

The clerk's table

New Jersey Court of Errors and Appeals.

THE STATE (JOSEPH KAIGHN Prosecutor,
vs.
BENJAMIN BROWNING, Clerk of Camden County. } *In Error, &c.*

New Jersey, ss.

[L. s.] The State of New Jersey to Benjamin Browning, Clerk of the County of Camden, Greeting: We being willing for certain reasons to be certified of a certain record of a certificate, &c., now on record in your office bearing date the twelfth day of April, one thousand eight hundred and fifty-eight, made by Moses Hammel, Town Superintendent and Jesse W. Starr, James P. Michellon and John M. Paschall, Trustees of Liberty School District No. 5, of the Township of Newton, in said county of Camden, altering the boundaries of the said district, do command you that you certify and send to the Justices of our Supreme Court at Trenton, on the first Tuesday in November next, the said record, altering the boundaries of said School District, with all things touching and concerning the same, together with this writ, that we may cause to be done what of right and according to law ought to be done.

Witness Henry W. Green, Esquire, Chief Justice at Tren-

ton, aforesaid, the fourth day of June, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES P. SMITH, *Clerk*.

THOMAS H. DUDLEY, *Attorney*.

Returnable November term, 1858.

I do hereby send to the Hon Justices of the Supreme Court of the State of New Jersey the record and certificate altering the boundaries of Liberty School District No. 5 of the Township of
10 Newton, in the County of Camden, as within I am commanded, as by the said certificate, certified under my hand and official seal, and hereunto annexed will more fully appear.

B. BROWNING. [L. S.]

SUPREME COURT, N. J.

The STATE (JOSEPH KAIGHN, Prosecutor,	} <i>Certiorari.</i>
<i>vs</i>	
BENJAMIN BROWNING, Clerk of Camden County.	} <i>Reason, &c.</i>

The Plaintiff, by Thomas H. Dudley, Attorney, comes and
20 shows the following reasons why the proceedings brought up by the certiorari in the above case should be set aside :

1st. Because there was not a majority of the taxable inhabitants of the Fifth District that consented to the alteration of the District.

2d Because there was not a majority of the taxable inhabitants of the Fifth District, and of the Seventh or Rural District, that consented to the alteration of the District.

3d. Because all the taxable inhabitants of the Seventh District were opposed to being annexed to the Fifth District.

30 4th. Because the taxable inhabitants of the Seventh District were not consulted, and never consented to be annexed to the Fifth District.

5th. Because no notice was given of the meeting held on the Fifth of April, either to the people of the Fifth District or to the people of the Seventh District.

6th. Because the Fifth District has no power or right to annex the Seventh District to the Fifth District.

7th. Because the taxable inhabitants of the District to be altered, and the taxable inhabitants of the part to be annexed, have a right to be consulted, and no meeting was held or consultation had, to ascertain the wishes or consent of the said taxable inhabitants.

8th. Because the record and proceedings of the Trustees of Liberty School District No. 5, and of the Town Superintendent, are in divers particulars informal, irregular and illegal, and therefore void, and not binding upon the taxable inhabitants of the District. 10

9th. Because there was no election held, or vote taken to ascertain whether the taxable inhabitants of the Districts interested consented to the alteration of the District.

NEW JERSEY COURT OF ERRORS.

The STATE (JOSEPH KAIGHN, Prosecutor.) } *Assignment of*
vs. BENJAMIN BROWNING, Clerk of Camden County. } *Errors, &c.* 20

Afterwards, to wit, on the third Tuesday of November, in the year of our Lord one thousand eight hundred and fifty-nine, before the Judges of the Court of Appeals, of the last resort in all causes, at Trenton, in the State of New Jersey, comes the said Plaintiff, by Thomas H. Dudley prosecuting, and in behalf of the said State as Attorney, and says, that in the record and proceedings aforesaid, and also in giving the judgment for the said Benjamin Browning by the Justices of the Supreme Court, before whom the cause was argued, there is manifest error in this, 30
 to wit:

1. That the said Court decided that the writ in this case was misdirected, and dismissed the same,

2. That the said Court decided, that the Clerk of the County of Camden was not the custodian of the record or certificate made by the Trustees, and of the Liberty School District No. 5,

and the Town Superintendent of Newton township, in Camden County, altering the boundaries of said School District.

3. That said court decided that the said School Trustees of Liberty District No. 5, in Township of Newton, are the custodians of said certificate, altering the boundaries of said School District.

And the said Plaintiff prays that judgment of dismissal aforesaid, for the errors aforesaid, and other errors in the record and proceedings aforesaid, may be reversed, annulled, and altogether held for nothing and that Plaintiff may be restored to all things which it hath lost by occasion of the said judgment.

THOMAS H. DUDLEY, *Attorney, &c.*