

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 Dickerson 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 18th 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^y Sec^y

In Board County Court
In Equity

Ordered this 10th 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 17th 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 11th instant.

Jno. 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 et al

J. M. C.

Comptroller

Pr. 10 April 1848.

Copied to sides, or depts

Record office for complete
Record attached to Dist Term 1848

1. 9. 20.
21 - 31 120

46.5

2. 11. 10/12

46.5

3. 7. 20.
21 - 31 120

46.5

4. 15. 12/12

46.5

5. 11. 19.
21 - 31 120

46.5

6. 29. 31/12

46.5

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

vs

Day

Exhibit A

Ap. 10th April 1878.

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 *10th* day of *April* in the year of our Lord one thousand eight hundred and forty *Apr.*

ISSUED the

10th

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

Spma.

Summoned

sd W. May 1848

John Nettellwell
 Campbell, shff

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 10th April a.d
1848 served this 11th 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]

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

of the order
1848
1848
1848

4.

State of Maryland
vs
suggestion of
Lottery Commissioners

vs
A. R. Day

=
proof of service of copy
=

to 12 June 1848

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—

1st 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:
2nd 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 support of Mrs. O.
Wharton and San Dickson
Lettery Communes

Wm Bradford, file des.

Denumer -

Wm F. Giles

Dep't Sol.

Apr. 13th 1888.

Copied

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^t & Sec

On the 25th 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^t in the
above case and made oath ~~that~~ ^{that} one of
law that the above suggestion is not intended
to produce delay.

Henry F. Friese

Ordered this 25th 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

Dart

==
Suggestion, affidavit, &
order for removal

1st 25th apt 1848

Don't notice this in
the record

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 12th

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

13th 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 25th day of April 1848

A. W. Macford Clk

53

Louis Gassaway Esq
Ry Car Can

Annapolis
Md

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

Jos. C. Keegan

State ¹

14

A. R. Day

Appeal prayed
& allowed =

15th 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^r for

In Baltimore County Court in Equity
29th 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^{rs}. Comrs. of Lotteries,

v
A R Day

Petition for a had-
sment - & one exhibit

M. B. 1, Wednesday
before Court pro
J. M. C
Co. S. J. P. W.

order 27 July 1849

1st 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* ~~STEVENS~~ 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

10th 6th March 1849

C. H. Bond
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 D Wharton and Samuel Dickenson Comptrollers 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 *8th* 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
Commissions of doctery

27

Asphel R Day

2^d all a

Attached

1st 2^d apt 1449

Chas. F. Cloud
Sherriff
Im 6

Barth City & County Jail
Nov 13 1849

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

Samuel
Dickerson

Wm
Mick

The State of Maryland
on the suggestion of the Comm^r
of Revenue

vs
A. M. Day

To the Honorable the Judges of
Baltimore County Court sitting in Equity
The petition of the Complain^t
= 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 will
appear from the Certificate of the Clerk of
that Court under seal already filed in this
cause

Tompehmer 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

8th March 1849

Ordered that the above Entic^e
= 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

8th 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

~~AR Day~~

Pet. to reinstate the
Cafe - for an
attachment

order 8th March 1849

1st 8th 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

9th March 1849

Wm. L. Garrison

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^d april 1849
orden copind

The State of Maryland
on the suggestion of John O.
Wharton & Samuel Dickinson
Complainants of Kottenes
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 22nd 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 10th day of June
A.D. 1848

Jno. B. Shepard

54⁶ Eq⁶ sid⁷
1848

The State of Maryland
on the suggestion of
the Comm^{rs} of Lotteries

n
A R Day

Decree
22^d May 1848

P 22^d May 1848

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

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 12th June -

J. M. Campbell

Compe & pd. 11 June 1849

Ordered this 11th day of June 1849 that the defendant Alfred G. Day be discharged from ^{his} confinement in ^{for contempt} 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^d

480

State

17

Day

Specimen of depth
apart of Prof

order 11 June 1849

17 June 1849

Baltimore ^{County} Court;

Be it remembered that on this
30th 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 ^{County} ~~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