



Credit River Case

Martin V. Mahoney was a justice of the peace in Scott County, Minnesota in the 1960s. The 1967/1 *Minnesota Legislative Manual* states:

"Justices of the peace are elected for two-year terms in townships and in cities and villages which do not have municipal courts. Justices of the peace have jurisdiction over actions arising within a county when the amount involved does not exceed \$100 for civil cases, and when the punishment or fine does not exceed \$100 or three months' imprisonment in criminal cases."

The Minnesota State Court System in 1968

Minnesota Supreme Court (court of last resort)

(hears appeals from the district courts; some matters can be brought directly)

District Court (court of general jurisdiction)

(has original jurisdiction in all civil and criminal matters; hears appeals from the courts of limited jurisdiction.)

Courts of Limited Jurisdiction :

Probate

Municipal

Justice of the Peace

Because the decisions of the justice of the peace courts carry no mandatory authority (that is, there are no lower courts that would have to follow them), they are not published.

Jerome Daly was an attorney in Minnesota and also the defendant in an unlawful detainer action against a justice of the peace court in Credit River Township (Scott County) where Martin V. Mahoney was the justice of the peace. In this case, *First National Bank of Montgomery vs. Jerome Daly*, the bank was

seeking possession of property that it had already foreclosed the mortgage on. The jury decided in favor of the bank. The landowner's defense had been that the bank had not lent him any actual money, but simply created credit on its books, and therefore, since nothing of value had been advanced by the bank, it was not entitled to the property that had been given as security for the loan. Although Daly did not ultimately prevail, this case has been celebrated by many of those groups and individuals that practice "law on the edge" as we call it in our [Pathfinder to Law on the Edge: Sovereign Citizens, Common Law Courts, Patriot Groups, Tax Protesters, et al.. \(/law-library/legal-topics/law-on-the-edge.jsp\)](/law-library/legal-topics/law-on-the-edge.jsp)

-  View Credit River Case Documents

Credit River Case Documents (click on link to open PDF document):

- o [1968-12-09 Judgment and Decree \(/law-library/assets/1968-12-09judgmentanddecree_tcm1041-115904.pdf\)](/law-library/assets/1968-12-09judgmentanddecree_tcm1041-115904.pdf)
- o [1968-12-10 Notice of Appeal \(/law-library/assets/1968-12-10noticeofappeal_tcm1041-115905.pdf\)](/law-library/assets/1968-12-10noticeofappeal_tcm1041-115905.pdf)
- o [1968-12-11 Appeal \(/law-library/assets/1968-12-11appeal_tcm1041-115906.pdf\)](/law-library/assets/1968-12-11appeal_tcm1041-115906.pdf)
- o [1968-12-11 letter TRM to HPH \(/law-library/assets/1968-12-11letterTRMtoHPH_tcm1041-115907.pdf\)](/law-library/assets/1968-12-11letterTRMtoHPH_tcm1041-115907.pdf)
- o [1968-12-18 letter TRM to HPH \(/law-library/assets/1968-12-18letterTRMtoHPH_tcm1041-115908.pdf\)](/law-library/assets/1968-12-18letterTRMtoHPH_tcm1041-115908.pdf)
- o [1968-12-18 Notice of Appeal \(/law-library/assets/1968-12-18noticeofappeal_tcm1041-115909.pdf\)](/law-library/assets/1968-12-18noticeofappeal_tcm1041-115909.pdf)
- o [1968-12-19 Affidavit of Surety EM \(/law-library/assets/1968-12-19affidavitofsuretyEM_tcm1041-115910.pdf\)](/law-library/assets/1968-12-19affidavitofsuretyEM_tcm1041-115910.pdf)
- o [1968-12-19 Affidavit of Surety FD \(/law-library/assets/1968-12-19affidavitofsuretyFD_tcm1041-115911.pdf\)](/law-library/assets/1968-12-19affidavitofsuretyFD_tcm1041-115911.pdf)
- o [1968-12-20 Affidavit of TRM \(/law-library/assets/1968-12-20affidavitofTRM_tcm1041-115912.pdf\)](/law-library/assets/1968-12-20affidavitofTRM_tcm1041-115912.pdf)
- o [1968-12-27 letter JD to PF \(first page only\) \(/law-library/assets/1968-12-27letterJDtoPFfirstpageonly_tcm1041-115913.pdf\)](/law-library/assets/1968-12-27letterJDtoPFfirstpageonly_tcm1041-115913.pdf)
- o [1969-01-06 Notice of Refusal to Allow Appeal \(/law-library/assets/1969-01-06noticeofrefusaltoallowappeal_tcm1041-115914.pdf\)](/law-library/assets/1969-01-06noticeofrefusaltoallowappeal_tcm1041-115914.pdf)
- o [1969-01-07 Affidavit of Theo R Mellby \(/law-library/assets/1969-01-07affidavitofTheoRMellby_tcm1041-115915.pdf\)](/law-library/assets/1969-01-07affidavitofTheoRMellby_tcm1041-115915.pdf)
- o [1969-01-07 Application for an Order \(/law-library/assets/1969-01-07applicationforanorder_tcm1041-115916.pdf\)](/law-library/assets/1969-01-07applicationforanorder_tcm1041-115916.pdf)
- o [1969-01-08 Order to Show Cause \(/law-library/assets/1969-01-08ordertoshowcause_tcm1041-115917.pdf\)](/law-library/assets/1969-01-08ordertoshowcause_tcm1041-115917.pdf)
- o [1969-01-15 Affidavit of Prejudice \(/law-library/assets/1969-01-15affidavitofprejudice_tcm1041-115918.pdf\)](/law-library/assets/1969-01-15affidavitofprejudice_tcm1041-115918.pdf)
- o [1969-01-15 Motion \(/law-library/assets/1969-01-15xmotion_tcm1041-115919.pdf\)](/law-library/assets/1969-01-15xmotion_tcm1041-115919.pdf)

- [1969-01-16 letter HEF to LEL \(/law-library/assets/1969-01-16letterHEFtoLEL_tcm1041-115920.pdf\)](/law-library/assets/1969-01-16letterHEFtoLEL_tcm1041-115920.pdf)
- [1969-01-16 letter HPH to AEH \(/law-library/assets/1969-01-16letterHPHtoAEH_tcm1041-115921.pdf\)](/law-library/assets/1969-01-16letterHPHtoAEH_tcm1041-115921.pdf)
- [1969-01-16 Order Transferring File \(/law-library/assets/1969-01-16ordertransferringfile_tcm1041-115922.pdf\)](/law-library/assets/1969-01-16ordertransferringfile_tcm1041-115922.pdf)
- [1969-01-17 letter TRM to LEL \(/law-library/assets/1969-01-17letterTRMtoLEL_tcm1041-115923.pdf\)](/law-library/assets/1969-01-17letterTRMtoLEL_tcm1041-115923.pdf)
- [1969-01-17 letter TRM to MVM \(/law-library/assets/1969-01-17letterTRMtoMVM_tcm1041-115924.pdf\)](/law-library/assets/1969-01-17letterTRMtoMVM_tcm1041-115924.pdf)
- [1969-01-17 Notice of Motion \(/law-library/assets/1969-01-17noticeofmotion_tcm1041-115925.pdf\)](/law-library/assets/1969-01-17noticeofmotion_tcm1041-115925.pdf)
- [1969-01-20 letter LEL to JD \(/law-library/assets/1969-01-20letterLELtoJD_tcm1041-115926.pdf\)](/law-library/assets/1969-01-20letterLELtoJD_tcm1041-115926.pdf)
- [1969-01-20 letter LEL to MVM \(/law-library/assets/1969-01-20letterLELtoMVM_tcm1041-115927.pdf\)](/law-library/assets/1969-01-20letterLELtoMVM_tcm1041-115927.pdf)
- [1969-01-23 Findings of Fact Conclusions of Law and Judgment \(/law-library/assets/1969-01-23findingsoffactconclusionsoflawandjudgment_tcm1041-115928.pdf\)](/law-library/assets/1969-01-23findingsoffactconclusionsoflawandjudgment_tcm1041-115928.pdf)
- [1969-01-24 Return to Order to Show Cause \(/law-library/assets/1969-01-24returntoordertoshowcause_tcm1041-115929.pdf\)](/law-library/assets/1969-01-24returntoordertoshowcause_tcm1041-115929.pdf)
- [1969-01-30 Order to make Return on Appeal \(/law-library/assets/1969-01-30ordertomakereturnonappeal_tcm1041-115930.pdf\)](/law-library/assets/1969-01-30ordertomakereturnonappeal_tcm1041-115930.pdf)
- [1969-02-07 The Daly Eagle \(/law-library/assets/1969-02-07thedalyeagle_tcm1041-115931.pdf\)](/law-library/assets/1969-02-07thedalyeagle_tcm1041-115931.pdf)
- [1969-02-10 letter TRM to AEH \(/law-library/assets/1969-02-10letterTRMtoAEH_tcm1041-115932.pdf\)](/law-library/assets/1969-02-10letterTRMtoAEH_tcm1041-115932.pdf)
- [1969-02-25 Notice of Appeal \(/law-library/assets/1969-02-25noticeofappeal_tcm1041-115933.pdf\)](/law-library/assets/1969-02-25noticeofappeal_tcm1041-115933.pdf)
- [1969-03-28 letter HPH to clerk of the SCt \(/law-library/assets/1969-03-28letterHPHtoclerkSCt_tcm1041-115934.pdf\)](/law-library/assets/1969-03-28letterHPHtoclerkSCt_tcm1041-115934.pdf)
- [1969-04-15 Order Dismissing Appeal \(/law-library/assets/1969-04-15orderdismissingappeal_tcm1041-115935.pdf\)](/law-library/assets/1969-04-15orderdismissingappeal_tcm1041-115935.pdf)
- [1969-06-03 letter HEF to JCJ \(/law-library/assets/1969-06-03lettertoJCJfromHEF_tcm1041-115936.pdf\)](/law-library/assets/1969-06-03lettertoJCJfromHEF_tcm1041-115936.pdf)
- [1969-06-11 Affidavit of Theo R Mellby \(/law-library/assets/1969-06-11affidavitofTRM_tcm1041-115937.pdf\)](/law-library/assets/1969-06-11affidavitofTRM_tcm1041-115937.pdf)
- [1969-06-23 Application for an Order \(/law-library/assets/1969-06-23applicationforanorder_tcm1041-115938.pdf\)](/law-library/assets/1969-06-23applicationforanorder_tcm1041-115938.pdf)
- [1969-06-23 letter JCJ to district judge \(/law-library/assets/1969-06-23letterJCJtodistrictjudge_tcm1041-115939.pdf\)](/law-library/assets/1969-06-23letterJCJtodistrictjudge_tcm1041-115939.pdf)
- [1969-06-23 Order to Show Cause \(/law-library/assets/1969-06-23ordertoshowcause_tcm1041-115940.pdf\)](/law-library/assets/1969-06-23ordertoshowcause_tcm1041-115940.pdf)
- [1969-06-26 Affidavit of Jerome Daly \(/law-library/assets/1969-06-26affidavitofJeromeDaly_tcm1041-115941.pdf\)](/law-library/assets/1969-06-26affidavitofJeromeDaly_tcm1041-115941.pdf)

- [/1969-06-26affidavitofjeromeDaly_tcm1041-115941.pdf](#)
- o [1969-06-26 Return to Order to Show Cause \(/law-library/assets/1969-06-26returntoordertoshowcause_tcm1041-115942.pdf\)](#)
- o [1969-06-30 letter HEF to AEH \(/law-library/assets/1969-06-30letterHEFtoAEH_tcm1041-115943.pdf\)](#)
- o [1969-06-30 letter HEF to JCJ \(/law-library/assets/1969-06-30letterHEFtoJCJ_tcm1041-115944.pdf\)](#)
- o [1969-07-01 letter TRM to AEH \(/law-library/assets/1969-07-01letterTRMtoAEH_tcm1041-115945.pdf\)](#)
- o [1969-07-17 Affidavit for Attachment \(/law-library/assets/1969-07-17affidavitforattachment_tcm1041-115946.pdf\)](#)
- o [1969-07-18 Affidavits of sureties \(/law-library/assets/1969-07-18affidavitsofsureties_tcm1041-115947.pdf\)](#)
- o [1969-07-18 Surety Bond \(/law-library/assets/1969-07-18suretybond_tcm1041-115948.pdf\)](#)
- o [1969-07-22 Order to Sheriff of Ramsey County \(/law-library/assets/1969-07-22ordertosheriffofRamsey_tcm1041-115949.pdf\)](#)
- o [1969-07-22 Order to Sheriff of Scott County \(/law-library/assets/1969-07-22ordertosheriffofScott_tcm1041-115950.pdf\)](#)
- o [1969-07-22 Supplement Return to Writ of Attachment \(/law-library/assets/1969-07-22suppreturntowrit_tcm1041-115952.pdf\)](#)
- o [1969-07-31 letter TRM to HPH \(/law-library/assets/1969-07-31letterTRMtoHPH_tcm1041-115953.pdf\)](#)
- o [1969-08-01 Motion to Dismiss Appeal \(/law-library/assets/1969-08-01motiontodismissappeal_tcm1041-115954.pdf\)](#)
- o [1969-08-04 letter HPH to AEH \(/law-library/assets/1969-08-04letterHPHtoAEH_tcm1041-115955.pdf\)](#)
- o [1969-08-28 Counter-affidavit of Theo R Mellby \(/law-library/assets/1969-08-28counteraffidavitofTRM_tcm1041-115956.pdf\)](#)
- o [1969-08-29 letter TRM to HPH \(/law-library/assets/1969-08-29letterTRMtoHPH_tcm1041-115957.pdf\)](#)
- o [1969-09-03 letter TRM to AEH \(/law-library/assets/1969-09-03letterTRMtoAEH_tcm1041-115958.pdf\)](#)
- o [1969-09-03 letter TRM to HPH \(/law-library/assets/1969-09-03letterTRMtoHPH_tcm1041-115959.pdf\)](#)
- o [1969-09-05 slip opinion In re Jerome Daly \(/law-library/assets/1969-09-05slipopinionInreJeromeDaly_tcm1041-115960.pdf\)](#)
- o [1969-10-01 Order \(/law-library/assets/1969-10-01order_tcm1041-115961.pdf\)](#)
- o [1969-10-09 Affidavit of Theo R Mellby \(/law-library/assets/1969-10-09affidavitofTheoRMellby_tcm1041-115962.pdf\)](#)
- o [1969-10-09 Order to Show Cause \(/law-library/assets/1969-10-09ordertoshowcause_tcm1041-115963.pdf\)](#)

- o [1969-10-17 Motion for Contempt \(/law-library/assets/1969-10-17motionforcontempt_tcm1041-115964.pdf\)](/law-library/assets/1969-10-17motionforcontempt_tcm1041-115964.pdf)
- o [1969-11-04 Affidavit of Theo R Mellby \(/law-library/assets/1969-11-04affidavitofTheoRMellby_tcm1041-115965.pdf\)](/law-library/assets/1969-11-04affidavitofTheoRMellby_tcm1041-115965.pdf)
- o [1969-11-04 Order Directing Return of File \(/law-library/assets/1969-11-04orderdirectingreturnoffile_tcm1041-115966.pdf\)](/law-library/assets/1969-11-04orderdirectingreturnoffile_tcm1041-115966.pdf)
- o [1969-11-05 letter TRM to AEH \(/law-library/assets/1969-11-05letterTRMtoAEH_tcm1041-115967.pdf\)](/law-library/assets/1969-11-05letterTRMtoAEH_tcm1041-115967.pdf)
- o [1969-11-10 Affidavit of John Mahoney \(/law-library/assets/1969-11-10affidavitofJohnMahoney_tcm1041-115968.pdf\)](/law-library/assets/1969-11-10affidavitofJohnMahoney_tcm1041-115968.pdf)
- o [1969-11-17 letter JFC to HPH \(/law-library/assets/1969-11-17letterJFCtoHPHwithcopyofforeclosurepapers_tcm1041-115969.pdf\)](/law-library/assets/1969-11-17letterJFCtoHPHwithcopyofforeclosurepapers_tcm1041-115969.pdf)
- o [1969-12-01 Affidavit of Theo R Mellby \(/law-library/assets/1969-12-01affidavitofTheoRMellby_tcm1041-115970.pdf\)](/law-library/assets/1969-12-01affidavitofTheoRMellby_tcm1041-115970.pdf)
- o [1969-12-04 letter TRM to HPH \(/law-library/assets/1969-12-04letterTRMtoHPH_tcm1041-115971.pdf\)](/law-library/assets/1969-12-04letterTRMtoHPH_tcm1041-115971.pdf)
- o [1969-12-08 letter HPH to AEH \(/law-library/assets/1969-12-08letterHPHtoAEH_tcm1041-115972.pdf\)](/law-library/assets/1969-12-08letterHPHtoAEH_tcm1041-115972.pdf)
- o [1969-12-12 Motion to Advance Action to Trial \(/law-library/assets/1969-12-12motiontoadvanceactiontotrial_tcm1041-115973.pdf\)](/law-library/assets/1969-12-12motiontoadvanceactiontotrial_tcm1041-115973.pdf)
- o [1969-12-19 Order Setting Action for Trial \(/law-library/assets/1969-12-19ordersettingactionfortrial_tcm1041-115974.pdf\)](/law-library/assets/1969-12-19ordersettingactionfortrial_tcm1041-115974.pdf)
- o [1969-12-24 letter AEH to HPH \(/law-library/assets/1969-12-24letterAEHtoHPH_tcm1041-115975.pdf\)](/law-library/assets/1969-12-24letterAEHtoHPH_tcm1041-115975.pdf)
- o [1970-05-15 letter TRM to JMF \(/law-library/assets/1970-05-15letterTRMtoJMF_tcm1041-115976.pdf\)](/law-library/assets/1970-05-15letterTRMtoJMF_tcm1041-115976.pdf)
- o [1970-05-20 letter JFD to TRM \(/law-library/assets/1970-05-20letterJFDtoTRM_tcm1041-115977.pdf\)](/law-library/assets/1970-05-20letterJFDtoTRM_tcm1041-115977.pdf)
- o [1970-06-19 Stipulation of Dismissal \(/law-library/assets/1970-06-19stipulationofdismissal_tcm1041-115978.pdf\)](/law-library/assets/1970-06-19stipulationofdismissal_tcm1041-115978.pdf)
- o [1971-12-30 Letter TRM to HPH \(/law-library/assets/1971-12-30LetterTRMtoHPH_tcm1041-115979.pdf\)](/law-library/assets/1971-12-30LetterTRMtoHPH_tcm1041-115979.pdf)
- o [Undated handwritten notes \(/law-library/assets/undatedhandwrittennotes_tcm1041-115980.pdf\)](/law-library/assets/undatedhandwrittennotes_tcm1041-115980.pdf)

Credit River Case

Related litigation did produce published decisions from the Minnesota Supreme Court. *In Re Jero* (/law-library/assets/1969InreJeromeDaly284Minn567_tcm1041-115897.pdf), 284 Minn.567, 171 N. 818 (1969), is excerpted below:

On July 11, 1969, Mr. Justice C. Donald Peterson, acting for the Minnesota Supreme Court, directed Martin V. Mahoney, justice of the peace of Credit River Township, Scott County, Minnesota, and Jerome Daly, counsel for plaintiff in an action brought by one Leo Zurn against one Roger D. Derrick and the Northwestern National Bank of Minneapolis, to show cause why they should be permanently restrained from further proceedings in the justice court. In addition, Justice Peterson ordered a stay of all further proceedings before the justice of the peace pending final determination of the questions raised by Northwestern National Bank's petition for writ of prohibition.

Although the stay order of Justice Peterson was served on the justice of the peace and Mr. Daly on July 11, 1969, they intentionally and deliberately disregarded it in this way: On July 14, 1969, the justice of the peace, upon motion of Mr. Daly, entered findings of fact, conclusions of law, and an order of judgment in favor of Zurn. In response to our order of August 12, 1969, directing the justice of the peace and Mr. Daly to show cause why they should not be held in constructive contempt of the Supreme Court of Minnesota for this conduct, Mr. Daly appeared personally in his own behalf before this court on August 21. He advised the court that he had been authorized to represent the justice of the peace in the proceedings. After noting that he was making a special appearance, Mr. Daly, an attorney at law admitted to practice in this state, acknowledged that both he and the justice of the peace intentionally violated the order of Justice Peterson because in their opinion neither this court nor Justice Peterson had jurisdiction to issue it.

Although the death of the justice of the peace on August 22, 1969, has rendered the proceedings as against him moot, it is our judgment that the conduct of Jerome Daly was contumacious. It is the order of this court that he be temporarily suspended from the practice of law in the courts of this state effective October 1, 1969.

Jerome Daly was subsequently disbarred. See [*In re Jerome Daly*](#) ([/law-library/assets/1971inrejeromeDaly291Minn488_tcm1041-115898.pdf](#)), 291 Minn. 488, 189 N.W.2d 176 (1971). *Id.*

decision, the court noted that:

respondent's persistent and continuing attacks on our national monetary system can hardly be regarded as zealous advocacy or a good-faith effort to the validity of repeated decisions of courts of record. For, as found by the referee, up to the time of his findings and recommendations respondent had avoided payment of any Federal income tax for 1965 and subsequent years on the asserted ground that he has not received gold and silver coin and, therefore, had no earnings that were taxable. Also, he has taken personal advantage of the system he attacks by borrowing money from a bank to purchase lakeside property, only to subsequently defeat the bank's repossession after mortgage foreclosure by taking the position that the bank extension of credit was unlawful, obligating him neither to pay the debt nor to surrender possession following expiration of the time to redeem. As detailed in the referee's finding, we regard the tactics employed by respondent in the unlawful detainer proceedings before the justice of the peace as not only unprofessional but reprehensible.

The misconduct found by the referee, and demonstrated by respondent's oral declarations before this court in violation of the Canons of Professional Ethics reflects professional irresponsibility to such a degree as to render respondent totally unfit to continue to discharge the duties of an attorney.

All proceedings in the justice court in the underlying matter were declared a nullity in *Zurn v. Northwestern National Bank* (/law-library/assets/1969ZurnvNorthwesternNationalBank_tcm1041-115901.pdf), 284 Minn. 573, 170 N.W.2d 600 (1969). The same happened in another case brought by Jerome Daly, *Daly v. Savage State Bank* (/law-library/assets/1969JeromeDalyvSavageStateBank_tcm1041-115902.pdf), 285 Minn. 503, 171 N.W.2d 218 (1969).

These cases were recently cited in *Sneed v. Chase Home Fin. LLC*, 2007 U.S. Dist. LEXIS 46536, 2007 WL 1851674 (S.D. Cal. June 26, 2007). The court noted the frivolous nature of the plaintiff's argument on these cases and went on to say:

Furthermore, the Minnesota cases cited by Plaintiff are not only unreported, they have been vacated by the Minnesota Supreme Court in reported decisions. See *In re Daly*, 284 Minn. 567, 171 N.W.2d 818; *Zurn v. Northwestern Nat. Bank of Minneapolis*, 170 N.W.2d 600, 284 Minn. 573 (Minn. 1969); *Daly v. Savage State Bank*, 171 N.W.2d 218, 218, 285 Minn. 503, 503 (Minn. 1969). Plaintiff is hereby admonished she must not cite any decision under which Justice Mart Mahoney purported to question the validity of federal currency or the Constitutionality of the Federal Reserve Act, nor may she cite any opinion or decision as authoritative which no longer has authoritative status.

Martin Vincent Mahoney was born in Minnesota on February 22, 1915 and died August 22, 1969 in County Minnesota. Jerome Daly was born July 11, 1926 in Minnesota and died March 23, 1996 in Martinez, California.

DISCLAIMER: As librarians and not lawyers, we can suggest resources but cannot give legal advice (such as form to file), or legal opinions, (such as how a statute might apply to particular facts.) To do so could be considered the unauthorized practice of law. Even though we try to suggest materials that will be of help, further research is usually required to find a complete and correct answer. For many questions, the best answer may be to consult an attorney. For links to resources on finding an attorney [click here \(http://mn.gov/law-library/legal-topics/attorneys.jsp\)](http://mn.gov/law-library/legal-topics/attorneys.jsp).