## December Term 1840.

The President Directors and Company of the Farmers Bank of Maryland.
vs.
Benjamin Mulliken Mortimer A. Mulliken Oscar Mulliken Thomas Harwood of Benj.n and Walter W. Harwood.

Be it remembered that now here on the first Monday in December being the second day of the said month in the year of our Lord one thousand eight hundred and thirty nine the Chancellor of Maryland in pursuance of the directions of the act of Assembly in such case made and provided transmit to the Court of Appeals here the record of proceedings in a certain cause which was lately depending before him in the Court of Chancery between The President Directors and Company of the Farmers Bank of Maryland Complainants and Benjamin Mulliken and others defendants and wherein the said Court of Chancery passed a decree for the said Benjamin Mulliken and others against the said President Directors and Company of the Farmers Bank of Maryland and from which said decree the said President Directors and Company of the Farmers Bank of Maryland appealed to the Court of Appeals here the tenor of which said record of proceedings is in form following to wit.

(See original Record bound up in Record Book Rule. G. No. 11.)

And now come into the Court of Appeals here as well the said President Directors and Company of the Farmers Bank of Maryland by John Johnson and Thomas S. Alex. under their attorneys as the said Benjamin Mulliken and others by Alexander Randall and Alexander C. Magruder their attorneys and thereupon on motion of the said Benjamin Mulliken and others by their attorneys aforesaid it is ruled by the Court here, that the said President Directors and Company of the Farmers Bank of Maryland assign the errors in the record of proceedings aforesaid or in the giving the decree aforesaid so as aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein or judgment by the Court of Appeals here will be entered against them in default thereof. And the said President Directors and Company of the Farmers Bank of Maryland by their attorneys aforesaid say that in the record of proceedings aforesaid and also in the giving of Decree aforesaid there is manifest error in this to wit that by the record aforesaid it appears that the decree aforesaid in the cause aforesaid given was given for the said Benjamin Mulliken and others against the said President Directors and Company of the Farmers Bank of Maryland when by the law of the land that decree ought to have been given for the said President Directors and Company of the Farmers Bank of Maryland against the said Benjamin Mulliken and others therefore in that there is manifest error and they pray that the decree aforesaid for that error and others being in the record of proceedings aforesaid may be reversed annulled and held entirely for nought and that they the said President Directors and Company of the Farmers Bank of Maryland may be restored to all things which they have lost by occasion of the said decree and that the said Benjamin Mulliken and others may join to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Benjamin Mulliken and others join in the errors by the said President Directors and Company of the Farmers Bank of Maryland above assigned in the record of proceedings aforesaid or judgment by the Court of Appeals here will be rendered against them in default thereof. And



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the said Benjamin Mulliken and others by their attorneys aforesaid pray that a day may be given to them to join in the error by the said President Directors and Company of the Farmers Bank of Maryland above assigned in the record of proceedings aforesaid until the second Monday in June next; and to them it is granted; the same day is also given to the said President Directors and Company of the Farmers Bank of Maryland. At which said second Monday in June being the eighth day of the said month in the year of our Lord one thousand eight hundred and forty which said day was given to the said Benjamin Mulliken and others to join in the errors by the said President Directors and Company of the Farmers Bank of Maryland above assigned come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid; and the said Benjamin Mulliken and others by their attorneys aforesaid say there is no error in the record of proceedings aforesaid nor in the giving of the decree aforesaid and they pray that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid as of the matters aforesaid by the said President Directors and Company of the Farmers Bank of Maryland above for error assigned and that the said decree may be in all things affirmed and so forth. Thereupon further process of and upon the premises between the parties aforesaid is by virtue of an act of Assembly in such case made and provided further continued before the Court of Appeals here, until the first Monday in December next; the same day is given to the said parties there, then to hear the judgment of the Court of Appeals here of and upon the said premises and so forth. And now at this day to wit the said first Monday in December being the seventh day of the said month in the year of our Lord one thousand eight hundred and forty come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the decree given in form aforesaid as the matters aforesaid by the said President Directors and Company of the Farmers Bank of Maryland above for error assigned being seen and by the Court of Appeals here fully understood and mature deliberation thereupon had; for that it appears to the Court of Appeals here that there is error in the record of proceedings aforesaid and also in the passing of the decree aforesaid. Therefore the Court of Appeals here proceeded to pass such a decree as the Court of Chancery ought have passed.

The President Directors and Company of the Farmers Bank of Maryland.
vs.
Benjamin Mulliken and others.

Court of Appeals for the Western Shore, December Term 1840. This appeal standing ready for hearing and being argued by counsel for the parties and it appearing to this Court that the deed of conveyance from Benjamin Harwood deceased to his son Elisha W. Harwood dated on the twenty first day of May in the year eighteen hundred and eleven and the deed of conveyance from the said Benjamin Harwood deceased to his daughter Sarah B. Mulliken deceased of the same date as mentioned in the proceedings were made in fraud of the creditors of the said grantor and that the appellants claims against the said Benjamin Harwood deceased as well upon the note drawn by the said deceased for the sum of seven hundred and fifty dollars as also upon the note drawn by