

The State of Maryland  
on the suggestion of the Comm<sup>r</sup>  
of Revenue

vs  
A. M. Day

To the Honorable the Judges of  
Baltimore County Court sitting in Equity  
The petition of the Complain<sup>t</sup>  
= ant in this case shews

That the Decree heretofore  
passed by this Honorable Court from which  
an appeal has been taken to the Court of  
appeals has been there affirmed, as soon  
appear from the Certificate of the Clerk of  
that Court under seal already filed in this  
cause

Tompehomer prays therefore  
that this cause may be reinstated  
to the end that the same shall be  
proceeded with as to Equity shall  
appertain

J. M. Campbell  
Joc: in pet.

In Baltimore County Court  
in Equity

8<sup>th</sup> March 1849

Ordered that the above Entic<sup>e</sup>  
= lled cause be reinstated as prayed by the foregoing  
petition

Wm. L. Smith

The State of Maryland  
on the suggestion of the  
Commissioners of Lotteries

vs  
A R Day

To the Honourable the Judge of Baltimore  
County Court sitting in Equity

The petitioner of the Complainant in  
this Cause sheweth

That the Defendant still neglects  
and declines obedience to the Decree of this  
Honourable Court heretofore passed on or con-  
cerning his demurrer, although said Decree has  
been affirmed by the Court of Appeals.

Your petitioner prays  
therefore an attachment against  
the said A R Day the Defendant  
according to the Course of this Court to

J. M. Campbell  
Comptroller

8<sup>th</sup> March 1849

Ordered That an attachment  
issue as prayed by the foregoing petition

Wm. L. L. L.

54 Ent

The State of Maryland  
By the suggestion of  
Wharton & Dickinson  
Commissioners of Lotteries

to  
~~AR Day~~

Pet. to reinstate the  
Cafe - for an  
attachment

order 8<sup>th</sup> March 1849

of 8<sup>th</sup> March 1849

Commissioners of Lotteries  
in the State of Maryland  
and the State of Virginia

Account of the Commission  
of the State of Maryland  
to the State of Virginia  
for the purpose of  
reinstating the  
Cafe - for an  
attachment  
order 8<sup>th</sup> March 1849  
of 8<sup>th</sup> March 1849

Printed & Published by  
G. W. Johnson  
9181 March 8  
1849

W. J. Johnson

The State of Maryland  
on the suggestion of John O.  
Wharton & Samuel Dickinson  
Complainants & Petitioners  
versus  
A. R. Day

On the Equity Side of  
Baltimore County Court

This case standing ready for hearing  
on the Demurrer of the Defendant and the Solicitors of the  
parties having been fully heard the proceedings were  
read and considered

It is thereupon this 22<sup>nd</sup> day of May, A.D.  
1848 by Baltimore County Court sitting in Equity and  
by the Authority thereof adjudged and ordered that  
the demurrer of the Defendant be overruled, and it  
is further ordered that the said A. R. Day pay to the  
Complainant the cost of his said demurrer to be  
taxed by the Clerk including a solicitors fee and the  
sum of Five pounds Current money and that he be  
in contempt till the said costs and sums of money  
be by him discharged and paid

And it is further ordered adjudged  
and decreed that the said Defendant do put in  
a good and sufficient Answer to the said Bill  
on oath on or before the 10<sup>th</sup> day of June  
A.D. 1848

Jno. B. Shepard

54<sup>6</sup> Eq<sup>6</sup> sid<sup>7</sup>  
1848

The State of Maryland  
on the suggestion of  
the Comm<sup>rs</sup> of Lotteries

n  
A R Day

Decree  
22<sup>d</sup> May 1848

P 22<sup>d</sup> May 1848

Two copies decree  
made one for Compt  
& one for de ft

The State of Maryland  
on the suggestion of  
the Commissioners of  
Lohene  
vs  
Day

On the Equity Side of  
Baltimore County Court

To the Honorable the Judges of  
Baltimore County Court sitting  
in Equity

The petition of the Complainant  
in this case sheweth,

That it desires that this cause  
may be removed to the High Court of Chancery to  
be there heard & determined pursuant to the Act  
in such case made & provided.

J. M. Campbell  
Compl<sup>t</sup> & Sec

On the 25<sup>th</sup> day of April A.D. 1848 before  
me the undersigned two of the Judges of the peace  
of the said State of Maryland in & for the  
City of Baltimore personally appeared J. M.  
Campbell Esq. for the Compl<sup>t</sup> in the  
above case and made oath ~~that~~ <sup>that</sup> he was one firm of  
law that the above suggestion is not intended  
to produce delay.

Henry F. Friese

Ordered this 25<sup>th</sup> day of April A.D. 1848 that the  
Clerk of Baltimore County Court transmit the papers  
in this cause to the High Court of Chancery as  
prayed by the foregoing petition

J. B. DeGrand

State  
on the suggestion of the  
Lottery Commissioners

vs

Dary

==  
Suggestion, affidavit, &  
order for removal

1<sup>st</sup> 25<sup>th</sup> apt 1848

Don't notice this in  
the record

To the Honorable the Judges of Baltimore  
County Court Sitting in Equity

The State of Maryland upon  
the suggestion of John O. Wharton  
and Samuel Dickinson Esquires  
its Commissioners of Lotteries  
sheweth by this its Bill of Discovery

That under the act of assembly  
passed at December Session a D 1846 chapter 109 it  
hath on the suggestion of its Commissioners aforesaid  
instituted before Henry F. Friese Esquire one of its  
Justices of the Peace for the City of Baltimore six separate  
actions of Debt agst a certain Alfred R. Day to  
recover from him the fines by said act imposed for  
violations of the third section thereof and that said  
actions of Debt are now depending before said Justice  
no name fixed the 18<sup>th</sup> day of this present month of  
April a D 1848 for the trial thereof.

The said State further sheweth  
that said actions are brought against said Day for  
insurances of certain numbers of Lottery tickets in which  
legal business he is largely engaged and wherein he  
condonds Exclusively with persons of color and that the  
insurances for which said actions were brought were  
made with persons of that description and that at the  
time of making the same he delivered to said parties  
the several memorandums hereunto filed in Exhibit A  
and received money from them.

The said State further sheweth  
that said memorandums need an explanation  
which cannot be given by the parties to whom they  
were delivered because of their incompetency as  
witnesses and that it is material to the proper decid-  
-ion of said actions that the said Day should dis-  
-cover on oath when and for what consideration &  
to whom the said memorandums were given and  
what is their meaning.

To the End Therefore that  
the said Alfred R. Day may upon  
his Corporal oath full true and per-



= fed answer make to all the matters & things  
above mentioned and that he may set  
forth and discover in line for said trials  
the true purport and meaning of said  
memorandums in Exhibit A and of each  
and all of them and to what descrip-  
= tion of persons they were issued by him  
that is to say, whether white or colored  
and what consideration he received  
from such persons for them,

May it please your Honors to  
grant such order in the premises as is  
needful and also the writ of subpoena  
to the said Alfred R. Day to be directed  
commanding him at a certain day  
and under a certain pain therein  
inserted personally to be taken &c

J. M. Campbell  
Compt<sup>y</sup> Soc<sup>y</sup>.

In Board County Court  
In Equity

Ordered this 10<sup>th</sup> day of April  
AD 1848 that the said Alfred R. Day and  
= sworn upon oath the matters & things stated  
in the foregoing Bill & the interrogatories  
therein contained or show cause to the con-  
= tain on or before the 17<sup>th</sup> instant provide  
a copy of said Bill & of this order be served  
on him or left at his residence or place  
of business on or before the 11<sup>th</sup> instant.

J. W. C. Legend

34.

1848

The State of Maryland  
on the Suggestion of  
John O. Wharton  
Samuel Dickinson  
Commissioners of Lotteries

vs

Alfred R. Day

"Boy" C. 209

BM of Discovery

W. B. Fletcher

vs me as prayed

J. M. C.

Comptroller

Pr. 10 April 1848.

Copied to sides, or depts

4 copies for comptroller  
Record attached to Dist Term 1848

1. 9. 20.  
25 - 30 120

46.5

2. 11. 10/12

46.5

1. 7. 20.  
20 - 30 120

46.5

10. 15. 12

46.5

8. 11. 19.  
24 - 30 120

46.5

9. 29 32/12

46.5

2.  
The State of Maryland  
on the Suggestion of  
John O. Wharton &  
Samuel Dickenson  
Commrs of Lotteries

vs

Day

---

Exhibit A

Ap. 10<sup>th</sup> April 1878.

Baltimore County Court April Term 1848

Trustee of Maryland  
on the suggestion of John  
& Wharton Samuel Dickinson  
Complainants of Debtors

vs

Alfred R Day

10 April 1848

Bill & return of it  
for same day rule  
on defendant to  
answer filed 12<sup>th</sup>

April 1848 Certificate  
of Sheriff of service  
of copy bill & order filed

13<sup>th</sup> April 1848 files appears for defendant and  
~~for~~ demurrer to bill filed, 25 April  
1848 suggestion affidavit and order for  
removal to High Court of Chancery on  
part of Complainant filed

In pursuance of the above suggestion and  
order I herewith transmit to High Court of  
Chancery all the proceedings in the above  
Cause

In testimony whereof I have  
put to my hand and  
affixed the seal of said Court  
this 25<sup>th</sup> day of April 1848

A. W. Macford Clk

53

Louis Gassaway Esq  
Ry Car Can

Annapolis  
Md

The demurrer of Alfred L. Day to the bill of discovery of the State of Maryland upon the suggestion of Samuel Dickerson and John O. Wharton, Commissioners of Lotteries in Baltimore County Court, sitting as a Court of Equity, exhibited.

This defendant by protestation not confessing or acknowledging all or any of the matters and things in the said bill of discovery contained to be true in name and form, as the same are therein set forth, doth demur thereto, and for causes of demurrer shew-

1<sup>st</sup> That the said Complainant hath not, in and by the said bill, stated such a case as doth or ought to entitle him to any such discovery as is therein sought and prayed for, from this defendant:  
2<sup>nd</sup> That the actions of debt instituted by the said State against this defendant as stated in the said bill of discovery, are for ~~the~~ penalties for supposed violation of the laws of this State and that this defendant cannot therefore be held to make discovery concerning the same.

Wherefore, this defendant demands the judgment of this Court, whether he shall be compelled to make any further answer to the said bill or any of the matters and things therein contained; and he prays to be hence dismissed &c

William F. Giles  
Sesq. Solicitor

5.  
54  
Denumer of  
Alfred B. Day  
to  
the Bill of  
State of Maryland  
in the suggestion of the O.  
Wharton and Sa. Dickson  
Lettery Communes

Wm. Bradford, File des.  
Denumer -  
Wm. F. Giles  
Dep't. Sol.

Apr. 13<sup>th</sup> 1888.

Copied



The State of Maryland,

To

Alfred R. Day

City,  
Of Baltimore County, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Judges of Baltimore County Court, at the Court house in said County, on the day of *May* next, to answer the complaint of

*The State of Maryland*  
on the Suggestion of *John O. Wharton & Samuel Dickinson*  
*Commissioners of Lotteries* — against you in the said court exhibited.

HEREOF fail not, as you will answer the contrary at your peril.

Witness, the Honorable STEVENSON ARCHER, Chief Judge of our said Court, the *10<sup>th</sup>* day of *April* in the year of our Lord one thousand eight hundred and forty *Aprl.*

ISSUED the

*10<sup>th</sup>*

day of *April*

184 8.

*W. Bradford*  
*clerk*

The State of Maryland  
 on the suggestion of  
 John C. Wharton &  
 Samuel Dickinson  
 Lottery Commissioners

Alfred R. Day

Spua.

Summoned

sd 10 May 1848

John Nettellwell  
 Campbell, shff

The State of Maryland  
in the suggestion of  
James B. Harrison  
James B. Harrison  
Comptroller General  
of the State  
vs  
A. R. Day

of the order  
1848  
1848  
1848

4.

State of Maryland  
in suggestion of  
Lottery Commissioners

vs  
A. R. Day

=  
proof of service of copy  
=

to 12<sup>th</sup> June 1848

The State of Maryland  
on the suggestion of  
John O. Wharton &  
Samuel Dickerson  
Commissioners of Lotteries,  
vs  
Alfred R. Day

On the Equity Side  
of  
Baltimore County Court

Clerk of the Court in this case and  
of the order thereon of the 10<sup>th</sup> April a.d  
1848 served this 11<sup>th</sup> day of April a.d 1848  
on Alfred R. Day  
by

J. Nettleton  
Sheriff of Baltimore City

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

State on the  
relation of  
The Commissioners  
of Lottery

Bill of Discovery

Alfred R. Day

The Defendant prays an  
appeal from the Decree passed by the  
Court in the above cause to the Court  
of Appeals for the Western Shore and  
asks the Court to prescribe the penalty of  
the appeal bond to be given by him on said  
appeal.

William F. Giles

Sol. for Defendant

Appeal allowed & penalty of  
bond fixed at \$200

27th May 1848

J. W. C. Keegan

State <sup>1</sup>

14

A. R. Day

Appeal prayed  
& allowed =

15<sup>th</sup> June 1848

The State of Maryland  
on the suggestion of John O. Wharton  
and Samuel Dickinson Esquires  
Commissioners of Lotteries

vs

A. R. Day

On the Equity side of  
Baltimore County Court

To the Honorable the Judge of Baltimore  
County Court sitting in Equity

The petition of the Complainant in this  
Case shews,

That the appeal in this Case taken by  
the Defendant from the Decree of this Court to the Court  
of Appeals, has resulted in the affirmance of said Decree  
as will appear from the Certificate Under Seal of the Proceed-  
ings in that Court herewith filed, but that the said  
Defendant has not obeyed the said Decree

Your petitioner prays therefore that an  
attachment may issue against the Defendant  
as is usual in such Cases &c

J. M. Campbell

Compt<sup>r</sup> for

In Baltimore County Court in Equity  
29<sup>th</sup> February A.D. 1849

Ordered that an attachment  
issue against the Defendant as prayed by the foregoing  
petition

W. C. Keenan

In Brevé County Court  
in Equity

---

The State of Maryland  
on the suggestion of  
John O. Wharton and  
Samuel Dickinson  
Esq<sup>rs</sup>. Comrs. of Botetown,

v  
A. R. Day

---

Petition for a had-  
sment - & one exhibit

M. B. 1, Wednesday  
before Court prothon  
J. M. C  
Co. S. J. P. 200

order 27 July 1849

1<sup>st</sup> 27 July 1849



**MARYLAND, Sc,**

**THE STATE OF MARYLAND,**

To the Sheriff of Baltimore County, Greeting:

You are hereby commanded, That you attach the body of

*Alfred J Day*

if he shall be found in your bailiwick, and him safe keep, so that you have him before the Judges of Baltimore County Court, at the court house in the same county, on the *first* day in *March* next, to answer as well touching a certain contempt by him committed in not answering to the bill of complaint of *Mustake of Maryland on the suggestion of John T Wharton Samuel Dickerson Commissioners of Lotteries* against him in the said Court exhibited, as to such other matters and things as shall be then and there alleged against him.

Hereof fail not, as you will answer the contrary at your peril.

WITNESS the Honorable *William Smith* ~~STEVENSON ARCHER~~, Chief Judge of our said Court,

the *first* day of *February* 1849

ISSUED the *27* day of *February* 1849

*A. W. Bradford Clerk*

54 Ey

State of Maryland  
on the suggestion of  
John O Wharton &  
Samuel Dickerson  
Lottery Commissioners

vs

April 5 Day

alla

New Est

10<sup>th</sup> 6<sup>th</sup> March 1849

C. H. Cloud  
J. M. C.

**MARYLAND, Sc.**

THE STATE OF MARYLAND,

To the Sheriff of Baltimore County, Greeting:

You are hereby commanded, That you attach the body of *Alfred R Day*

if he shall be found in your bailiwick, and *have* safe keep, so that you have *him* before the Judges of Baltimore County Court, at the court house in the same county, on the *first* day in *April* next, to answer as well touching a certain contempt by *him* committed in not *answering* to the bill of complaint of *the State of Maryland on the suggestion of John Wharton and Samuel Dickenson Commissioners of Dolores* against *him* in the said Court exhibited, as to such other matters and things as shall be then and there alleged against *him*.

Hereof fail not, as you will answer the contrary at your peril.

WITNESS the Honorable *William Smith* ~~STEVENSON ARCHER~~, Chief Judge of our said Court, the *first* day of *March* 1849

ISSUED the *8<sup>th</sup>* day of *March* 1849

*A. W. Bradford C. M.*

57 Equity Ct

The State of Maryland  
on the suggestion of  
John O Wharton &  
Samuel Dickerson  
Commissaries of doletry

27

Asphel R Day

D all a

Attached

1<sup>st</sup> 2<sup>nd</sup> April 1849

Chas. F. Cloud  
Sherriff  
Im 6

Barth City & County Jail  
Havill 13 1849

Recd into custody the body of  
Asphel R. Day for the doletry

Samuel  
Dickerson

Wm  
Mick

The State on the  
behalf of the Commonwealth  
vs

A. R. Day

3

On motion of Comptrol. Sol. it is this 2  
April 1849 ordered that the Defendant now in  
the custody of the Sheriff in Court under the attach-  
ment heretofore issued in this case be committed  
to the Jail of Baltimore County until the further  
order of this Court.

Wm. Smith  
J. Purvance  
J. W. C. de Graaf

2<sup>d</sup> april 1849  
orden copind

State

In Equity:

Alfred G. Day

The defendant by his Counsel prays the Court for an order to permit him to come out of Jail, in order to permit him to make an arrangement and settlement of all the cases brought against him by the State in the relation of the Lottery Commission, which he is unable to do in his present confinement.

William F. Giles

attorney for petitioner

I consent to the passage of such an order on condition that the petitioner be liable to arrest & confinement under the attachment unless he appear and take in the course of the 12<sup>th</sup> June -

J. M. Campbell

Compe & pd. 11 June 1849

Ordered this 11<sup>th</sup> day of June 1849 that the defendant Alfred G. Day be discharged from <sup>his</sup> confinement in <sup>for contempt</sup> Baltimore County Jail ~~for contempt of Court~~ and that he be allowed one day further to comply with the orders of this Court heretofore passed in this cause.

Wm. C. Legrand

Ent<sup>d</sup>

480

State

17

Day

Specimen of depth  
apart of Prof

order 11 June 1849

17 June 1849



Baltimore <sup>County</sup> Court;

Be it remembered that on this  
30<sup>th</sup> day of June Eighteen hundred and forty  
nine, before me the subscriber a Justice of the  
Peace of the State of Maryland, in and for  
the said <sup>County</sup> ~~City~~, personally appeared Alfred Y.  
Day and made oath in due form of law that  
in refusing to answer the bill of discovery filed  
against him in Baltimore County Court, sitting  
as a Court of Equity, by the State of Maryland  
in the relation of the Lottery Commissioners,  
he intended thereby no contempt or want of  
respect for the said Court or the Judges  
thereof -

Sworn before

Wm L. Snyder

State  
Alfred G. Day

---

affidavit of  
Defendant -

Filed 2 July 1869