
encl.

11-20-69 .. sent certified
copy of opinion

42174

November 17, 1969

Honorable E. R. Selnes
Judge of District Court (Retired)
Glenwood, Minnesota 56334

Dear Judge Selnes :

In re Jerome Daly, No. 42174

Enclosed please find a certified copy of the order appointing you referee in the consolidated case which also involves the petition of the State Board of Law Examiners. In addition to the items which we sent you earlier, please find the following:

1. Petition to Vacate Opinion of Sept. 5, 1969 and Additional Petition;
2. Petition and Order Granting Jerome Daly permission to represent certain clients in pending litigation;
3. Transcript of Re-Hearing on Contempt Proceedings in Courtroom on 10-8-69; (Copy)
4. Petition Order and Accusation and Answer to Petition and Accusation;
5. Petition and Special Appearance

When you have completed your work will you please see that these files are returned together with those now in your possession. Also send your bill and that of your reporter. Thank you very much.

Yours truly,

John McCarthy, Clerk

Enc.

42774

November 17, 1952

Honorable J. H. Bellas
Judge of District Court (Western)
Greenwood, Minnesota 55324

Dear Judge Bellas:

In re Jerome Daly, No. 12114

Enclosed please find a certified copy of the order appointing you referee in the consolidated case which also contains the petition of the State Board of Law Examiners. In addition to the items which we sent you earlier, please find the following:

1. Petition to Vacate Judgment of Sept. 2, 1952 and Additional Petition;
2. Petition and Order Vacating Jerome Daly's nomination to represent certain districts in pending litigation;
3. Transcript of the hearing on Jerome's petition to vacate judgment (10-30-52) (copy);
4. Petition for Order and Appointment and Answer to Petition and Appointment;
5. Petition and Special Appearance.

When you have completed your work with you please see that these files are returned together with those in your possession. Also send your bill and list of your expenses. Thank you very much.

Very truly,
John McGeehan, Clerk

John McGeehan, Clerk

END

November 17, 1969

Mr. Jerome Daly
Box 28
Savage, Minnesota

Dear Mr. Daly:

In re Jerome Daly, No. 42174

Enclosed please find a copy of the transcript of the rehearing on the contempt proceedings of October 8, 1969. Also please find enclosed an order consolidated the proceedings of the State Board of Law Examiners with the action now pending.

Yours truly,

John McCarthy, Clerk

Enc.

421714

November 17, 1961

Mr. J. Edgar Hoover
Room 20
Bureau, Washington

Dear Mr. Hoover:

Re: James Earl Ray, AKA

Enclosed please find a copy of the transcript of the hearing on the contempt proceedings of October 6, 1961. Also please find enclosed an order concerning the proceedings of the State Board of Law Examiners with the action and finding.

Sincerely,
John Edgar Hoover

John Edgar Hoover, Director

Enc.

November 17, 1969

Mr. Arthur E. Aydt
3946 S. Broadway
St. Louis, Mo. 63118

Dear Mr. Aydt:

This is to acknowledge receipt of your letter of November 13, 1969, requesting an opinion in the Jerome Daly matter.

Please be advised that this office is required to charge for said opinions pursuant to Minnesota Statutes. The charge for the opinion in the above matter would be \$2.10. If you desire to purchase said opinion, upon receipt of said amount the opinion will be immediately forwarded to you.

Very truly yours,

John McCarthy, Clerk

By:

November 13th, 1969

Minnesota Supreme Court,
St. Paul, Minn. 55101

Dear Sirs:

Please send me a copy of the opinion
on the suspension of Jerome M. Daly, attorney.
Mr. Regnier, executive director of Minnesota
State Bar Ass'n. requested that I write you. Thanks.

Yours truly,


Arthur E. Ayd.

3946 S. Broadway,
St. Louis, Mo. 63118

November 12th, 1969

Minnesota State Bar Ass'n.,

42174

November 10, 1969

Ms. Hattie E. Austin
Clerk of District Court
Jamestown, North Dakota

Dear Ms. Austin:

In re Jerome Daly

Enclosed please find a copy of the court opinion in this case. Mr. Daly was temporarily suspended on October 1, 1969. He has applied to this court and received permission for certain limited exceptions to represent clients in pending and continuing litigation.

Yours truly,

John McCarthy, Clerk

CLERK OF THE DISTRICT COURT
FOURTH JUDICIAL DISTRICT
HATTIE E. AUSTIN
STUTSMAN COUNTY
JAMESTOWN, NORTH DAKOTA

November 7, 1969

Clerk of Supreme Court,
State Capitol Building,
St. Paul, Minn.

Dear Sir:

Re: Jerome Daly, Savage Minn.

Jerome Daly is representing Clients in our Court, and the Honorable Norbert Muggli, Judge of the Sixth Judicial District, has been appointed by our Supreme Court, to hear the case. He has asked that I write to you for the status of Mr. Daly, in Minnesota, as to his practicing in your State.

Thanking you for the above information and assuring you of our co-operation in all mutual matters, I am,

Sincerely,

Hattie E. Austin

Hattie E. Austin,
Clerk of the District Court.

a
cc:file

42174

October 20, 1969

5757577
The Honorable E. R. Selnes
Judge of the District Court (Retired)
Glenwood, Minnesota 56334

Dear Judge:

Re: Jerome Daly

In this matter a petition was filed some time ago by the Board of Law Examiners, having in mind an investigation of Mr. Daly's conduct. An answer has just been filed. We had in mind that you might combine the two proceedings in one, but it now appears that the best procedure would be to dismiss the former proceeding, wherein I asked you to act as referee, and proceed with the disbarment proceeding. In any event, I suggest you hold the matter up for a short time, until we can get together with the board and decide what would be the best procedure. There are constitutional questions involved in regard to the discipline of an attorney for a contempt of court that may be eliminated if we can proceed with the petition filed by the Board of Law Examiners.

I am simply writing you at this time so that if you have not done anything at this time you will refrain from starting until you hear further from me. I assume you will be able to act as referee in the other proceeding if it is substituted, or combined with the one we have already started.

Sincerely yours,

ORK:dm

bc - John McCarthy

721214

October 10, 1950

The Honorable E. A. Selner
Judge of the District Court (Retired)
Cleveland, Minnesota 55114

Dear Judge:

In this letter a petition was filed some time ago by the Board of Law Examiners, having in mind an investigation of Mr. Bailey's conduct. An answer has just been filed. We had in mind that you might consider the two proceedings in one, but it now appears that the best procedure would be to maintain the former proceeding, wherein I asked you to act as referee, and proceed with the disbarment proceeding. In any event, I suggest you hold the matter up for a short time, until we can get together with the board and decide what would be the best procedure. There are constitutional questions involved in regard to the disbarment of an attorney for a contempt of court that may be eliminated if we can proceed with the petition filed by the Board of Law Examiners.

I am simply writing you at this time so that if you have not done anything at this time you will retain your status until you hear further from me. I assume you will be able to act as referee in the other proceeding if it is suggested or decided with you one we have already shared.

Sincerely yours,

Orville
Re - John W. Selner

October 3, 1969

Mr. R. J. Richardson
856 S. W. 174th St.
Seattle, Washington 98166

Dear Mr. Richardson:

In re Jerome Daly, No. 42174

I do not have a detailed informational background about these proceedings. However, on September 5, 1969, an opinion was issued from this court under the above title and number. If you want to purchase a copy of the opinion, based on the statutory charge of \$0.30 per page, it will cost \$2.10. In the eventuality that you wish to make such purchase, please make a check payable to "Clerk of Supreme Court." An inexpensive alternative would be to consult the advance sheets of the Northwestern Reporter which should be available in a large law library.

Yours truly,

John McCarthy, Clerk

P. S. An opinion also issued in Zurn v. Northwestern Nat'l Bank of Mpls. and First Nat'l Bank of Mpls. (Nos. 42088 & 42117) on September 5, 1969 which might be helpful. This should also be available in the advance sheets of the Northwestern Reporter. Perhaps you could check the law school library at the University of Washington.

Also enclosed, please find your \$5.00 check.

R. J. RICHARDSON
856 S.W. 174TH STREET
SEATTLE, WASHINGTON 98166

Sept 30 '69

Secretary of the State of Minnesota
St Paul, Minn.

Dear Sir:

Re: The attached copy of decision in the
case of First National Bank of Montgomery vs
Jerome Goly.

This decision has received considerable
publicity including insertion in the Congressional
Record of May 22, 1969 by La. Congressman
John R. Rarck. Thus some people, including
a student in whom I am interested, have
gained the impression the case has a legal
weight which it obviously does not have.
I am interested in giving the student the true
story, if I can.

There must be considerable background
to the case that does not appear in the
decision. I would like to find out as much
of this as I can - and to have the following
questions answered: (Next Page)

2
R. J. RICHARDSON
856 S.W. 174TH STREET
SEATTLE, WASHINGTON 98166

1. Is there a First National Bank of Montgomery?
2. Was a Martin V. Mahoney Justice of the Peace in Credit River Township on Dec 8, 1968?
3. If so is he still in that capacity or is he still living?
4. It is stated the bank did not appeal the decision. Is this true?
5. If so - did someone pay the bank the balance due on the mortgage to prevent an appeal?
6. I have written both the bank and rely on this but so far have had no reply from either.
Is it possible the whole thing is a hoax.

If you can help me I will very much appreciate it. I do not know what

R. J. RICHARDSON
856 S.W. 174TH STREET
SEATTLE, WASHINGTON 98166

the fee in Minnesota is for checking a matter
such as this, or advising where the information
can be obtained. My check for \$5⁰⁰ is
enclosed. Please advise if it should be more.

Sincerely

R. J. Richardson

PRIVATELY OWNED FEDERAL RESERVE BANKING SYSTEM IS UNDER FIRE

CREATION OF CREDIT BY BOOKKEEPING ENTRY DECLARED UNCONSTITUTIONAL

STATE OF MINNESOTA
COUNTY OF SCOTT

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

First National Bank of Montgomery,

vs.
Jerome Daly

Plaintiff,
JUDGMENT AND DECREE
Defendant

The above entitled action came on before the Court and a jury of 12 on December 7, 1968 at 10:00 a.m. Plaintiff appeared by its President Lawrence V. Morgan and was represented by its Counsel Theodore R. Mellby. Defendant appeared on his own behalf.

A jury of Talesmen were called impaneled and sworn to try the issues in this case. Lawrence V. Morgan was the only witness called for Plaintiff and Defendant testified as the only witness on his own behalf.

Plaintiff brought this as a Common Law action for the recovery of the possession of Lot 19, Fairview Beach, Scott County, Minn. Plaintiff claimed title to the Real Property in question by foreclosure of a Note and Mortgage Deed dated May 8, 1964 which Plaintiff claimed was in default at the time foreclosure proceedings were started.

Defendant appeared and answered that the Plaintiff created the money and credit upon its own books by bookkeeping entry as the consideration for the Note and Mortgage of May 8, 1964 and alleged failure of consideration for the Mortgage Deed and alleged that the Sheriff's sale passed no title to plaintiff.

The issues tried to the jury were whether there was a lawful consideration and whether Defendant had waived his rights to complain about the consideration having paid on the Note for almost 3 years.

Mr. Morgan admitted that all of the money or credit which was used as a consideration was created upon their books, that this was standard banking practice exercised by their bank in combination with the Federal Reserve Bank of Minneapolis, another private bank, further that he knew of no United States Statute or Law that gave the Plaintiff the authority to do this. Plaintiff further claimed that Defendant by making the bookkeeping entry created credit and by paying on the Note and Mortgage waived any right to complain about the consideration and that Defendant was estopped from doing so.

At 12:15 on December 7, 1968 the jury returned a unanimous verdict for the Defendant.

Now therefore, by virtue of the authority vested in me pursuant to the Declaration of Independence, the Northwest Ordinance of 1787, the Constitution of the United States and the Constitution and laws of the State of Minnesota not inconsistent therewith;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff is not entitled to recover the possession of Lot 19, Fairview Beach, Scott County, Minnesota according to the Plat thereof on file in the Register of Deeds office.
2. That because of failure of a lawful consideration the Note and Mortgage dated May 8, 1964 are null and void.
3. That the Sheriff's sale of the above described premises held on June 26, 1967 is null and void, of no effect.
4. That Plaintiff has no right, title or interest in said premises or lien thereon, as is above described.
5. That any provision in the Minnesota Constitution and any Minnesota Statute limiting the jurisdiction of this Court is repugnant to the Constitution of the United States and to the Bill of Rights of the Minnesota Constitution and is null and void and that this Court has jurisdiction to render complete justice in this Cause.
6. That Defendant is awarded costs in the sum of \$75.00 and execution is hereby issued therefore.
7. A 10 day stay is granted.

8. The following memorandum and any supplemental memorandum made and filed by this Court in support of this Judgment is hereby made a part hereof by reference.

Dated December 9, 1968

BY THE COURT
MARTIN V. MAHONEY
Justice of the Peace
Credit River Township
Scott County, Minnesota

MEMORANDUM

The issues in this case were simple. There was no material dispute as to the facts for the jury to resolve.

Plaintiff admitted that it, in combination with the Federal Reserve Bank of Minneapolis, which are for all practical purposes, because of their interlocking activity and practice, and both being Banking Institutions Incorporated under the Laws of the United States, are in the Law to be treated as one and the same Bank, did create the entire \$14,000.00 in money or credit upon its own books by bookkeeping entry. That this was the Consideration used to support the Note dated May 8, 1964 and the Mortgage of the same date. The money and credit first came into existence when they created it. Mr. Morgan admitted that no United States Law or Statute existed which gave him the right to do this. A lawful consideration must exist and be tendered to support the Note. See *Anheuser-Busch, Brewing Co. v. Emma Mason*, 44 Minn. 318, 46 N.W. 558. The jury found there was no lawful consideration and I agree. Only God can create something of value out of nothing.

Even if Defendant could be charged with waiver or estoppel as a matter of Law this is no defense to the Plaintiff. The Law leaves wrongdoers where it finds them. See sections 50, 51 and 52 of Am Jur 2d "Actions" on page 584 — "no action will lie to recover on a claim based upon or in any manner depending upon a fraudulent, illegal or immoral transaction or contract to which Plaintiff was a party."

Plaintiff's act of creating credit is not authorized by the Constitution and Laws of the United States, is unconstitutional and void, and is not a lawful consideration in the eyes of the Law to support any thing or upon which any lawful rights can be built.

Nothing in the Constitution of the United States limits the Jurisdiction of this Court, which is one of original Jurisdiction with right of trial by jury guaranteed. This is a Common Law Action. Minnesota cannot limit or upon the power of this Court to render Complete Justice between the parties. Any provisions in the Constitution and laws of Minnesota which attempt to do so is repugnant to the Constitution of the United States and void. No question as to the Jurisdiction of this Court was raised by either party at the trial. Both parties were given complete liberty to submit any and all facts and law to the jury, at least in so far as they saw fit.

No complaint was made by Plaintiff that Plaintiff did not receive a fair trial. From the admissions made by Mr. Morgan the path of duty was made direct and clear for the jury. Their Verdict could not reasonably have been otherwise. Justice was rendered completely and without denial, promptly and without delay, freely and without purchase, conformable to the laws in this Court on December 7, 1968.

December 9, 1968

BY THE COURT
MARTIN V. MAHONEY
Justice of the Peace
Credit River Township
Scott County, Minnesota

Note: It has never been doubted that a Note given on a Consideration which is prohibited by law is void. It has been determined, independent of Acts of Congress, that sailing under the license of an enemy is illegal. The emission of Bills of Credit upon the books of these private Corporations for the purposes of private gain is not warranted by the Constitution of the United States and is unlawful. See *Craig v. Mo.* 4 Peters Reports 91. This Court can tread only that path which is marked out by duty. M.V.M.

421714

OUR READERS' MARKET PLACE

FARMS AND LANDS

FARM GIANT . . . OUTSTANDING 1,000-ACRE Minnesota farm produces top yields of grain and hay! Reportedly will handle 250 cow units! Includes foundation herd of 37 head of cattle, 100 ewes, plus 4 tractors, crawler tractor, combine, baler, other machinery, truck, other items, 11-room home, 5 bedrooms, bath, new furnace, 32x60 dairy barn, 40x50 barn, other buildings, 740 tillable acres, over 700 under cultivation, 119-acre wheat base, Pond, well. Retiring owner says sell at \$105,000 complete, only one-fifth down. 400-head cow ranch. Picturesque 4,800-acre Montana mountain ranch situated in real ranching country! Features lake frontage, 1/2 mile of creek, springs, 13 reservoirs, plus river water for irrigation. 400 irrigated acres—90 in pasture, 135 hay, some oats, 630 acres not irrigated, consisting of 183 wheat, 65 corn, 160 barley, balance summer fallow, 3,770 acres native grass pasture, 2,580 additional acres state and BLM homes. Remodeled 2-bedroom home, 2 other homes, 38x70 steel barn, 70x80 livestock shed, 32x60 shop, bunkhouse, other buildings, working and sorting corrals, loading chute. Outstanding ranch find at \$260,000, one-fifth down, owner financing. Free . . . new fall-winter catalog! Describes and pictures hundreds of farms, ranches, towns and country homes, businesses coast to coast! Specify type property and location preferred. Zip code, please. United Farm Agency, Suite 132-FM, 7710 Computer Avenue, Minneapolis, Minn. 55435. Phone: (612) 926-8881.

FULLY EQUIPPED HOG FARM CAPABLE OF farrowing and finishing 1500 hogs annually. Liquid manure system, 5 horse mill, mechanical feed distribution. Fully modern eight room house. Located on eleven acres, adjacent 40 acres crop land which may be rented. Orville L. Anderson, Morris, Manitoba, Canada.

40 ACRES WOODS. THREE MILES FROM Webster, Wisconsin, across road from Yellow Lake. Furnished house, other buildings, electricity. Black top road, school bus, mail route. Ideal hunting area. Will consider selling with joining lakeshore home. Carl Lenz, 578 Point Douglas Road, St. Paul, Minn.

FOR HEALTH REASONS WILL SELL 200 ACRE dairy farm, 190 acres tillable, 2 1/2 miles from town. 40x90 stanchion barn with cleaner, modern 4 bedroom home, large pole shed and quonset, bale shed, corn cribs, machine shed with shop. Must be seen to appreciate. Orvel K. Olsen, Route 1, Hutchinson, Minn. 55350.

RETIREMENT SALE. 100 MILES NORTH OF Minneapolis, Arthide, Minnesota. Attractive price and terms. Two sets of buildings on 640 acres. Can be divided to suit buyers. Would be ideal for two parties working together. Write Earl A. Emmer, P. O. Box 1128, Minneapolis, Minnesota 55440 for full details.

FOR SALE: 200 ACRES FARM. MODERN FOUR bedroom home, 85 acres cultivated, balance wooded pasture. Good soil. Good buildings. Four miles on tarvia town. Highway ten ideal for girls or boys camp. \$15,000.00 down, balance terms. Harvey McKee Realty, Big Lake, Minn.

LAYER FARM: 120 ACRES, 22,000 CAPACITY. 240x48 slat; new 180x40 cage. Both automated; numerous other buildings. Three bedroom home, mobile home. Ideal for two families. Store accounts. On city limits. Herman Buscher, Box 242, Brainerd, Minn.

ONE OF CENTRAL MINNESOTA'S BETTER dairy or beef farms—240 acres well drained, heavy soil, two modern homes, two barns, silo, granary, two cribs, three machine sheds, all in good condition. Owner, Robert Foster, Foley, Minn. 56329.

384 ACRES BLACK LOAM, 294 CROPLAND. 6 bedroom strictly modern home. Barn 48x54. Silo, granaries. One of top yielding farms in area. Fronts blacktop. \$40,000 with down payment of \$10,000. Mentor Realty, Mentor, Minn.

STOCK AND DAIRY FARM. TODD, OTTERTAIL and Wadena Counties in Central Minnesota where corn, alfalfa, clover and good natural pastures thrive. Write for list, The Gores Company, Wadena, Minn.

FOR SALE: 180 ACRE DAIRY FARM WITH complete inventory on bituminous highway, five miles from town. Write or call for details. Frank Schulz, Sebeka, Minn. 218-837-5728.

HIGH PRODUCING RED RIVER VALLEY FARMS of different sizes, grows everything, good terms, contract for deed. Aarestad Real Estate, 110 No. 6 St., Breckenridge, Minn.

440 ACRES. CATTLE FEEDING SETUP. TERMS. Available now. 280 acres. Excellent buildings and land. Espenson Realty, Starbuck, Minn. 56381.

200 ACRE ALL MODERN STOCK DAIRY FARM only \$6,000 down, balance at 6%. Lawia Agency, Long Prairie, Minn. Phone: 732-3313.

FARMS, HOMES, LAKE PROPERTY AND COM- mercial properties. S. M. Kallevig, Willmar Insurance Agency, Willmar, Minn.

FOR SALE—MODERN GRADE-A DAIRY FARMS from \$100.00 to \$150.00 per acre. Bertha Realty, Bertha, Minn. 56437.

FARM LOANS

MINNESOTA TRIAL COURT DECIDES FEDERAL Reserve Notes and National Bank Mortgage unconstitutional and void. For free information about decision. Jerome Daly, Lawyer, Box 177, Savage, Minn.

FARM FOR RENT

SIX HUNDRED ACRE SHEEP OR CATTLE FARM for rent. All cross-fenced into four separate pastures. About 300 acres in pasture. 300 acres in farmland. Modern house and adequate sheds and barns. Mrs. Myrtle DeBoer, Clearbrook, Minn. Telephone 776-3351.

BUSINESS OPPORTUNITIES

ATTRACTIVE SEED CORN DEALERSHIP COULD be available for you. Write, Vinton Hybrid Corn Company, Vinton, Iowa.

ATTRACTIVE CAFE IN SMALL TOWN. \$2,000 down buys. 5% low payments. Erling Anderson, Clearbrook, Minn.

THEATRE FOR SALE: BRICK, 380 SEATS, apartments, office rental. Otto Sorensen, Powers Lake, No. Dak.

ELECTRICAL AND LIGHT PLANTS

LATEST IN EMERGENCY POWER—KATOLIGHT alternators, completely automatic and tractor driven models. Brushless automatic regulation. Write, Ernie Kretschmar, Route 1, Janesville, Minn. 56048.

BARN EQUIPMENT & VENTILATION

DO IT RIGHT WITH PAN-PAC QUALITY VENTI- lation for top animal production, hogs, poultry, dairy, beef. Write, Ernie Kretschmar, Route 1, Janesville, Minn. 56048.

MACHINERY & IMPLEMENTS

500 BUSHEL PER HOUR CAMPBELL CONTIN- uous flow dryer with LP gas burner, 60 foot twin bucket elevator, gear motor drive, \$6,995.00. 2-400 Behlen batch dryers less motors—\$350.00 each. One Campbell portable batch dryer with 7 1/2 HP 3 phase motor and converter—\$550.00. Will deliver and erect. Fred Adkinson Construction, Roseville, Illinois. Phone: 809-124-2466.

ROCK PICKERS: RESTLAND—8 MODELS IN World-Wide use. Write, Vial Manufacturing Company, Billings, Montana 59101.

CLASSIFIED WORD RATES

Advertisements without display type or illustration, 33 cents a word per issue if the advertisement is run less than four issues. If same advertisement is run four or more consecutive issues the cost is only 30 cents a word per issue. Minimum charge is \$4.95 per insertion (cost of 15 words) unless same advertisement appears in four successive issues when minimum becomes \$4.50 per issue. Name and address must also be included in figuring the cost. Special Rates for "Help Wanted" or "Position Wanted." Advertisements of farmers seeking help and persons actually seeking employment on farms accepted at the rate of 10 cents a word per issue. Minimum advertisement 20 words at cost of \$2.00 per issue. No advertisements accepted where replies are sent care of THE FARMER.

Count the words in some of the advertisements on this page and see for yourself how reasonable the cost of this type of advertising really is. You can't possibly find a market elsewhere for as little cost to you.

Count as one word each initial, abbreviation and whole number, including name and address. Thus "T. B. Smith, 55 E. Tenth Ave., Albert Lea, Minn." counts as 9 words, Albert Lea is one word.

All hyphenated words are counted as two words.

CLASSIFIED DISPLAY RATES

Display type may be used in classified advertisements of 14 lines (one inch) or more at rate of \$2.80 per line (\$39.20 per inch) per issue. If same advertisement is run four or more consecutive issues the cost is \$2.70 per line (\$37.80 per inch) per issue.

CLOSING DATE FOR CLASSIFIED SECTION

Advertising orders and stop orders must reach this office not later than Friday, fifteen days in advance. Next available issue will be dated September 6, 1969. Advertising forms close Friday, August 22, 1969.

CASH MUST ACCOMPANY ORDER, AND ALL NEW ADVERTISERS ARE ASKED TO SEND BANK REFERENCE

Send your classified ad to: **THE FARMER**
1999 Shepard Road
St. Paul, Minn. 55116

DAIRY SUPPLIES

MILK WITH LESS LABOR WITH CONDE PIPE- line milkers, parlor and stanchion barn. Large capacity vacuum pumps. Trouble-free Electric Pulsation. Completely automatic wash. Free estimates. Save money. Write, J. C. Marlow Company, Box 1148, Mankato, Minn. 56001.

DeLAVAL AND SURGE USERS—SAVE ON soft design replacement inflations for DeLaval 01 and Surge A2, B2, FD. Guaranteed. 85c each. Add 50c shipping charges on orders less than \$10.00. J. C. Marlow Company, Box 1148, Mankato, Minn. 56001.

DE LAVAL BULK TANK. 800 GALLONS, 8 years old. Good condition. Sandy Equipment, Grove City, Minn. 56243.

CHAIN SAWS

CHAIN SAW CHAIN, BARS, PARTS. LOWEST prices. Free catalog. Write Zip-Penn, Box 179-A5, Erie, Pennsylvania 16512.

FARM EQUIPMENT

STATE FAIR SPECIAL "THE BEST FAIR SPECIAL Yet" Now select one of the following choices when you buy a Columbus Wagon, your choice of a \$29.50 or \$26.50 set of 4 used tires and new tubes, or your choice of a \$29.50 or \$26.50 discount off on a set of new wagon tires, or your choice of a \$29.50 discount off the regular price of a 11 or 12 inch Columbus Wagon or a \$26.50 discount off the regular price of a 5 1/2 or 4 ton Columbus Wagon purchased now and until September 10, 1969. See your Columbus dealer now or write factory for his name. Plus free Minnesota State Fair drawing at our lot on Machinery Hill for farm families only, we are next to The Farmer information center, grand prize a Columbus Farm Wagon, plus other prizes too. Be sure to see why farmers have made Columbus Minnesota's largest independent farm wagon manufacturer. Well over a million dollars worth have been sold. Columbus Manufacturing, 3101-03 Washington Ave. North, Minneapolis, Minnesota 55411.

AUTOMATIC TRACTORKABS—CLOSED CAR comfort for most older rear-mount tractors. John Deere 50, 60, 70, 80, 90, 100, 120, 140, 160, 180, 200, 220, 240, 260, 280, 300, 320, 340, 360, 380, 400, 420, 440, 460, 480, 500, 520, 540, 560, 580, 600, 620, 640, 660, 680, 700, 720, 740, 760, 780, 800, 820, 840, 860, 880, 900, 920, 940, 960, 980, 1000. Write or call, Automatic Equipment, Department TF, Pender, Nebraska 68047. Phone (402) 972-3051.

ROCK WINDOWERS 6-10-20 FOOT MODELS. Rock pickers 3 models. Save time, window the rocks first then pick. Windowers and picks all rocks 1 to 12 inches. Three to seven acres an hour. Picks fast and clean. Also hydraulic dump trailers. Write, Harley Rock Picker, Clarissa, Minn. 56440. Phone: 218-756-2378.

AUTOMATIC ROLLER MILLS—HANDLE ANY grain, wet or dry, even frozen, shucky earcorn. Available with metering unit to measure, roll and mix 3 ingredients in one operation. Feedlot tested cattle and hog rollers, mist blowers, fiberglass mineral feeders, tractorkabs for older rear-mount tractors. Free literature. Automatic Equipment Mfg. Co., Dept. FA, Pender, Neb. 68047.

GRAIN DRIERS—FOR INFORMATION ON new and used driers in your area, write or phone: Dri All Driers, Inc., Attica, Indiana 47918. For your nearest dealer contact representative Marshall McKenzie, New Ulm, Minn. 56073. Phone: 507-854-5431.

FOR SALE: 1000 BUSHEL STORMOR BATCH drier, 1963 # 237 JD mounted cornpicker; 3-16 JD pull plow, hydraulic control. Milton Black, Hector, Minn.

IRRIGATION EQUIPMENT

IRRIGATION EQUIPMENT OF ALL TYPES. WE feature the Valley self-propelled. Used Vermeers, wheel roll, pipe and pumps. Livingston Irrigation Corp., Appleton, Minn. Phone: 612-289-2000.

NEW AND USED IRRIGATION PIPE, PUMPS and sprinklers. Trades. Terms. Lease. Phone 963-2639. General Irrigation Supply, Pequot Lakes, Minn.

SELF PROPELLED OR STATIONARY SYSTEMS. Well drilling. Pumps. Farm Irrigation Company, Box 191, Wayzata, Minn. Phone 473-9100.

IRRIGATION WELL DRILLING. IRRIGATION equipment. New, used trades. Terms. Sanford Irrigation, Elbow Lake, Minn.

TIRES

TIRES, TRUCK, AIRPLANE, AUTO AND TRAC- tor. New and used for car, trailer, truck, combines, haybalds, etc. State vehicle, wheel and load need. Special low prices on new truck tires. Free list. Knapton Tire Company, 412 South Wabasha Street, St. Paul, Minnesota 55107.

AUTOMOTIVE & TRUCKS

3/4 TON LEAF SPRING CHEV TRUCKS

Buy where they are.
Ready to roll at a savings.
All-Purpose and Camper capabilities.
The biggest stocks.

The all new
CHAMPION CHEVROLET

610 North Robert, St. Paul, Minn.
in the Capitol Approach Area.
Look for the sign—where
1-94, 35E, 10 and 12 come together.
Phone (612) 277-8111
Worth driving.

AUTO, TRUCK & TRACTOR SUPPLIES

TRACTOR AND IMPLEMENT PARTS AT GREAT savings. Largest assortment. Free 1969 catalog. New and used parts, other items. Central Tractor Parts Company, 1515 East Euclid, Des Moines, Iowa 50313. Branch stores at Albert Lea, Minnesota, Sioux City, Iowa.

JEEP PARTS CATALOG. MILITARY AND CI- vilian. For owners, dealers, garages, service stations. Save \$\$\$ Surplus and replacements. American Auto Parts Co., 1830 Locust, Kansas City, Mo. 64108.

TIRE CHAINS, FARM TRACTORS, CARS, TRUCKS, graders, heavy duty—low prices. Prompt shipment. Phone collect. Freight prepaid, shipments over \$100.00. Write for Chain catalog. Southern Parts Corporation, Box 7035, Memphis, Tenn. 38107.

TRACTOR PARTS—SAVINGS TO 75% ON NEW- used-rebuilt parts for 250 makes and models! Wheel, crawler tractors. Tremendous catalog! Send 25c. Surplus Tractor Parts Corp., Fargo, N. Dak.

TRY US FOR ANY USED TRUCK PART. WE have used and rebuilt parts for any truck. Libson Truck Sales, 1529 North Washington, Minneapolis, Minn. Jackson 1-3537.

GOOD USED TRACTOR PARTS FOR SALE. Farmers Surplus, Minot, N. Dak. Phone: 83-85318 or 83-86669.

SNOWMOBILES

ARIENS—BEST SNOWMOBILES AT LOW prices. 295, 340, 400, 450 cc engines. Dealer and consumer inquiries invited. Heymans Co., Box 411, Sleepy Eye, Minn.

LUMBER & BUILDING MATERIAL

U.S. ROOFING & SIDING CO.

Factory Close-Out Bargain
Aluminum Siding with backer insulation...\$21.50

LOW PRICES.....PER 100 SQ. FT.

Roofing Specials Siding Specials

Odd lots shingles...\$5.85 Aluminum ...\$16.75

235# Shingles...\$6.85 Asbestos\$13.50

260# D.C. Lok Sgls.\$7.85 Felt Rolls\$ 1.50

90# Slate Rolls...\$2.45 Roll Bricks ...\$ 3.45

3/8" Insulation Board—per 100 sq. ft.....\$2.95

1/2" Insulation Board—per 100 sq. ft.....\$3.95

Aluminum Combination Windows.....Each \$6.50

Aluminum Combination Doors.....Each \$14.25

Overhead Garage Doors, low as.....Each \$52.50

Automatic Garage Door Opener.....\$112.00

PREFINISHED PANELING Low as \$3.38

Phone or write for special prices

U.S. ROOFING & SIDING CO.

200 W. Sycamore Street Saint Paul, Minn. 55117

GLUED RAFTERS—OLIVIA RAFTERS ARE NOT only glued, but they are also well nailed. The proper lumber is carefully selected and glued and nailed in our large modern plant. Manufacturing Laminated Rafters has been our business for more than 30 years. Olivia Rafters are holding thousands of buildings straight and true on farms in the Midwest. If you want to be sure of quality and strength, ask any lumber dealer for Olivia Rafters—your choice of Round or Strait-Wall. Write for free literature. Olivia Rafters, Inc., Olivia, Minnesota 56277.

COLORED STEEL FARM BUILDINGS! INVESTI- gate Ceco packet buildings. Cost no more than pole buildings. For machine sheds, cattle barns, poultry buildings, utility structures. Complete package. Goes up fast. Clearspan steel frames. Covered with famous galvanized Cecoroll in colors (or plain galvanized). Certified by written warranty. Write or phone, The Ceco Corporation, 2801 E. Hennepin Avenue, Minneapolis, Minn. 55413. Phone 612-331-6220.

DESIGNED BY FARM SPECIALISTS. ACH-WALL. prebuilt, insulated wall panels for "Total Environment." Free-span trusses, round rafters, to fit your special needs. Pressure treated posts, poles and lumber. Rough or smooth lumber. Visit our Farm Display Area, Northwest Building Center, Box 109, Wadena, Minn. 56482.

SAVE ON CLEAR SPAN, QUALITY PRE-ENG- ineered farm structures, guaranteed price, satisfaction, completed in weeks, choose color, design and materials. One of nation's largest builders, free booklet. Wick Building Systems, Inc., Box 107, Waseca, Minn. 56093.

POLE BUILDINGS—BUY AS LITTLE OR AS much erection labor as you need. Menard Pole Buildings, Route 2, Eau Claire, Wisconsin 54701.

WHOLESALE FACTORY—TO YOU PRICES. ALL types wood trusses or glue nailed round rafters. Lester's Inc., Lester Prairie, Minn.

SILOS, GRAIN BINS, CORN CRIBS

BEFORE YOU BUY BE SURE TO CHECK OUR quality and low price: Hanson Concrete silos, silo, Hanson Silo Unloaders, Hanson Silage Distributor and Hanson Frozen Silage Chopper. We have been serving satisfied customers since 1916. Write for additional information. Hanson Silo Company, Lake Lillian, Minn. Plants at Lake Lillian and Luverne, Minnesota and Lake View, Iowa.

MODERN PORTABLE GRAIN DRYERS. LOW price, help ready. New dealer organization being set-up over 18 states. Write for full details. Board Equipment Co.—Distributor, State Road 28 West, Frankfort, Indiana 46041, 317-4-634-8517.

FOUR MODERN SHEDS, FOR THE BOTTOM of the line. Write, Vial Manufacturing Company, Billings, Montana 59101.

BUY DIRECT
and cut
delivered right
on ton or more
for information
(713) 377-
Box 1183, N.
56001.

STARK BRO
Spectacular
Peaches, No.
Cherries, App.
Standard Sil.
Stark Bro's,
56001.

ENSTREY
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CERTIFIED
Caribbean, Con
and Sons, Cal
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ATTRACTIVE
be available
Company, Vin
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FOR SALE
Pearl Rye,
Minn, Phone
2728.

CASH AND
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Company, P. O.
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DEEP KEEL
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Waverly, Minn,
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YEAR OLD
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U.S. GOVERN
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equipment. Savin
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water pumps, w
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tools, electronic
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foreign countries
"O" Street, Line
6001.

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O'Neal, Box A-7
6001.

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THE PERFECT
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1999 Shepard Ro
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WALLPAPER
tained patterns,
wallpaper, vinyl
soap and water w
roll. Now only 9
We pay postage,
Refunded first col
Burlington, Nor
6001.

WEAVE RUGS
experienced wea
and low prices
parts, inexpensive
advise make,
Company, Free
6001.

SCIBORR BIL
reliable, three day
All others \$1.00
A. A. Appliances,
Rapid, Minn. 55
6001.

WE'RE THE LA
bottles, (beams)
huge buying lists,
42001.

WOOL—OLD
Washed, carded
price list. Hamish
50001.

STOP BUSTY
staining fixtures,
rust, sand, odors,
re-usable replace
cor, 886-F West
6001.

CASH IMMEDI
ry, gold teeth,
spectacles, Free
East Madison, Wis
6001.

FAISE RABBIT
faced, 48 Page
Books, Housing,
Marketing, etc.
Box 50, ADA, Wis
6001.

LAW OFFICES

ROBINS, DAVIS & LYONS

DAIN TOWER
MINNEAPOLIS 55402

TELEPHONE (612) 339-4911

September 2, 1969

SAINT PAUL
MINNESOTA BUILDING

WASHINGTON, D. C.
1025 CONNECTICUT AVENUE N. W.

SOLLY ROBINS
M. ARNOLD LYONS
HARDING A. ORREN
THOMAS D. FEINBERG
JAMES A. KARIGAN
ROBERT J. TWEEDY
ELLIOT S. KAPLAN
JAMES L. FETTERLY
STANFORD ROBINS
CHARLES A. HALPERN (1911-1965)

JULIUS E. DAVIS
SIDNEY S. FEINBERG
BERNARD ROSENBERG
ARNOLD M. BELLIS
LAWRENCE ZELLE
WILTON E. GERVAIS
HOWARD A. PATRICK
STANLEY E. KARON
JOHN T. CHAPMAN
SIDNEY KAPLAN
STEPHEN A. KRUPP
LED F. FEENEY
STEVEN L. ROSS
STEPHEN J. DAVIS
JOSEPH E. HARKNESS, JR.
JAMES R. SAFLEY

NORMAN K. GURSTEL
JOHN F. EISBERG
DALE I. LARSON
THOMAS C. KAYSER
MARK H. RODMAN
JEFFREY S. HALPERN
JAMES L. ROHWEDDER
STEVEN H. GOLDBERG

PATENT AND TRADEMARK ATTORNEY
WAYNE B. EASTON

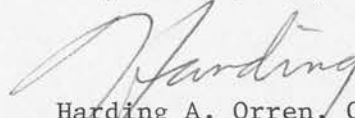
WASHINGTON, D. C. OFFICE
RONALD A. JACKS, OF COUNSEL

Mr. Fred J. Hughes
Attorney at Law
808 1/2 St. Germain Street
St. Cloud, Minnesota 56301

Dear Fred:

Enclosed is a photocopy of the page of the August 16th issue of "THE FARMER", with the ad by Mr. Daly. I understand that a similar ad ran in the July 5th, July 19th and August 2nd issues of the same magazine.

Very truly yours,



Harding A. Orren, Chairman
Committee on Professional Responsibility
and Discipline

/js

Encl.

42174

3401 Ocean Park Blvd. # 104
Santa Monica, CA 90405
Saturday, Sept. 27, 1969 PM

Mr. John McCarthy, Clerk
Supreme Court of Minnesota
St. Paul, Minnesota 55100

References: (a) In re Jerome Daly, No. 42174
(b) Your letter to me dated Sept. 25, 1969

Dear Mr. McCarthy:

Thank you for your 9-25-69 letter and for your prompt response to mine of earlier date.

In accordance with the second sentence of your letter, please find attached hereto the sum of \$ 2.10 (Two Dollars and Ten Cents) in cash.

Please send me a copy of the opinion issued by the Supreme Court of Minnesota on September 5, 1969 in the Jerome Daly case.

With appreciation for your early reply, I am

Yours very truly,

Weston I. Van Buren

Weston I. Van Buren.

Attachment:

Opinion forwarded 9/30/69

W.O.T.

EXHIBIT 100
BIOGRAPHICAL

1. Name of the person: [illegible]
2. Date of birth: [illegible]
3. Place of birth: [illegible]

4. Education: [illegible]
5. Occupation: [illegible]

6. Military service: [illegible]
7. Awards and decorations: [illegible]

8. Family: [illegible]
9. Other: [illegible]

10. References: [illegible]

11. Remarks: [illegible]

12. Signature: [illegible]

13. Date: [illegible]

14. Location: [illegible]

15. Other: [illegible]

16. Remarks: [illegible]

17. Signature: [illegible]

18. Date: [illegible]

19. Location: [illegible]

20. Other: [illegible]

42174

42174

CLIFF HOLDEN, P.E.
29 WEST GLEN ROAD
ROCK RIDGE LAKE, DENVILLE, N. J.

The Minnesota Supreme Court
of the State of Minnesota, U. S. A.

Gentlemen,

By suspending Mr. Daly
from practice you have
disgraced yourselves and
your court. Mr. Daly
stands on the principals
of Thomas Jefferson and
will be considered a true
patriot in the future. He is
the first of many.

When the pure, unadulterated
truth is out — it is devastating.

It causes Judges to vie
against a staunch and
true patriot, Savoy Daly.
He will be remembered as
a real patriot where you
will be regarded as foolish
and shortsighted.

Now and quickly is the
time to correct your error
in the face of truth.

Check Article 1 Section 10
of the Constitution of the United
States of America.

Did you do right in the
eyes of God? He is your
Judge.
C. A. Holder

September 25, 1969

Mr. Weston I. Van Buren
3401 Ocean Park Blvd., Apt. 104
Santa Monica, California 90405

Dear Mr. Van Buren:

In re Jerome Daly, No. 42174

On September 5, 1969, this court did issue an opinion in this case. You can purchase a copy from this office for \$2.10. An inexpensive alternative is to purchase the Tuesday, September 9th edition of FINANCE AND COMMERCE, a daily newspaper, located at 320 South 4th St., Minneapolis, Minnesota.

Mr. Daly will be temporarily suspended from the practice of law in this state on October 1, 1969.

Yours truly,

John McCarthy, Clerk

HERBERT C. DAVIS

ATTORNEY AT LAW
6100 EXCELSIOR BOULEVARD
ST. LOUIS PARK, MINNESOTA 55416

September 24, 1969

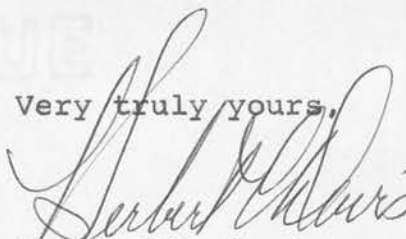
Clerk of the Supreme Court
State Capitol
St. Paul
Minnesota

Gentlemen:

Enclosed please
find original Order, Petition and Accusation, with
Affidavit of Service of the Scott County Sheriff
attached, in the matter of In re Jerome Daly, Supreme
Court File No. 42174.

Thank you for
your cooperation in this matter.

Very truly yours,



Herbert C. Davis

HCD/drr
encl. 1

3401 Ocean Park Blvd. # 104
Santa Monica, CA 90405
September 22, 1969

Chief Clerk
Minnesota Supreme Court
Minneapolis, Minnesota

Dear Sir:

It has been with considerable interest that I have read several published articles over the past two months or so concerning litigation in the state of Minnesota relating to the validity of Federal Reserve Notes as legal tender.

First, I saw it in a syndicated column of my daily newspaper. Later, I saw it in the California Mining Journal, a monthly. Then U.S. Congressman Rarick entered an item on page E4262 and E4263 of the May 22, 1969 issue of the Congressional Record. Then just last week there was a short item in one of the weekly news magazines. I am interested in learning more of the facts in the case, as well as the present status of the litigation, e.g., is it scheduled to be heard by a higher court?

I refer to the case of Jerome Daly (or Daley) versus First National Bank of Montgomery. Supposedly the case was tried on December 7, 1968 with Martin V. Mahoney, Justice of the Peace, Credit River Township, Scott County, Minnesota presiding. Presumably, the court found in favor of Daley and against the Bank.

In the weekly news magazine article, (dated Sept. 17, 1969) it said that "last week" the Minnesota Supreme Court ~~xxx~~ had said that Daley had "intentionally and deliberately" violated an order by a Judge of this Court who instructed him not to bring such a "legal Tender" action against a Minneapolis bank.

Please tell me whether or not such an order did, in fact, issue from one of the judges of the Minnesota Supreme Court. If it is true, ~~xxx~~ would it be asking too much for you to send me a copy of such order? I will enclose a stamped, self-addressed envelope to facilitate your reply. I would also like to know whether or not attorney Daley has been suspended from practice by the Minnesota Supreme Court pending a hearing. I am not an attorney. I am just an interested citizen. Thanks in advance for your response.

Sincerely,

Weston I. Van Buren

Weston I. Van Buren

WESTON I. VAN BUREN
3401 Ocean Park Blvd. Apt. 104
SANTA MONICA, CALIF. 90405

September 15, 1969

Mr. Jerome Daly
Attorney at Law
28 East Minnesota Street
Savage, Minnesota 55378

Dear Mr. Daly:

I have your letter dated August 11.

We would be glad to have you appear before the court informally any time it is convenient for you. I suggest you call my office and that you come in late in the afternoon, say at 2:30 or 3:00 sometime after next Monday. We will be in session beginning Monday and all members of the court will be here.

Sincerely yours,

ORK:dm
bc - JohnnMcCarthy

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

RGR:ssk

United States Department of Justice

UNITED STATES ATTORNEY

DISTRICT OF MINNESOTA
596 U.S. COURTHOUSE
MINNEAPOLIS, MINNESOTA 55401

September 11, 1969

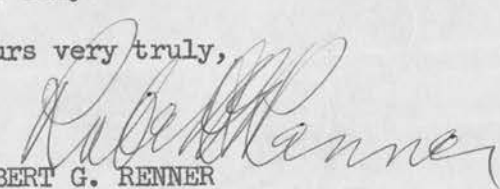
Miss Mae Sherman
Clerk of Supreme Court
State Capitol
St. Paul, Minnesota 55101

Re: Jerome Daly v. Faegre & Benson, et al.

Dear Miss Sherman:

Would you please furnish this office with a certified copy
of the Opinion filed Friday, September 5, in connection with
the disbarment proceedings against Mr. Daly.

Yours very truly,


ROBERT G. RENNER
United States Attorney

*mailed 9/12
W.O.T.*

42174

Office of the Attorney General

Department of Justice
Washington, D.C. 20530

September 11, 1963

Miss Mae Sherman
Chair of Eugene Court
State Capital
St. Paul, Minnesota 55101

Re: James Earl Ray, et al.

Dear Miss Sherman:

Would you please furnish this office with a certified copy
of the Opinion filed Friday, September 6, in connection with
the discharge proceedings against Mr. Ray.

Yours very truly,

ROBERT G. ALLEN
Chief, Cases Section

Jerome Daly
28 East Minnesota Street
Savage, Minn. 55378
Feb. 2, 1970

John Mc Carthy
Clerk of Supreme Court
State Capitol
St. Paul, Minnesota

Sir:

Attached herewith kindly find Application to Supreme Court to make an exception to their suspension Order of Sept. 5, 1970.

Defendant is to appear before the Court on February 5, 1970. Please refer this to the Court.

Respectfully yours,

Jerome Daly
Jerome Daly

CC. Mr. Herbert C. Davis
Attorney at Law
6100 Excelsior Blvd.
St. Louis Park, Minn.

No. Sp.

SUPREME COURT

PER CURIAM

IN RE JEROME DALY

No. 42174

STATE OF MINNESOTA

COUNTY OF SCOTT

SS

Ronald
~~Don~~ C. Cook, being first duly sworn deposes and states that he is a Defendant in the action of State of Minnesota vs. Don C. Cook now pending in the Municipal Court of the City of Bloomington, County of Hennepin, State of Minnesota, involving a charge of Driving while under the influence on or about January 8, 1970.

That with reference to these Criminal charges I wish to have assistance of Counsel of my own choice. I have consulted with friends and with Mr. Daly and I want him to represent me as he is the Attorney that I have confidence in.

The City of Bloomington does not provide assistance of Counsel for my Defense. I have paid Mr. Daly a \$100.00 retainer on condition that he can get approval of the Supreme Court of the State of Minnesota to make an exception to the suspension Order of September 5, 1969 and I hereby Petition the Supreme Court to make an exception to such Order so that he may represent me.

Subscribed and sworn to before me
this February 2, 1970

Donald C. Cook
Don C. Cook

Jerome Daly
Jerome Daly, Notary Public
Dakota County, Minnesota
My Comm Exp. 1-15-73

APPLICATION

Upon the foregoing, I hereby make application to the Supreme Court to make an exception to the Suspension Order of September 5, 1969 and that I be granted permission to Appear for Don C. Cook in the above referred to Criminal Charges.


Feb. 2, 1970

Jerome Daly
Jerome Daly
28 East Minnesota Street
Savage, Minnesota

ORDER

Upon the foregoing Petition and Application of Jerome Daly and Defendant Don C. Cook;

IT IS HEREBY ORDERED, That Jerome Daly, Attorney at Law, be and hereby is authorized to appear and represent Don C. Cook in the matter of State of Minnesota vs. Don C. Cook in Hennepin County Municipal Court, Criminal Charge, Driving while under the Influence, now pending before that Court.


JUSTICE

SUPREME COURT OF MINNESOTA

Dated February, 4th, 1970

25

42174

SUPREME COURT
FILED

FEB 4 1970

JOHN McCARTHY
CLERK

Application and
Order

State of Minnesota,

} ss.

County of HENNEPIN

DONNA R. RACETTE

of the City of St. Louis Park

County of Hennepin in the State of Minnesota, being duly sworn, says that on the
29th day of January, 1970, he served the annexed Notice of Motion
and Motion, and Affidavit of Herbert C. Davis,

on Jerome Daly

~~the attorney(s) for~~

the Respondent in this action, by mailing to said Jerome Daly a copy thereof, inclosed
in an envelope, postage prepaid, and by depositing same in the post office at St. Louis Park
Minnesota directed to said attorney(s) at 28 East Minnesota Street, Savage, Minnesota
the last known address of said attorney(s). 55378

Subscribed and sworn to before me, this 29th
day of January, 1970.

Notary Public Hennepin County, Minnesota

My Commission Expires

HERBERT C. DAVIS
Notary Public, Hennepin County, Minn.
My Commission Expires Aug. 27, 1975.

Donna R. Racette

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re JEROME DALY

NOTICE OF MOTION
AND MOTION

TO: JEROME DALY:

PLEASE TAKE NOTICE that the Petitioner, the State Board of Law Examiners, will move the Court, before The Honorable Donald C. Odden, Referee of the abovenamed Court appointed by Order of the Court dated January 20, 1970, on February 9, 1970, at 2:00 o'clock p.m., or as soon thereafter as counsel may be heard, in Room 722, Flour Exchange Building, Minneapolis, Minnesota, for an Order of the Court amending the Petition and Accusation filed herein by the Petitioner as follows:

1) To include, in addition to the allegations contained in such Petition, the following allegations:

"VIII(A)

"That on October 1, 1969, the date upon which the suspension from practice contained in the Opinion of the Supreme Court of Minnesota dated and filed September 5, 1969, became effective, the Respondent, Jerome Daly, made an appearance before the Juvenile Division of the District Court for Hennepin County, Minnesota, in connection with Juvenile Court File No. 75822, pursuant to a Power of Attorney, a copy

of which is attached hereto and made a part hereof. That said appearance was made with full knowledge of the Order of the Supreme Court and in violation of said Order.

"That thereafter, by Order of the Supreme Court dated October 13, 1969, said Respondent was authorized to participate as an attorney in certain specified cases, one of which being the Juvenile Court proceeding contained in the preceding paragraph.

"That on or about November 7, 1969, one Raymond Walter Salfer appeared at the office of Jerome Daly and gave him a retainer of One Hundred Fifty and no/100 Dollars (\$150.00) to represent him in the defense of a charge before the Hennepin County Municipal Court for driving under the influence of an alcoholic beverage. That said Raymond Walter Salfer had not engaged the services of Jerome Daly prior to the date of October 1, 1969. That Jerome Daly had no authority, by Order of the Supreme Court of Minnesota, to participate in any manner in the defense of this charge or to appear on behalf of said client. That said Raymond Walter Salfer appeared in person at a Pre-Trial Conference before the Hennepin County Municipal Court on January 15, 1970, at which time he withdrew his plea of not guilty and entered a plea of guilty to the charge. That he stated to the Court that he had been unable to reach Jerome Daly either for further legal service or for the return of the retainer fee."

2) To amend Paragraph IX of the Petition and Accusation by the inclusion after Paragraph VIII, of "VIII(A)".

Such Motion will be made upon all the files, records and proceedings herein, and upon the Affidavit of Herbert C. Davis, counsel for the Petitioner, State Board of Law Examiners.

DATED: This 28th day of January, 1970.

STATE BOARD OF LAW EXAMINERS

By Herbert C. Davis

Herbert C. Davis, Counsel
6100 Excelsior Boulevard
St. Louis Park
Minnesota 55416

Based upon The Declaration of Independence found in American Jurisprudence 2d, Desk Book, Page 38, The Constitution of the United States, Am Jur 2d, Desk Book, page 10, The Northwest Ordinance Desk Book page 51, The Virginia Bill of Rights, Desk Book Page 57, The Massachusetts Bill of Rights, Page 59, The Virginia Statute of Religious Liberty, Page 64, The Constitution of the State of Minnesota and the Constitution of _____
The Declaration of Resolves of the First Continental Congress of October 14, 1774, The Declaration of the Causes and Necessity of Taking up Arms of July 6, 1775, Magna Carta, Am Jur Desk Book, page 42, of June 15, 1215; excepting therefrom all Monarchical and Clerical nonsense and more particularly based upon the 1st and 14th Amendments to the Constitution of the United States and Article 6 of the Original Constitutional Draft and American Jurisprudence 2d Sections 328 thru 360 and Sections 361 thru Sections 394 found in Volume 16 on the Subject of Constitutional Law and more especially Sections 353, 354 and 355 thereof;

Know all Men by These Presents: That.....

Wayne Allen Krull, Wilbur Krull and Mrs. Wilbur Krull
of the County of Hennepin, State of Minnesota
do by these presents make, constitute and appoint Jerome Daly

of the County of Dakota, State of Minnesota
At Law and
true and lawful attorney / in fact for and in name, place and
stead to act in the place and stead of Wayne Allen Krull
with the same force and effect in all respects as though said
Wayne Allen Krull was personally present and to appear in
any Court and in any action, civil or criminal in which
he is is involved in and to make an appearance therein
by filing a copy this power of Attorney therein and more specifically
but not limited to the following action;

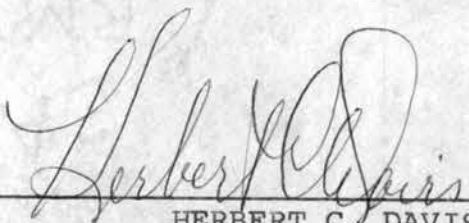
Hennepin County District Court Juvenile File No. 75822
Motor Vehicle Traffic charges. Also Hennepin County Municipal
Court Ticket No. 40-070775

42174

AFFIDAVIT OF
HERBERT C. DAVIS

That he is the attorney for the Petitioner herein. That the Petition and Accusation and the Order of the Supreme Court requiring service thereof were filed with the Clerk of the Supreme Court on the 17th day of September, 1969. That the facts stated in the requested amendments to the Petition and Accusation herein were not made known to your Petitioner until after the date upon which the Petition, Accusation and Order were filed and served upon Respondent, Jerome Daly, having been brought to your Affiant's attention by a call from Donald Chapman, Referee of the Juvenile Court for Hennepin County, on October 1, 1969, and by letter of January 15, 1970, from Judge Chester Durda addressed to John C. McCarthy. That your Affiant feels that these are important and material accusations necessary to a full consideration of the charges made in this proceeding.

FURTHER AFFIANT SAITH NAUGHT.


HERBERT C. DAVIS

Subscribed and sworn to before me
this 28th day of January, 1970.

Notary Public in and for Hennepin
County, Minnesota.

DONNA R. RACETTE
Notary Public, Hennepin County, Minn.
My Commission Expires Oct. 17, 1971.

211

42174

File -- book

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re JEROME DALY

SUPREME COURT
FILED

FEB 2 1970

JOHN McCARTHY
CLERK

NOTICE OF MOTION

AND MOTION

AND

AFFIDAVIT OF HERBERT C. DAVIS

HERBERT C. DAVIS

Counsel for the State Board of Law

Examiners, Petitioner

6100 Excelsior Boulevard

St. Louis Park, Minnesota 55416

929-8541

1-22-70 Davis has copy

January 22, 1970

Mr. Kenneth Anderson, President
Board of Law Examiners
300 Reanoke Building
Minneapolis, Minnesota

Dear Mr. Anderson:

In re Jerome Daly, No. 42174

Enclosed please find a copy of a letter from Judge Durda to Chief Justice Knutson. By the terms of the reply, I have been instructed to forward this information to the Board of Law Examiners for its attention.

Yours truly,

John McCarthy, Clerk

January 19, 1970

The Honorable Chester Durda
Judge of the Municipal Court
Hennepin County Court House
Minneapolis, Minnesota 55415

Dear Judge Durda:

Your letter of January 15 to John McCarthy has been turned over to me. I appreciate your sending this information to us. As you probably know, a disciplinary proceeding is now pending against Mr. Daly and the information contained in your letter will be referred to the Board of Law Examiners so that it can be considered along with the other matters that will undoubtedly be referred to the referee.

I think judges do a distinct service when they report matters of this kind that we would know nothing about otherwise.

Sincerely yours,

ORK:dm
cc - John McCarthy

Hennepin County Municipal Court



Minneapolis, Minnesota 55415

January 15, 1970

CHAMBERS
CHESTER DURDA
JUDGE

FILED
JAN 17 1970
JAN MCCARTHY
CLERK OF SUPREME COURT

Mr. John C. McCarthy
Clerk of Supreme Court
Minnesota State Capitol
St. Paul, Minnesota

Dear Mr. McCarthy:

In view of the matter of In Re Jerome Daly, No. 42174, Supreme Court of Minnesota, September 5, 1969, I wish to report the following:

At a pretrial conference this date one Raymond Walter Salfer of 1701 West 92nd Street, Bloomington, Minnesota, withdrew his not guilty plea to Driving While Under the Influence (where he tested out .17) and entered a plea of guilty thereto. Defendant advises me that on or about November 7, 1969, he appeared at the office of Mr. Jerome Daly and gave him a retainer of \$150.00 to represent him in this matter. The defendant has been unable to reach Mr. Daly either for further legal service or the return of the retainer fee.

I only bring this to your attention because it appears from the Supreme Court order that Mr. Daly should not be taking on new cases, let alone accepting retainer fees.

Very truly yours,

Chester Durda
Chester Durda

cc: Mr. Jerome Daly
Attorney at Law
Savage, Minnesota

Mr. Raymond W. Salfer
1701 West 92nd Street
Bloomington, Minnesota

17

42174

SUPREME COURT
FILED

JAN 17 1970

JOHN McCARTHY
CLERK

Copy of Letter
from Judge
Dwida re appearance
of Jerome Daly filed

STATE OF MINNESOTA

IN SUPREME COURT

42174

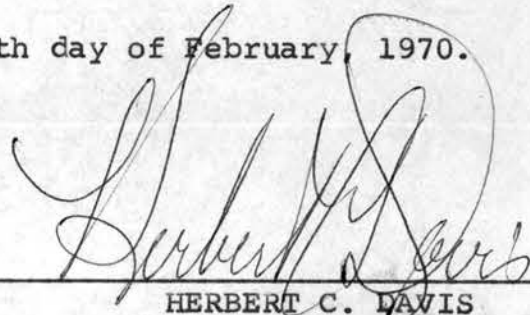
In re JEROME DALY

NOTICE OF
ENTRY OF ORDER

TO: JEROME DALY

PLEASE TAKE NOTICE that the attached
Order was duly filed in the office of the Clerk of
the Supreme Court on the 21st day of January, 1970.

DATED: This 5th day of February, 1970.



HERBERT C. DAVIS

Attorney for State Board of Law Examiners
6100 Excelsior Boulevard
St. Louis Park, Minnesota 55416
929-8541

State of Minnesota,

} ss.

County of HENNEPIN

DONNA R. RACETTE

of the City of St. Louis Park

County of Hennepin

5th

day of

February

1970

She served the annexed

Notice of Entry of Order dated January 21, 1970, and filed

on

Jerome Daly

January 21, 1970,

~~the attorney(s) for~~

the Respondent

in this action, by mailing to said Jerome Daly a copy thereof, inclosed

in an envelope, postage prepaid, and by depositing same in the post office at St. Louis Park

Minnesota directed to said attorney(s) at 28 East Minnesota Street, Savage, Minnesota,

the last known address of said attorney(s).

Subscribed and sworn to before me, this 5th

day of

February

1970.

Notary Public Hennepin

County, Minnesota

My Commission Expires

My Commission Expires Aug. 27, 1975.

Donna R. Racette

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re Jerome Daly.

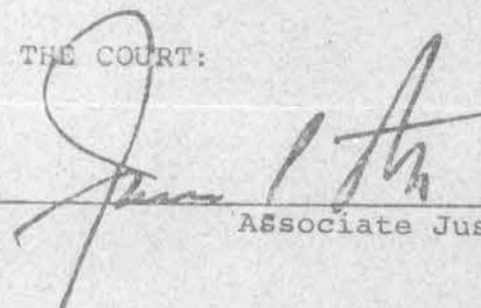
O R D E R

The above entitled matter came before the court on the 21st day of January, 1970, at 9:30 a. m., upon the motion of Jerome Daly that the proceeding be dismissed on the grounds that the court lacks jurisdiction or, in the alternative, that the Honorable E. R. Selnes, heretofore appointed as a referee to hear and make findings in the matter, be replaced by another referee. Mr. Herbert C. Davis appeared in behalf of the State Board of Law Examiners and no appearance was made by Jerome Daly. At the request of the Honorable E. R. Selnes he has been relieved of any further duties in the matter pursuant to an order heretofore filed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the motion of Jerome Daly that the proceeding be dismissed for lack of jurisdiction be and the same hereby is in all things denied.

Dated January 21, 1970.

BY THE COURT:


Associate Justice

SUPREME COURT
FILED
JAN 21 1970
JOHN MCCARTHY
CLERK

Jerome Daly

28 East Minnesota Street

Savage, Minn. 55375

January 16, 1970

Oscar R. Knutson
Chief Justice
Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota

Sir:

In Re Jerome Daly
No. 42174

Today I have sent the Original and two copies of an Affidavit of Prejudice and Motion and Notice of Motion to the end that these proceedings be dismissed or that a new Referee be appointed and that I be granted a Jury Trial.

Also I note that the Petition alleges that my conduct is also unethical because I have in the past petitioned the Judicial Branch of the United States Government on behalf of a client in a peaceable manner to have the unconstitutional Rules of Civil Procedure set aside. Since that time you are the only Judge on the Supreme Court that has signed Orders enacting Rules and abolishing State Statutes by Court Order. Therefore, you may be a witness in this Case or controversey. Out of fairness I do not think that you should be the one to select the Referee in this case. I therefore request that you withdraw from any further consideration of this matter.

I also am not satisfied with the treatment that I have been aforded so far. I have been deprived of my rights to life, liberty property and the pursuit of happiness and also my right to peaceably assemble with other citizens before the Judicial Branch of the Gov. of this State and the United States and to petition for a redress of grievances without due process of Law.

In any event I want a different Referee and I also want to be consulted as to the time and place of the hearing.

h/

CC Mr. Herbert C. Davis
E.R. Selness
John C. McCarthy

Very truly yours,

Jerome Daly
Jerome Daly

Jerome Daly
28 East Minnesota Street
Savage, Minn. 55378
612-890-2274
January 16, 1969

Mr. John C. McCarthy
Clerk of Supreme Court
Minnesota State Capitol
St. Paul, Minnesota

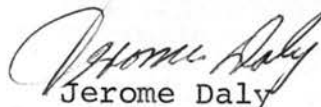
In Re: Jerome Daly No. 42174

Sir:

I am attaching herewith a copy or rather two copies and the original of an Affidavit of Prejudice against Judge E.R. Selness, the Referee who is appointed in the above captioned matter.

I am in receipt of an Order from Judge Selness setting this down for hearing on February 9, 1970. Although I was not contacted with reference to the date it is agreeable to me. As a matter of fact I thought they would proceed promptly and cannot see any excuse for the delay. However, I do not think that I can get a fair Hearing of any nature before Selness and I want a different Referee. I do not want this delayed any further if possible.

Respectfully yours,


Jerome Daly

h/

C. Herbert C. Davis
E.R. Selness
Oscar R. Knutson

State of Minnesota,

} ss.

County of Scott, being duly sworn, on oath says: that on the 12th day of January, 1969, he served the attached Notice and Motion and Affidavit of Seizure upon Herbert C. Davis therein named, personally, at Ramsey County Court House St. Paul, Minnesota in the County of Ramsey, State of Minnesota, by handing to and leaving with Herbert C. Davis

true and correct copy thereof.

Subscribed and Sworn to Before Me this 16th day of January, 1970

Notary Public, Dakota County, Minnesota, My commission expires 1-17-73

STATE OF MINNESOTA

IN SUPREME COURT

IN RE JEROME DALY

No. 42174

MOTION AND NOTICE OF MOTION

TO THE ABOVE NAMED COURT AND TO THE JUSTICES THEREOF AND TO
HERBERT C. DAVIS, ATTORNEY ATTORNEY FOR THE STATE BOARD OF LAW
EXAMINERS:

You will please take Notice that Jerome Daly hereby appears
Specially and not generally herein and objects to the jurisdiction
of this Court over his person and over the subject matter herein.

You will please take further Notice that on January 21, 1970
at 9:30 A.M. or as soon thereafter as Counsel can be heard, Jeorme
Daly will move the Supreme Court at the State Capitol to dismiss
the above entitled proceeding upon the following grounds:

1. That the Court has no Jurisdiction because this is not
a Case or Controversey in which the Court has Jurisdiction because
it is not prosecuted in the name of the Real Party In INterest,
or any party at all. (Note: See 20 Am Jur 2d on Courts Sections
80, 94 and 95. There must be a real controversey brought in the
name of the real party in interest with adverse interests and
conflicting claims. Here the only party that has appeared so far
is the Minnesota State Bar Association which has not been made
a named party and which is a private corporation owned, dominated
and controled by private persons who are motivated by self interest
and who are not elected by the people of the State of Minnesota
nor do they have their interests at heart nor is the Minnesota
State Bar Association the real party in interest.

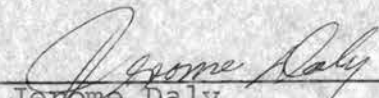
2. That the Court has no Jurisdiction on the grounds that
here there is no authority for this Court to exercise original
Jurisdiction but only Appellate Jurisdiction. (Note: Note: This is
an action for the forfeiture of a License to Practice Law. MSA574.35
provides that actions for forfeitures are to be prosecuted by
inditment in the District Court or before a Justice of the Peace
who shall have concurrent Jurisdiction with the District Court.
MSA 542.03 provides that actions for official misconduct or for
a forfeiture shall be prosecuted in the County in which the cause
of action arose. Also see MSA 540.01. There can be but one form

of Action. The party complaining shall be styled the Plaintiff, the adverse party the Defendant. The distinction between Actions at Law and suits in Equity are abolished. There is but one form of Action for the protection of private rights or for the redress of private wrongs. Here there is an attempted deprivation of life, or liberty or property or a combination of all three. It can result in a forfeiture of License, something of some value. This has to be a Criminal Action or a Civil Action. If it involves a fine, forfeiture or imprisonment then it has to be criminal and must be brought in the name of the State. If it is a Civil action it must be brought in the name of the real party in interest.)

3. In the event that the foregoing relief is not granted Jerome Daly will move the Court, Specially and not Generally, for the appointment of a different referee other than E.R.Selness to hear and determine this proceeding *with trial by Jury.*

The said motion will be made upon all the files, records and proceedings herein and upon the affidavit of Jerome Daly

January 12, 19⁷⁰~~69~~


Jerome Daly
Attorney for Himself
28 East Minnesota Street
Savage, Minnesota

42174

SUPREME COURT
FILED

JAN 19 1970

JOHN McCARTHY
CLERK

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re Jerome Daly

AFFIDAVIT OF PREJUDICE

STATE OF MINNESOTA
COUNTY OF ~~RAMSEY~~ ^{SS}

Jerome Daly, being first duly sworn deposes and states that for the purpose of making this Affidavit of Prejudice I appear Specially and not Generally so that my objection to the jurisdiction of this Court over my person and the subject matter herein be preserved in that it is my claim that the proceedings so far are null and void because the Court lacks Jurisdiction on the grounds that the Supreme Court does not have original Jurisdiction in this matter; that no proper legal process has been commenced against me by Summons and Complaint or by Criminal Complaint or Indictment and Warrant; that this proceeding is brought by the Minnesota State Bar Association, a private Corporation, monopolistic in nature, for the benefit of private persons and apparently under the management, direction and control of subversives out to overthrow the Constitution of the United States and The State of Minnesota, which Corporation is not the real party in interest in any event; and that there are no parties listed or set out to indicate that this is a Case or Controversy, an indispensable prerequisite to the invocation of Jurisdiction by any Court.

That I have good reason to believe, do believe and so state that circumstances have arisen which gives a bona fide appearance of bias and prejudice on the part of E.R.Selness, Retired District Judge of Glenwood, Minnesota who has been appointed a Referee herein in that there has been correspondence, conversation and dealings between retired Judge Selness and Herbert C. Davis, Attorney for the Minnesota Stated Bar Association which I have not been notified of nor have been a party to and there has been correspondence between the two of them with no copies of letters to me.

Further, Judge Selness was selected by Chief Justice Oscar Knutson, who because of the allegations made in the Petition, is a necessary witness in this case or proceeding with reference to the validity of the unconstitutional Rules of Civil Procedure and a suit brought by Alfred M. Joyce in the Federal Court to have them declared null and void with proper injunction to restrain any further improper activity.

Further, that although I do not know Judge Selness personally I am familiar with the manner in which he "railroaded Alfred M. Joyce in a disbarment hearing which started 9 days after Petition was served upon Joyce and with Petitioner's evidence taken while Joyce was in the Hospital with continuance denied by Selness upon application of Joyce although the matter had only been pending for 9 days.

That I have good reason to believe, do believe and so state that Judge Selness would only rubber stamp the allegations made by the Minnesota State Bar Association, and because of all the foregoing a fair trial or hearing of any kind cannot result before Referee Selness. This affidavit is made to disqualify Referee Selness for all purposes.

That on January 10, 1969 I served a copy of this affidavit upon E.R. Selness, Glenwood, Minnesota and Herbert C. Davis, Attorney at Law, 6100 Excelsior Blvd., St. Louis Park, Minnesota, by U.S. Mail with postage prepaid in envelope addressed as stated above.

Subscribed and sworn to before
me this 12th day of January, 1970

Hazel G. Jeth
Notary Public,
DEPUTY CLERK, DISTRICT COURT
RAMSEY COUNTY, MINNESOTA

Jerome Daly
Jerome Daly
Attorney for himself
28 East Minnesota Street
Savage, Minnesota

18

42174

SUPREME COURT
FILED

JAN 19 1970

JOHN McCARTHY
CLERK

Motion to Dismiss

MILLERS FALLS
EZER/VSE
COTTON CONTENT

Jerome Daly

28 East Minnesota Street

Savage, Minn. 55375

January 16, 1969

Mr. John C. McCarthy
Clerk of Supreme Court
Minnesota State Capitol
St. Paul, Minnesota

In Re: Jerome Daly No. 42174

Sir:

I am attaching herewith a copy or rather two copies and the original of an Affidavit of Prejudice against Judge E.R. Selness, the Referee who is appointed in the above captioned matter.

I am in receipt of an Order from Judge Selness setting this down for hearing on February 9, 1970. Although I was not contacted with reference to the date it is agreeable to me. As a matter of fact I thought they would proceed promptly and cannot see any excuse for the delay. However, I do not think that I can get a fair Hearing of any nature before Selness and I want a different Referee. I do not want this delayed any further if possible.

Respectfully yours,

Jerome Daly

h/

C. Herbert C. Davis
E.R. Selness
Oscar R. Knutson

Jerome Daly

28 East Minnesota Street

Savage, Minn. 55378

612-890-2274

January 16, 1970

FILED
SUPREME COURT
JAN 17 1970
ST. PAUL, MINN.

Oscar R. Knutson
Chief Justice
Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota

Sir:

In Re Jerome Daly
No. 42174

Today I have sent the Original and two copies of an Affidavit of Prejudice and Motion and Notice of Motion to the end that these proceedings be dismissed or that a new Referee be appointed and that I be granted a Jury Trial.

Also I note that the Petition alleges that my conduct is also unethical because I have in the past petitioned the Judicial Branch of the United States Government on behalf of a client in a peaceable manner to have the unconstitutional Rules of Civil Procedure set aside. Since that time you are the only Judge on the Supreme Court that has signed Orders enacting Rules and abolishing State Statutes by Court Order. Therefore, you may be a witness in this Case or controversy. Out of fairness I do not think that you should be the one to select the Referee in this case. I therefore request that you withdraw from any further consideration of this matter.

I also am not satisfied with the treatment that I have been afforded so far. I have been deprived of my rights to life, liberty property and the pursuit of happiness and also my right to peaceably assemble with other citizens before the Judicial Branch of the Gov. of this State and the United States and to petition for a redress of grievances without due process of Law.

In any event I want a different Referee and I also want to be consulted as to the time and place of the hearing.

h/

CC Mr. Herbert C. Davis
E.R. Selness
John C. McCarthy

Very truly yours,

Jerome Daly
Jerome Daly

23

42174

SUPREME COURT
FILED

JAN 27 1970

JOHN MCCARTHY
CLERK

STATE OF MINNESOTA
IN SUPREME COURT
42174

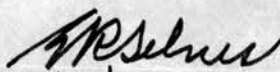
In re Jerome Daly

ORDER SETTING DATE FOR HEARING

WHEREAS, the above entitled matters were referred by this Court for hearing to the undersigned Referee by an order dated November 14, 1969, now, therefore,

IT IS HEREBY ORDERED that the said matters be set for hearing before the undersigned in Room 722, Flour Exchange Building, in the City of Minneapolis, Hennepin County, Minnesota, at 2 o'clock p.m., on February 9, 1970.

Dated January 2nd, 1970.



Referee

22

STATE OF MINNESOTA
IN SUPREME COURT
42174

42174

SUPREME COURT
FILED

JAN 22 1970

JOHN McCARTHY
CLERK

In re Jerome Daly

ORDER SETTING DATE FOR
HEARING

Order Setting Date
for Hearing

1/22/70

1-27-70-- This should be attached to Order Denying Motion
to Dismiss, filed 1-21-70

1/23

STATE OF MINNESOTA)
) ss
)
COUNTY OF RAMSEY

Richard E. Klein, being first duly sworn on oath, deposes and says
that on the 22nd day of January, 1970, he made service of the attached
order by mailing a true and correct copy thereof to Jerome Daly, attorney,
first class mail, postage prepaid, addressed as follows:

Jerome Daly, Esq.
28 East Minnesota Street
Savage, Minnesota 55378

Richard E. Klein

Subscribed and sworn to before me

this 23rd day of January, 19 70

Wayne Tschimperle
Deputy Clerk

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re Jerome Daly.

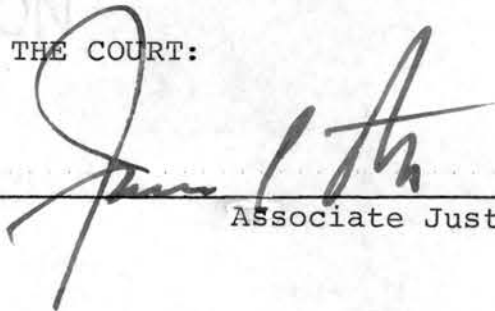
O R D E R

The above entitled matter came before the court on the 21st day of January, 1970, at 9:30 a. m., upon the motion of Jerome Daly that the proceeding be dismissed on the grounds that the court lacks jurisdiction or, in the alternative, that the Honorable E. R. Selnes, heretofore appointed as a referee to hear and make findings in the matter, be replaced by another referee. Mr. Herbert C. Davis appeared in behalf of the State Board of Law Examiners and no appearance was made by Jerome Daly. At the request of the Honorable E. R. Selnes he has been relieved of any further duties in the matter pursuant to an order heretofore filed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the motion of Jerome Daly that the proceeding be dismissed for lack of jurisdiction be and the same hereby is in all things denied.

Dated January 21, 1970.

BY THE COURT:


Associate Justice

SUPREME COURT
FILED
JAN 21 1970
JOHN McCARTHY
CLERK

42174

SUPREME COURT
FILED

JAN 21 1970

JOHN McCARTHY
CLERK

SUPREME COURT

FILED

JAN 21 1970

CLERK BOND

5% COLLOID

STATE OF MINNESOTA

IN SUPREME COURT

IN RE JEROME DALY M

No. 42174

MOTION AND NOTICE OF MOTION

TO THE ABOVE NAMED COURT AND TO THE JUSTICES THEREOF AND TO
HERBERT C. DAVIS, ATTORNEY ATTORNEY FOR THE STATE BOARD OF LAW
EXAMINERS:

You will please take Notice that Jerome Daly hereby appears
Specially and not generally herein and objects to the jurisdiction
of this Court over his person and over the subject matter herein.

You will please take further Notice that on January 21, 1970
at 9:30 A.M. or as soon thereafter as Counsel can be heard, Jerome
Daly will move the Supreme Court at the State Capitol to dismiss
the above entitled proceeding upon the following grounds:

1. That the Court has no Jurisdiction because this is not
a Case or Controversy in which the Court has Jurisdiction because
it is not prosecuted in the name of the Real Party In Interest,
or any party at all. (Note: See 20 Am Jur 2d on Courts Sections
80, 94 and 95. There must be a real controversy brought in the
name of the real party in interest with adverse interests and
conflicting claims. Here the only party that has appeared so far
is the Minnesota State Bar Association which has not been made
a named party and which is a private corporation owned, dominated
and controled by private persons who are motivated by self interest
and who are not elected by the people of the State of Minnesota
nor do they have their interests at heart nor is the Minnesota
State Bar Association the real party in interest.

2. That the Court has no Jurisdiction on the grounds that
here there is no authority for this Court to exercise original
Jurisdiction but only Appellate Jurisdiction. (Note: Note: This is
an action for the forfeiture of a License to Practice Law. MSA 574.35
provides that actions for forfeitures are to be prosecuted by
inditment in the District Court or before a Justice of the Peace
who shall have concurrent Jurisdiction with the District Court.
MSA 542.03 provides that actions for official misconduct or for
a forfeiture shall be prosecuted in the County in which the cause
of action arose. Also see MSA 540.01. There can be but one form

of Action. The party complaining shall be styled the Plaintiff, the adverse party the Defendant. The distinction between Actions at Law and suits in Equity are abolished. There is but one form of Action for the protection of private rights or for the redress of private wrongs. Here there is an attempted deprivation of life, or liberty or property or a combination of all three. It can result in a forfeiture of License, something of some value. This has to be a Criminal Action or a Civil Action. If it involves a fine, forfeiture or imprisonment then it has to be criminal and must be brought in the name of the State. If it is a Civil action it must be brought in the name of the real party in interest.)

3. In the event that the foregoing relief is not granted Jerome Daly will move the Court, Specially and not Generally, for the appointment of a different referee other than E.R. Selness to hear and determine this proceeding *with trial by Jury*

The said motion will be made upon all the files, records and proceedings herein and upon the affidavit of Jerome Daly

January 12, 19⁷⁰~~69~~

Jerome Daly
Jerome Daly
Attorney for Himself
28 East Minnesota Street
Savage, Minnesota

STATE OF MINNESOTA

IN SUPREME COURT

42174

In re Jerome Daly

AFFIDAVIT OF PREJUDICE

STATE OF MINNESOTA

COUNTY OF ~~RAMSEY~~ ^{RAMSEY} SS

Jerome Daly, being first duly sworn deposes and states that for the purpose of making this Affidavit of Prejudice I appear Specially and not Generally so that my objection to the jurisdiction of this Court over my person and the subject matter herein be preserved in that it is my claim that the proceedings so far are null and void because the Court lacks Jurisdiction on the grounds that the Supreme Court does not have original Jurisdiction in this matter; that no proper legal process has been commenced against me by Summons and Complaint or by Criminal Complaint or Indictment and Warrant; that this proceeding is brought by the Minnesota State Bar Association, a private Corporation, monopolistic in nature, for the benefit of private persons and apparently under the management, direction and control of subversives out to overthrow the Constitution of the United States and The State of Minnesota, which Corporation is not the real party in interest in any event; and that there are no parties listed or set out to indicate that this is a Case or Controversy, an indispensable prerequisite to the invocation of Jurisdiction by any Court.

That I have good reason to believe, do believe and so state that circumstances have arisen which gives a bona fide appearance of bias and prejudice on the part of E.R.Selness, Retired District Judge of Glenwood, Minnesota who has been appointed a Referee herein in that there has been correspondence, conversation and dealings between retired Judge Selness and Herbert C. Davis, Attorney for the Minnesota Stated Bar Association which I have not been notified of nor have been a party to and there has been correspondence between the two of them with no copies of letters to me.

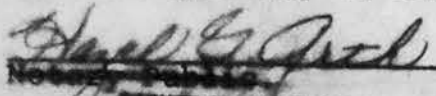
Further, Judge Selness was selected by Chief Justice Oscar Knutson, who because of the allegations made in the Petition, is a necessary witness in this case or proceeding with reference to the validity of the unconstitutional Rules of Civil Procedure and a suit brought by Alfred M. Joyce in the Federal Court to have them declared null and void with proper injunction to restrain any further improper activity.

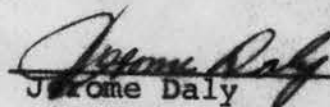
Further, that although I do not know Judge Selness personally I am familiar with the manner in which he "railroaded Alfred M. Joyce in a disbarment hearing which started 9 days after Petition was served upon Joyce and with Petitioner's evidence taken while Joyce was in the Hospital with continuance denied by Selness upon application of Joyce although the matter had only been pending for 9 days.

That I have good reason to believe, do believe and so state that Judge Selness would only rubber stamp the allegations made by the Minnesota State Bar Association, and because of all the foregoing a fair trial or hearing of any kind cannot result before Referee Selness. This affidavit is made to disqualify Referee Selness for all purposes.

That on January 10, 1969 I served a copy of this affidavit upon E.R. Selness, Glenwood, Minnesota and Herbert C. Davis, Attorney at Law, 6100 Excelsior Blvd., St. Louis Park, Minnesota, by U.S. Mail with postage prepaid in envelope addressed as stated above.

Subscribed and sworn to before
me this 12th day of January, 1970


DEPUTY CLERK, DISTRICT COURT
RAMSEY COUNTY, MINNESOTA


Jerome Daly
Attorney for himself
28 East Minnesota Street
Savage, Minnesota

42174

(Copy)

Item (20)

Inside

SUPREME COURT

FILED

JAN 19 1970

JOHN McCARTHY
CLERK

State of Minnesota,

} ss.

County of HENNEPIN
DONNA R. RACETTE of the City of St. Louis Park
County of Hennepin in the State of Minnesota, being duly sworn, says that on the
5th day of February, 1970, he served the annexed
Notice of Entry of Order dated January 20, 1970, and filed
on Jerome Daly January 20, 1970,

~~the attorney(s) for~~

the Respondent in this action, by mailing to said Jerome Daly a copy thereof, inclosed
in an envelope, postage prepaid, and by depositing same in the post office at St. Louis Park
Minnesota directed to said attorney(s) at 28 East Minnesota Street, Savage, Minnesota,
the last known address of said attorney(s).

Subscribed and sworn to before me, this 5th
day of February, 19 70.

Notary Public Hennepin County, Minnesota

My Commission Expires My Commission Expires Aug, 27, 1975.

Donna R. Racette

STATE OF MINNESOTA

IN SUPREME COURT

42174

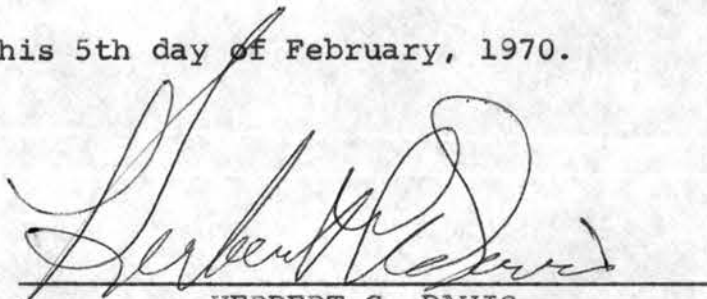
In re JEROME DALY

NOTICE OF
ENTRY OF ORDER

TO: JEROME DALY

PLEASE TAKE NOTICE that the attached
Order was duly filed in the office of the Clerk of
the Supreme Court on the 20th day of January, 1970.

DATED: This 5th day of February, 1970.

A handwritten signature in dark ink, appearing to read 'Herbert C. Davis', is written over a horizontal line.

HERBERT C. DAVIS

Attorney for State Board of Law Examiners
6100 Excelsior Boulevard
St. Louis Park, Minnesota 55416
929-8541