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1849 - California Constitution

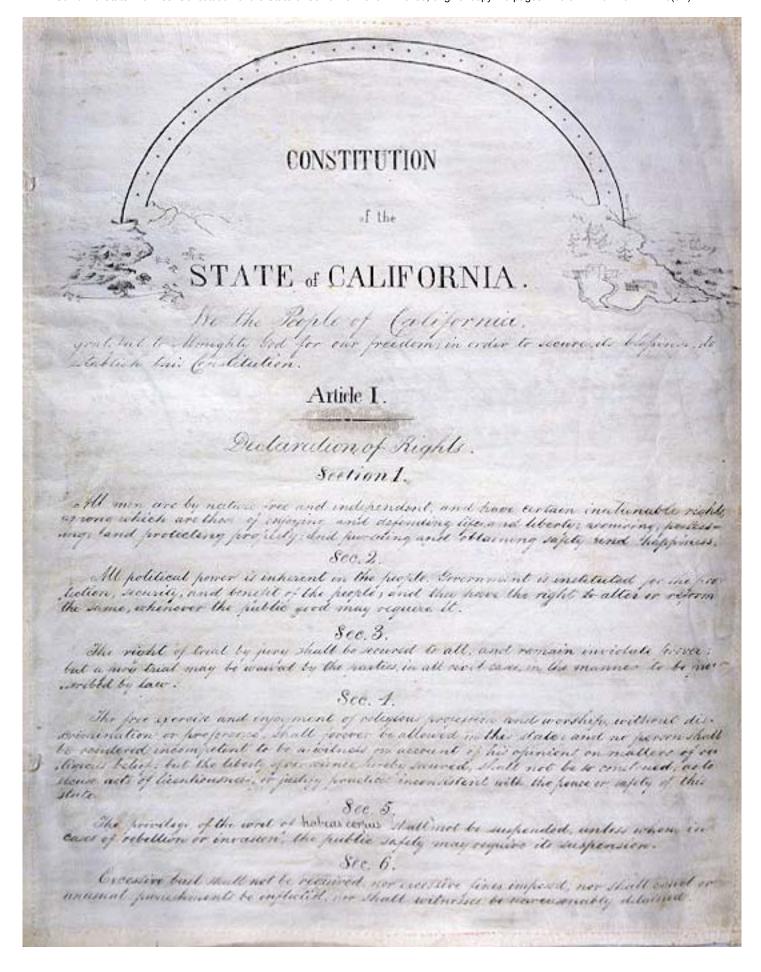
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See. 7. . All persons shall be tailable, by sufficient meeties, contess for capital offenessates the proof is without or the presumption great Sec. 8.

Complete our shall be held to answer for a expital or otherwise infamous orione, complete our of improvement, and on case of militia when in actual stocks and the land and moved forest in time of more or which this state may keep with the control of anguest in time of peace, and in case of posts barroay under the regulation of their islature) unless on presentment or indictionent of a grant pury and in any trial to answer the posts or the party accused is hall be allowed to appear and six and explain on prison and with counts as 'in civil actions. We person that be impost to be twice put in poparty for the same offense, nor shall be somptelled in any oriminal case, label as well also against the ternself, nor be deprived of life, liberty, or frozerty without due to be a vertical against private property to taken for public une authorit ad companies.

860. 9 Sec. 8. Every relicer may forely speak, write, and publish his sentiments on all subject, thing responsible for the about of that right, and no law shall be passed to rathering attribute the literty of speech or of the press In all comminal proceedings on additional life the last oney to speech or of the press In all comminal proceedings on additional life the last oney to give in evidence to the guery, and if it shall appear to the press and for pullished with good notices and for pullished with good notices and delivations the law and the fact. The people shall have the right prody to recentle together to consult for the corner good, to instruct their operantation, and to place the legislature for name of grown in the law of a general nature shall have a uniform operation. The military shall be subordinate to the civil power. No standing away shall be kept up by this state in time of peace, and in time of new or appropriation for a standing same shall be for a longer time than tive years. Sec. 13. No soldier shall in time of paces, to qualired in any house, without the consent of the owner, wer in time of war, except in the manner to be powerfeed by law. Sec. 14 Representation shall be apportioned according to population . Sec. 15. No peran shall be imprisoned for debt, in any civil action on man or inal jon. No bill of alternoon in wat face law, or law impairing the obligation of continued. in time of peace. Sec. 19. Stringwers who are, or who may hereafter become ma the relidente of the Male Mall enjoy the same right in respect to the possession, organist, are intervience & property as notice born alicent. Nillier stavery, nor involuntary sirvitude, unless for the punishment of crimes, that ever be tolerated in this state. Sec. 19. The right of the people to be seeme in their persons, housel harver, and effet, indicat uncessmable vizures and searches, shall not be vistated and no wan want shall case but on probable cause, supported by soll or appromition particular or anatomy lie place tele nauches, and the persons and thing to be seemed.

Sec. 20.

Secure against the state shall consist only in laying was against it, and hering to its enomies, or giving them aid and tempert. No person shall be convicted of trebson, unless on the briddence of two witnesses to the same overt act, or confession to open bourt.

Sec. 21 is enumeration of nights shall not be construed to impair or deny others, retained by the people.

Article II.

Right of Suffrage.

Section 1.

Section of the United States, and every white male citizen of Mexico who shall have letted to become a citizen of the United States under the treaty of peace evolunged and ratified at Questlary on the 30th day of May 1848, of the age of twenty one years, who shall have been a resident of the State his month next proceedings the Hection, and the townsty or district on which he claims his role thing, day, shall be recited to vote at all their which are new or here wifer may be authorized by layer. Fronteed, that nothing herein contained shall to the state of the feel of the feel things of the secondary of the secondary of Section which feel as such a properties of the aggistation or the descendants of Indians, in such a properties of the aggistation to the descendants of Indians, in such a properties of the aggistation to the descendants of Indians, in such a properties of the aggistation to the descendants of Indians, in such a properties of the aggistation to the descendants of Indians, in such a properties of the aggistation to the descendants of Indians, in such a properties of the aggistation to the properties of the aggistation to the properties of the secondary to the secondary to the secondary of the secondary to the secondary to the secondary of Indians, in such a properties of the secondary to the secondary th

Elector shall gen all cases except becase, pelong, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefore.

Sec.3. No elector shall be oblised to perform militia duty on the day of election, except in time of war or public danger. See 1

For the purpose of orting, no person that be deemed to have gained or tost a residence by reserve of his presence or absence while employed in the sorvice of the United States, or of the United States, or of the United States, or of the high seas; nor white a student of any siminary of learning, nor while kept at any almeshouse, or other asylum at public expense; nor while confined in any public present. Sec. J.

e so idiel or insane person, or person convicted of any infamous crime, shall be intitled to the privilege of an elector.

Jec. 6. All elections by the people shall be by ballot.

Article III.

Distribution of Powers.

The power of the Government of the State of California shall be divided into three separate departments: the significative, the Executive, and Indicial; and no person charged with the secrets of powers properly belonging to one of their depart. ment, shall exercise any functions appealaining to either of the others, suggest in the case hereingter expressly devoted or permitted.

Article IV. Legislative Department.

Section 1.

The Legislative power or this state shall be vested in a senate and assum. By, which shall be dissignated the Legislature of the State of California and the enacting clause of every law Shall be as follows: "The people of the state of California represented in Senate and Assembly, do enact as follows."

Sec. 2.

The sessions of the liquidature shall be annual, and shall commence on the first Monday of January next ensuing the election of its members, unless the bovener of the state shall in the interior convene the legislature by preclamation.

Sec. 3 The members of the assembly shall be cheen annually by the qualified electors of this respective districts, on the message next after the first blenday in November, unless otherwise ordered by the legislature; and their term of office shall be one

Sec. t. Sinators and members of afterably shall be duly qualified electors in the respective countries and district which they represent.

See. 3. Senators shall be chosen for the term of low years, at the same time and places as member of assembly, and no poron shall be a member of the knate or assembly, who has not been accilizen and inhabitant of the State one year, and of the county or district for what he shall be chosen, see menths next before his election.

The number of sinators shall not be less than one third, nor more than one half of that of the members of Secuntly; and at the first sussen of the ligitature after the constitution takes effect, the Anators shall be divided by let as equally as may be into two classes the reals of the denuters of the first class shall be vacated at the experation of the first grees to that one half shall be chosen annually.

Sec. 7.

When the number of senators is increased, they shall be apportioned by lot, to as to keep the tire clopes as nearly equal in vision basis possible.

Sec. 8:

Gach house shall choose its own officers, and pulye of the qualifications, elections, and returns of its own members.

Sec. 9. A majority of each house shall constitute a quorum to de business, but a smaller number may adjourn from day to day, and may compet the attendance of absent members, in such marrow, and ander such penalties as each house may provide.

Sec. 10.

Each house shall determine the rules of its own proceedings, and may with the ceneuts stace of two thirds of all the members elected, expel a member?

Sec. 11.

Each house shall heep a personal of its oven proceedings, and fullish the same; and the last and nage of the members of either here, on any question shall at the desire of any three members forerant, be entered on the journal.

Members of the legislature shall, in all care except treasure plony and breachof

the peace be privileged from arrest, and shall not be subject to any civil process, during the Milion of the Legislature, nor for fifteen days nest before The commonwement and after the termination of each sestion.

When vacancies occur in either house, the Governor or the person exercising the funding of the bovernor? shall issue write of election to fill such vacancies.

The doors of each house shall be open, neight in such nearins as in the opinion of the house, may require secrecy.

Sec. 15. Villor house shall without the consent of the other, adjourn for more than those days . nor to any other place than that in which they may be setting

Any bill may originals in either house of the legislature, and all till passed by one house may be amended in the other.

Every bill which may have passed the legislature, shall before it becomes a low, be presented to the becomes a low, be presented to the becomes to the approvail, he shall sign it, but if not, he shall return it with his objections to the house in which it originaled, which shall enter the same upon the presents and proceed to reconstitute it is after such that enter the same upon the houses by two and nay, by a majority of the thirds of he manufar of each house previent, it that become a law, notwithstanding the becomes of the house of the house and he returned within ten days after it shall have been presented to hom, bundary excepted the same shall be a law; in like manner as if he had signed it, unless the legislature by all purposent, prevent such returns.

The assembly shall have the sole power of improachment, and all improachments dall be treed by the Senate. When sitting for that purpose, the senators shall be upon rather or affirmation, end no power shall be convicted without the concurrence of the thirts of the numbers present.

Sec. 19.

The bovernor, Sintenant Everner, Secretary of State, (smylvoller, Francer, Motorny beneral, durwayer beneral, Justices of the stuprame land, and Judges of the Supreme Court, and Judges of the Supreme land, shall be liable to impeachment for any missemeaner in office; but judgment in such that he hister telina to the form office and distributional find any office of honer, trust, or profit sometiment, but the fact of meritard, or acquilled shall nevertheless be liable to indistment, trial, and punishment, according to law. All other could officer shall be tried jor misdemeaners in office, in such man with as the legislature may provide.

Sec. 20.

No senator, or member of altembly shall during the term for which he shall have been elected, to appointed to any civil office of profit under this state, which shall have been created, or the imstaments of which shall have been increased during such storm, except such offices as may be filled by elections by the people.

No person holding any liveralive office under the United States, or any other prover, shall be stillittle to any civil office of proper under this state is devided that officers in the militia to which there is although one annual satury, or head officers and postmatters whom compensations does not exceed five hundred dollars for annum, that not be deemed bevorables.

No peren who shall be convicted of the emberale ment, or disputation of the puts. It's funds of this state, shall were be digitale to may office of hence toucher projet under

this state; and the ligislature shell as soon as practicable, past a law providing for the punishment of such embezzlement, or defalcation as a followy.

Sec. 23.

No money shall be drown from the treasury but in consequence of appropria a client made by law . In accurate statement of the occupte and open law of the public money, shall be altached to and published with, the law at long regular design of the legislature.

Sec. 21. The members of the liquidative shall receive for their services, a compensation to be fixed by law and paid out of the public treasury; but no increase of the compensation shall lake effect dering the term for which the members of where how shall have been elected.

Sec. 25.

Every law inacted by the legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be vioised, or amended by organize to its lette; but in such sace the act revised, or section amended shall be re-inacted and published at length.

Sec. 26.

No diverse shall be granted by the legislature.

Sec.27.

No bollery shall be anthorized by this state, our shall the sale of bottery licket be allowed .

Sec. 28.

The oncomeration of the inhabitants of this state that he laken under the direction of the ligitative, in the garrier themand eight hundred and hifty live and one housed light hundred and pifty five, and at the end of wory lin years thereafter, and these inhammations, legaller with the concess had nonly be them under the derection of the Congress of the United States, in the year one thousand eight hundred and fifty and two years subsequent lin years, that here as the laces of opposeentation in both houses of the legislature.

The number of senators and members of assembly shall at the piet session of thertogwhatever holden after the incommentations begins provided for an analy, he first by the
ligitative, and apperliance among the secret counties and district to be ideallished
by have according to the members of schott inhabitants. The number of members of action.
by hall not be list their bucket, four, nor near than thirty ber, until the members of
inhabitants within the state shall amount to one hundred thousand; and after
that person, at such rate that the whole number of members of actually shall
never to be then thirty, no more than eighty.

Sec. 30.

When a congressional, denatorial, or assembly district shall be composed of two or more counties, it shall not be experated by any county belonging to another districts and no county shall be divided in perming a congressional, senatorial, or assembly district.

Sec. 31.

Corporations may be formed under general laws, but shall not be evented by spe deal not receipt for municipal purposes. It general laws and special notes passed pursuant to this section, may be attend from time to time, or repealed.

Sec. 32.

Dear from corporations, shall be secured by such individual diability of the corporation and other means, as may be prescribed by law.

Sec.33.

The Com reporations as used in this article shall be construed to include all as

. Irrialions and print stock companies having any opposeurs or privilege of corporations not preserved by individuals or harmerships. Indee the reporations that have the right to see, and shall be subject to be suched in all as not in like case of natural persons.

Sec. 34.

The Ligitature shall have no power to pass any art granting any charles for banking purposes; but associations may be permet under general laws for the deposits of gold and silver; but as such association. Shall make essee, or put in correlation any till. cheek, likely, configurate; promissing note, or other paper or the paper of any bank to tir. culute as money.

· Sec. 35.

The legislature of this state that prohibit by law, any person or person, assecration, company, or corporation from exercising the privileges of banking, or creating paper to arculate as money.

Sec.36.

Each plockholder of a corporation, or joint stock association, shall be individually and par-esonally liable for his perspection of all its debts and habilities.

Sec.or.

It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debt, and training their oradit, true to provent abuses in assess. . ment and in contracting debts by such municipal corporations.

Sec. 38.

In all slutions by the legislature, the members thereof shall vote was red and the vote shall be entered on the journal.

Article V.

Executive Department.

Section 1.

The Supreme bycoutere power of this state shall be vested in a chief magistrale, who shall be styled the bovernor of the state of faifornia.

Sec. 2.

The Growner shall be elected by the qualified electors, at the time and places of voting for numbers of assembly, and shall hold his office two years from the time of his installation, and until his successor shall be qualified.

Sec.3.

No person shall be eligible to the office of Encorner (except at the first election) who has not been a citizen of the United States and a resident of this state liver years next preceding the election, and attained the age of twenty five years at the time of saide election.

Sec.4.

The returns of every election for bovernor shall be realed up and transmitted to the seat of formment, directed to the Speaker of the assembly, who shall during the first wark of the session, open and publish them in presence of both hours of the legisla, dire. The person having the highest number of weles shall be governor; but in case any less or more have for secual and the highest number of whe, the legislature shall by junt-vote of both houses, choose one of said persons, to having an equal and the high.

out number of votes, for Governor.

Sec. 5.

The Sovernor shall be commander in chief of the militia, the army, and na og of this state.

Sec. 6. At shall transact all executive business with the officers of bosonment, oir - I and militury, and may require information in writing from the officers of the executive department, when any subject relating to the nuties of their reputive office.

He shall see that the laws are faithfully executed.

When any office thall from any cause become vacant, and no mode is pro-evided by the Constitution and Laws for filling such vacancy, the Governor thall have power to fill such vacancy by granting a commission, which thall expert at the end of the next session of the legislature, or at the next election by the people.

See. 9.

As may on extruordinary occasions convene the legislature by proclamation, and shall state to both house when assembled, the purpose for which they shall have been convened -

. Sec. 10.

It shall communicate by musage, to the ligitaliane at every session, the condition of the state, and recommend such matters as he shall seem expedient.

In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the legislature to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next Legislature.

Sec. 12. No person shall, while holding any office under the United States or this state, exercise the office of Governor, except as hereinafter expressly provided.

Sec. 13.

The bovernor shall have the power to grant represent partons after conviction, for all offences except breason and case of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, Conditions, and with such restriction; and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for fardons. Upon anoversion for reason relative to the manner to supposed the execution of the sentence until the case shall be reported to the liquilature at it meet meeting, when the legislature shall either pardon disco the execution of the sentence, or grant a further reprieve. He shall communicate the legislature at the beginning of every session, every case of reprieve or pardon granted, stating the name of the sense; the crime of tribb he was convicted, the sentence and its date, and the date of the fardon or reprieve.

There shall be a seal of this state, which shall be kept by the Governor and used by him officially, and shall be called "The breat seal of the State of California."

Sec. 15.

Me grants and commissions shall be in the name and by the authority of the Rople of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 16.

A Lintenant bevernor shall be elected at the same time and places and in the same manner as the Governor; and his term of office and his qualifications of its explicitly shall be shall be small for small, but shall be chelly have a casting cole thrown. It devens to account of the office of Governor. The Limbonant Severnor which shall be impulched, displaced, resign, die or become incapable of performing the duties of his office, or be absent from the diale, the President of the Genale shall act as lovernor until the racancy be filled, or the disability shall cease.

Sec. 17.

In said of the imprachment of the bowner, or his removal from office, death, inability to discharge the powers and detries of the office that devotes or absence from the State. He persons and duties of the office that devotes upon biredical souther the final mant bovernor for the residue of the office that divide a phility that cease, But when the bovernor shall with the consent of the legislature, be out of the State in time of war, at the head of any miles stary force of the seath continue commander on the population of the military force of the State.

Sec. 18. A Suretary of State, a Completeller, a Freasurer, an Altorny General, and Surveyor General Shall be chosen in the manner proceeded in this Constitutions and the term of office and elizibility of each shall be the home as are presented for the Joverner and Similarant General.

Sec. 19.

The Suretary of State shall be apprinted by the Suremer, be and with the advice and consent of the senale. As shall keep a pair record of the official acts of the legislature and executive departments of the government and shall when or guired, buy the same and all matters relative therete, together tranch of the legislature; and shall perform such other dutieses that to assigned him by law.

Sec. 20.

The Comptrollis Freusurer, Allorney General, and durveyor General shall be chosen by joint-vote of the two houses of the ligitature at their first sees of the under this constitutation, and thereafter shall be docted at the same time and places and in the same manner as the bosonir and Stutement Europer.

Sec. 21.

The leverner Rentement Severner, Secretary of State, Completeller, Treasurer, Steerney, Several, and Severner Severner, Secretary of State, Completeller, Treasurer, their tentements in appear, receive for their severness a compensation which what not be increased or diminished during the term for which they shall have been elected; but melther of the oppear shall receive for his own use, any fees for the proformance of his official helies.

Article VI. Judicial Department.

Section 1. She judicial power of this state shall be veled in a Superine fact. in District fromthe in Secondly fourts, and in Suction of the scace of the Legisla. a ture may also who list such municipal and other inferior courts as may

be desired necessary.

Sec. 2.

The Supreme fourt shall consist of a thirt justice and two altociate justices any two of whom shall constitute a querum.

The justices of the Supreme fourt shall be elected at the general election, by the qualified roles of the Sale, and that their office for the term of ser years from the first day of faminist meet and their of section, from evided that the legislature that at its first meeting, elect a chief price and time astronal process of the Supreme fourt, by first-role of talk house, and se classify them that one that yo out of office every tax years. Office the first election, the senior justice in temmission shall be the thirp justice. Justice .

Sec. 4.

The supreme bust shall have appellate jurisduction in all coses when the malter in dispute exceeds have hundred dellars, when the lightly of any lax toll, or impost, or municipal fine, when it law alone that formulat cases amounting to plany in question of law alone that the said court, and each of the finites thereof, as well as all district and loanly judges that have power to usue write of laws tops at the instance of any judges that in actual custody. Hey shall see have power to issue of all other writes and process menerally to the operation of their papellate justicidition, and shall be conservators of the peace throughout the state.

Sec. 5.

The Tholeshall be divided by the first legislature into a convenient number of districts, subject to such afteration from time to time so the public grad may required for teach of which, a district judge shall be appointed by the juiltenile of the legislature at its first meeting, who shall held his office for two years from the first day of framery hist after his election, a few which, shall publish shall be elected by the qualified elector of their respective districts of the general election, and shall held their office for the tirm of his years.

See. 6.

The billiet land shall have original proidiction in law and ignity in all willeases where the amount in dispute sound too hundred dillars exclusive of interest. In all criminal sails not otherwise provided for and in all issues of fact princes in the probate court, their periodiction shall be untimited.

See. 7

The legislature shall provide for the election by the pipele of a clock of the disposeme (wort, and county clocks, district althorneys, shory), corners, and other necessary officer; and shall fix by law, their duties and compensation of auty derks shall be of office blocks of the district warts in and for their respective country.

Sec. 8

There shall be elected in each of the organized counties of this state one county judge, who shall hold his office for four years. He shall hold the county funge, with two functions the county funge, with two functions the Eace to be disqualed assertings bear lawy that both surts of theseens, with such command provided on the liquidative shall proceeds, and he shall perform such other duties as while he required by law.

The founty covet shall have such jurisdistion in case arising in fustices cover, and in special cover, as the legislature may prescribe, but shall have no original civil jurisdistion, except in such special case. Sec. 10. The times and places of helding the terms of the Supreme Gurl, and these greered and special terms of the destrict courts within the second district, that he provided for by law.

Sec. 11.

No judicial officer except a justice of the peace, thate receive to his own un, any few or perquiseles of office,

Sec. 12. The ligitatione shall provide for the speedy findles lim of all statute laws and of such pudicial decisions as it may deem expedient, and all laws and judicial decisions shall be free for publication by any present

Tribunals for conciliation may be established, with such powers and dulies as may be prescribed by law; but such tribunals shall have no power to bender judgment to be obligatory on the parties, except they orientarily sub. mit this malters in disposence, and agree to shide the judgment, or assort thereto in the presence of such tribunal, in such cases as shall be prescribed by law.

Sec. 14. The ligislature shall ditermine the number of justices of the peace to be cheld in each county, all, town, and insorperated village of the State, and fix by law their proves, duties, and responsibilities. So shall also determine in what cases appears may be made from justices courts to the county court.

Sec. 15. The justices of the suppreme court and judges of the district courts shall secretly, at stated times during their continuance in office, receive for their services a compensation, to be paid, out of the breasure, which shall not be inextended or diminished during the large for which they shall have been elected. The funty freques shall also severally, at stated times, receive for their directed a compensation, to be haid out of the escaly breasurey of their respective tounder, which that not be increased or diminished during the term for thick they shall have been elected.

See. 16. The justies of the Supreme court and descript judges shall be ineligible to any other office during the term for which they shall have been elected.

Sec. 17. Judges shall not charge juries with respect to matters of fact; but may

Sec. 18. The style of all process shall be "The right of the state of California" and all prosecutions shall be conducted in the name and by the authority of the same.

Article VII. Militia.

Section 1.

The Levislation shall provide by law for organizing and desplining the militian in such in our as they shall deem especial, not incompatible with the Gentle - better and laws of the United States.

Officers of the militie shall be elected to appointed in such marmer as the light what from time to live direct; and shall be townsessioned by the bovernor -

The bosoner shall have power to call with the malities to execute the laws of the states, to suppress insurvections, and repet invasions.

Article VIII.

State Debts.

Stale Dible.

The ligitation that not in any marrier, create any debt or dobt, habitity of the stabilities, which shall simply or in the aggregate with am provides dobt or habite, which shall simply or in the aggregate with am provides dobt or habite, seems were represent it is aware to the same that he wastered by time the provides as any or of the seems of the seem

Article IX. Education.

Section 1.

The ligitative shall provide por the election by the firstle of a informalisation of puter the interestion, who shall had his office for three grant, and who shall be office such compensation as to be fibeliar may direct.

Sec. 2.

The ligitations that one wrong by all suitable mans he promotion of intellerable, bentifie, moral, and exproved improvement the proceeds of all lands to the land for the improved of Arberts, the land is a special by the limited states to this state for the improved of Arberts, which may be sold on simproved of, and the first handland thousand across fland, or attack to the new states with an mel of linguistic distribution the proceeds of the proceeds to the proceeds of the first to the proceed states of the same took on the same took of the same took on the same took of the same

Malls of deceased process, who may be and died, without leaving a will of heir, and also leak pew arch, as may be published by his sold of lands on this state, that be and seemain a perfect from the sold by the lands of the sold by the lands of the sold by the lands of the with oblither with oblither with oblither with oblither with the lands appropriately the thicknessed in the lands of the invisional the state by the invisional the state by the lands are provided the state by the sold that the sold

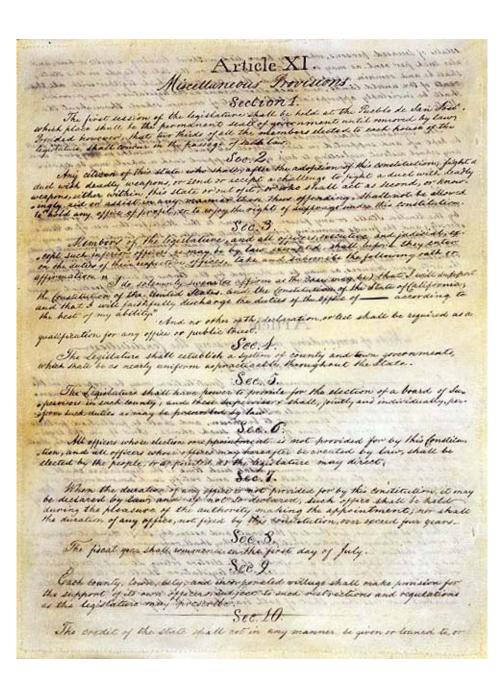
Article X.

Mode of amending and revising the forstitution.

Any amendment or amendments to Bis (melitation may be proposed on the sense or assembly, and if the same shall be married to began majority of the men a start of seal of the his houses, such proposed and almost or aminomore, shall be intered in their journals with the experienced may be taken therefore proposed for the published profite of months next proposed with the published profite months next proceeding the line of making such choice. And if on the legisments is next choice as aforesaid, such proposed amendments promined manth, that he agreed by a majority of all the membered decision to come the shall be the duty of the legislature to take the thirty of the legislature to an interest the proper to make manner waters such to the people, in such manner waters such time as the legislature that the proper to the proper that it to people, in such manner waters and orders such amendment or an amendment by a majority of the decises and orders such amendment or an amendment by a majority of the decises and orders and for monothers of the legislature, voting theory, such amendments or anison to a part of the legislature, voting theory, such amendments or anison to a part of the legislature, voting theory, such amendments or anison to a part of the legislature, voting theory, such amendments or anison to a part of the legislature.

Sec. 2. 4 min some sale And if at any time, but think of the senated and assembly that think it necessary to revise or change this only constituted by they shall recommend to the election the ment for the highlight of the proof provessant a convention; and if it shall appear that a majority of the elections orders at such election, have well in favor of salling a convention. This legislature that at its med section promite by law for calling a ten vention, to be highlighten without in months after the passage of such law and such convention shall consider of a member of members not less than that of both transfers of the legislature

in the state well with the



in aid of any individual, association, or corporation, nor shall the state directly or indirectly become a stockholder in any association or corporation. Sec. 11. Suits may be brought against the state, in such manner and in such courts as shall be directed by law. Sec. 12. No contract of marriage if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious soct. Sec. 13. Taxation shall be equal and uniform throughout the state. All property in this state that be taxed in proportion to its value, to be ascertained as directed by the great but assessed and relictive of town, county, and state taxes, shall be elected by the quality effect distorate, county, or town, in which the property laved for state, towardy, or town purposes, it situated. Sec. 1.1. All property tolk real and personal of the wife, owned or claimed by her beyers marriage, and that acquired afterwards by gift, devise, or descent. That be
her reparate property, and law that be passed more clearly defening the rights
of the wife, in relation as well to her appeals property at to that held in comtimes with her husband. Sawy shall also be passed providing for the registrantion of the wife separate property. Sec. 15. The legislature shall protect by law, from forced sale, a cortain portion of the homestead and other property of all heads of families. Sec. 16. No perpetuities shall be allowed, except for electrosynary purposes -Every person shall be disqualified from holding any office of profit in this state, who shall have been convicted of having given or officed a bribe to procure his state, Mection or appointment. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, their who shall be reafler be convicted of bribery, perjury, for eggs, or other high offines. The provilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all under influence thereon from power, bribery, turnull, or other emproper practice. Jec. 19. Absence from this state on business of the state or of the limited states, shall not affect the question of resistence of any porson. Sec. 20. where not otherwise directed in this constitution. Sec. 21. All laws, decrees, regulations, and provisions, which from their nature re-

Article XII. Boundary.

The boundary of the State of California shall be as follows: Commencing at the point of intersection of the 420 degree of with Latitude with the 120th legree of lengtheds west form Freezewith, and running stouth on the line of said 130th degree of Mill Englade with the wait it entersals the 39th degree of Mill Englade, thence running in a straight line in a southeastering direction to the River (followed, as point where it intersect the 13th degree of North Latitude; Mones down the medale of the charmed of said river to the boundary line be stand the United States and Mexico, as a labelished by the treaty of May 30th 1818; thence running west and elong third hundary line to be "acquise Ocean, and elevations therein 3 English miles; thence running in a northwell levely direction and lettering the direction of the Parist creat to the 42th degree of North Latitude to the place of beginning also all the idense, harbon, and bays along and algorit to the seast.

SCHEDULE.

Section 1.

All right, prosecutions, claims, and contracts, as well of individuals as of bodies conferate, and all laws on force at the time of the auspiten of the Continuous and not inconsistent therewith, until altered or opened by the legislature that continue as if the same had not been adopted.

Sec. 2. The legislature shall provide for the removal of all causes which may be pending when this constitution goes into effect, to townthe constitution of the same.

Sec. 3. In order that no inconvenience may result to the public service from the tokung spect of this constitution, no office shall be supervised theory, nor the laws od. alive to the duties of the sweet officers be changed until the contening outs office of the new officers to be appointed under this contains

The provisions of this constitution or corning the from of resistence necessary to make persons to hald cortain appear therein members , that were be held to apply to opposes chosen by the people at the prot election, or by the legislature at its first section.

Coory elegen of California declared a legal votor to this constitution, and sorry elegen of the united states a resident of this state on the day of dec. then, shall be estilled to vote at the post general election under this

condition and on the question of the adoption thereof.

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Sec. 7.

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before each house a copy of the abstract made by the board ? can owner, and feelland fore

The legislature at its past seame of amounts of the last such some may judge of the correct ness of the opposit of said town of amounts.

The legislature at its past session that such stick of iers as may be ordered in this constitution to be elected by that body, and within four days after its agrangement, present to that love standard to the temposes of the United State. But no low passed to the legislature shall take effect until signed by the Governor after his institutation and office.

The Smalers and Reportentations to the Imports of the United States by the legislature and people of fatifier in a second directed. That is provided with Correspond of the limited States of the Constitution when ratified, which they shall be provided by the limited States over a line on the people of fatifiers as the administering of the limited states of the states of the limited states of a subsection of the limited in the states of the limited of the limited in the states of the limited in the states of the limited of the limited in the states of the limited states of the limited in the states of the limited states of All officers of this state other than members of the breistature, shall be installed interffice on the pifteenth day of secondar next, or as seen thereafter as practicable. Mall the legislature that divide the state into counties and senativist and assembly distinct of an avertal by the constitution, the state into counties and senativist and assembly distinct of the constitution, the state of the the paper treament of the haster of the histories of banks of senative; the distincts of banks of the distinct of the dist the another of estembly.

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Mintal the liquidative hall otherwise lively in accordance with the provisions of the constitution, the solary of the Emerica shall be ton thousand deliars her accounting and the salary of the Licitional towards shall be stilled deliars for accounting and the pay of members of the legislature shall be stilled deliars for all the stilled and the stilled specially the fisher allered by the fisher allered by the principle of the distinct principle of the legislature and in returning the reform. And the legislature shall fee the salaries of all officers other than these elected by the people at the print election. Sec. 16. The limitation of the powers of the legislature contained in Article VIII of this constitution, their not extend to the first legislature elected under the same, which is hereby authorized to nightate for such amount as may be necessary to pay the expenses of the state Geometrical. R. Semple Brown They Morris which they in teligrate from Bearing to

Joseph Aram . Millastings. ChatBour Led thung Hellingswith Hugheling far methal ma-Clase Brown Elisha O Crosby Momas & Lanterin Francis J. Lipport Mest Mit Stychen 6. Froster (Siffements) Winfuld West Sherry Seel de la la van Buy & Moon William, O. Shanum. Abel Steams Kimbale H. Dimmick glan Domingue A. Hillis Joe Ant Camillo MMA Guin Pacificus Old Tom Mestana Educ Hillart Miquel de Pedrovena King A. High Henry free J. J. Hoppe M. M. My awer bought Welson Antonio de Julian Hanks AM. Haccon

CONSTITUTION OF THE STATE OF CALIFORNIA (1849)

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I DECLARATION OF RIGHTS

- Sec. 1 All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property: and pursuing and obtaining safety and happiness.
- Sec. 2 All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.
- Sec. 3 The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waved by the parties, in all civil cases, in the manner to be prescribed by law.
- Sec. 4 The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State: and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.
- Sec. 5 The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.
- Sec. 6 Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.
- Sec. 7 All persons shall be bailable, by sufficient sureties: unless for capital offences, when the proof is evident or the presumption great.
- Sec. 8 No person shall be held to answer for a capital or otherwise infamous crime, (except in cases of impeachment, and in cases of militia when in actual service, and the land naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny under the regulation of the Legislature) unless on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put jeopardy for the same offence; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.
- Sec. 9 Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of

speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

- Sec. 10 The people shall have the right freely to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.
- Sec. 11 All laws of a general nature shall have a uniform operation.
- Sec. 12 The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.
- Sec. 13 No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.
- Sec. 14 Representation shall be apportioned according to population.
- Sec. 15 No person shall be imprisoned for debt, in any civil action on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.
- Sec. 16 No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.
- Sec. 17 Foreigners who are, of who may hereafter become bona fide residents if this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens,
- Sec. 18 Neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.
- Sec. 19 The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.
- Sec. 20 Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless the evidence of two witnesses to the same overt act, or confession in open court.
- Sec. 21 This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II RIGHT OF SUFFRAGE

Sec. 1 – Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th day of May, 1848 of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in

which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may authorized by law: Provided, nothing herein contained, shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such proportion of the legislative body may deem just and proper.

- Sec. 2 Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of the election, during their attendance at such election, going to and returning therefrom.
- Sec. 3 No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.
- Sec. 4 For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.
- Sec. 5 No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.
- Sec. 6 All elections by the people shall be by ballot.

ARTICLE III DISTRIBUTION OF POWERS

The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV LEGISLATIVE DEPARTMENT

- Sec. 1 The Legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and enacting clause of every law shall be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows."
- Sec. 2 The sessions of the Legislature shall be annual, and shall commence on the first Monday of January, next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

- Sec. 3 The members of the Assembly shall be chosen annually, by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, unless otherwise ordered by the Legislature, and their term of office shall be one year.
- Sec. 4 Senators and Members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.
- Sec. 5 Senators shall be chosen for the term of two years, at the same time and places as Members if Assembly; and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State one year, and of the country or district for which he shall be chosen six months next before his election.
- Sec. 6 The number of Senators shall not be less than one-third, nor more than one-half, of that of the Members of the Assembly; and at the first session of the Legislature after this Constitution takes effect, the Senators shall be divided by lot as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the first year, so that one-half shall be chosen annually.
- Sec. 7 When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.
- Sec. 8 Each house shall choose its own officers and judge of the qualifications, elections, and returns of its own members.
- Sec. 9 A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.
- Sec. 10 Each house shall determine the rules of its own proceedings, and may, with the concurrence of two thirds of all members elected, expel a member.
- Sec. 11 Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall at the desire of any three members present be entered on the journal.
- Sec. 12 Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.
- Sec. 13 When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.
- Sec. 14 The doors of each house shall be open, except on such occasions as, in the opinion of the House, may require secrecy.
- Sec. 15 Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.
- Sec. 16 Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended in the other.

Sec. 17 – Every bill which may have passed the Legislature, shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, (Sunday excepted,) the same shall be a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

Sec. 18 – The Assembly shall have the sole power of impeachment; and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted, without the concurrence of two-thirds of the members present.

Sec. 19 – The Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, Justices of the Supreme Court and Judges of the District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit, under the State; but the party convicted, or aquitted, shall nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried, for misdemeanors in office, in such manner as the Legislature may provide.

Sec. 20 – No Senator, or member of Assembly, shall during the term for which he shall have been elected, be appointed to any civil office of profit, under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such office as may be filled by elections by the people.

Sec. 21 – No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit, under this State: provided, that officers in the militia, to which there is attached no annual slarary, or local officers and postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

Sec. 22 – No person who shall be convicted of the embezzlement, or defalcation of the public funds of this State, shall ever be eligible to any office of honor, trust, or profit under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement, or defalcation, as a felony.

Sec. 23 – No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys, shall be attached to and published with the laws at every regular session of the Legislature.

Sec. 24 – The members of the Legislature shall receive for their services, a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either house shall have been elected.

Sec. 25 – Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised, or amended, by reference to its title; but in such case, the act revised, or section amended shall be re-enacted and published at length.

- Sec. 26 No divorce shall be granted by the Legislature.
- Sec. 27 No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.
- Sec. 28 The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken, under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both houses of the Legislature.
- Sec. 29 The number of Senators and members of Assembly, shall, at first session of the Legislature, holden after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty four, nor more than thirty- six, until the number of inhabitants within this State, shall amount to one hundred thousand; and after that period, at such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.
- Sec. 30 When a congressional, senatorial, or assembly district, shall be composed of two or more counties, it shall not be separated by any county belonging to another district; and no county shall be divided, in forming a congressional, senatorial, or assembly district.
- Sec. 31 Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered from time to time, or repealed.
- Sec. 32 Dues from corporations shall be secured by such individual liability of the corporators, and other means, as may be prescribed by law.
- Sec. 33 The term corporations as used in this article shall be construed to include all associations and joint-stock companies, having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.
- Sec. 34 The Legislature shall have no power to pass any act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposite of gold and silver, but no such association shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.
- Sec.35 The Legislature of this State shall prohibit, by law, any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.
- Sec. 36 Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for his proportion of all its debts and liabilities.
- Sec. 37 It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money,

contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

Sec. 38 – In all elections by the Legislature, the members thereof shall voto viva voce, and the votes shall be entered on the journal.

ARTICLE V EXECUTIVE DEPARTMENT

- Sec. 1 The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.
- Sec. 2 The Governor shall be elected by the qualified electors, at the time and places of voting for members of Assembly, and shall hold his office two years from the time of his installation, and until his successor shall be qualified.
- Sec. 3 No person shall be eligible to the office of the Governor, (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.
- Sec. 4 The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of said persons, so having an equal and the highest number of votes, for Governor.
- Sec. 5 The Governor shall be commander-in-chief of the militia, the army and navy of this State.
- Sec. 6 He shall transact all executive business with the officers of Government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.
- Sec. 7 He shall see that the laws are faithfully executed.
- Sec. 8 When any office shall, from any cause become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.
- Sec. 9 He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.
- Sec. 10 He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.
- Sec. 11 In case of a disagreement between the two houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature.

Sec. 12 – No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

Sec. 13 – The Governor shall have the power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, and its date, and the date of the pardon or reprieve.

Sec. 14 – There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The great seal of the State of California."

Sec. 15 – All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor and countersigned by the Secretary of State.

Sec. 16 – A Lieutenant Governor shall be elected at the time and places, and in the same manner as the Governor; and his term of office, and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor, until the vacancy be filled, or the disability shall cease.

Sec. 17 – In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue commander-in-chief of the military force of the State.

Sec. 18 – A Secretary of State, a Comptroller, a Treasurer, an Attorney General, and Surveyor General, shall be chosen in the manner provided in this Constitution; and the term of office, and eligibility of each shall be the same as are prescribed for the Governor and Lieutenant Governor.

Sec. 19 – The Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall keep a fair record of the official acts of the legislative and executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature; and shall perform such other duties as shall be assigned him by law.

Sec. 20 – The Comptroller, Treasurer, Attorney General, and Surveyor General, shall be chosen by joint vote of the two houses of the Legislature, at their first session under this Constitution, and

thereafter shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant Governor.

Sec. 21 – The Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, and Surveyor General, shall each at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI JUDICIAL DEPARTMENT

- Sec. 1 The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, and in Justices of the Peace. The Legislature may also establish such municipal and other inferior courts as may be deemed necessary.
- Sec. 2 The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum.
- Sec. 3 The justices of the Supreme Court shall be elected at the general election, by the qualified electors of the State, and shall hold their office for the term of six years from the first day of January next after their election; provided that the Legislature shall, at its first meeting, elect a Chief Justice and two Associate Justices of the Supreme Court, by joint vote of both houses, and so classify them that one shall go out of office every two years. After the first election the senior Justice in commission shall be the Chief Justice.
- Sec. 4 The Supreme Court shall have appellate jurisdiction in all cases when the matter in dispute exceeds two hundred dollars, when the legality of any tax, toll, or impost or municipal fine is in question, and in all criminal cases amounting to felony or questions of law alone. And the said Court, and each of the Justices thereof, as well as all district and county judges, shall have power to issue writs of habeas corpus at the instance of any person held in actual custody. They shall also have power to issue all other writs and process necessary to the exercise of their appellate jurisdiction, and shall be conservators of the peace throughout the State.
- Sec. 5 The State shall be divided by the first Legislature into a convenient number of districts subject to such alteration from time to time as the public good may require, for each of which a district judge shall be appointed by the joint vote of the Legislature, at its first meeting, who shall hold his office for two years from the first day of January next after his election; after which, said judges shall be elected by the qualified electors of their respective districts, at the general election, and shall hold their office for the term of six years.
- Sec. 6 The District Courts shall have original jurisdiction, in law and equity, in all civil cases where the amount in dispute exceeds two hundred dollars, exclusive of interest. In all criminal cases not otherwise provided for, and in all issues of fact joined in the probate courts, their jurisdiction shall be unlimited.

- Sec. 7 The Legislature shall provide for the election, by the people, of a Clerk of the Supreme Court, and County Clerks, District Attorneys, Sheriffs, Coroners, and other necessary officers; and shall fix by law their duties and compensation. County Clerks shall be, ex officio, clerks of the District Courts in and for their respective counties.
- Sec. 8 There shall be elected in each of the organized counties of this State, one County Judge, who shall hold his office for four years. He shall hold the County Court, and perform the duties of Surrogate, or Probate Judge. The County Judge, with two Justices of the Peace, to be designated according to law, shall hold courts of sessions, with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as shall be required by law.
- Sec. 9 The County Courts shall have such jurisdiction, in cases arising in Justices Courts, and in special cases, as the Legislature may prescribe, but shall have no original civil jurisdiction, except in such special cases.
- Sec. 10 The times and places of holding the terms of the Supreme Court, and the general and special terms of the District Courts within the several districts, shall be provided for by law.
- Sec. 11 No judicial officer, except a Justice of the Peace, shall receive, to his own use, any fees or perquisites of office.
- Sec. 12 The Legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person.
- Sec. 13 Tribunals for conciliation may be established, with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such tribunal, in such cases as shall be prescribed by law.
- Sec. 14 The Legislature shall determine the number of Justices of the Peace, to be elected in each county, city, town, and incorporated village of the State, and fix by law their powers, duties, and responsibilities. It shall also determine in what cases appeals may be made from Justices Courts to the County Court.
- Sec. 15 The Justices of the Supreme Court, and Judges of the District Court, shall severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected. The county Judges shall also severally, at stated times, receive for their services a compensation to be paid out of the county treasury of their respective counties, which shall not be increased or diminished during the term for which they shall have been elected.
- Sec. 16 The Justices of the Supreme Court and District Judges shall be ineligible to any other office, during the term for which they shall have been elected.
- Sec. 17 Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 18 – The style of all process shall be "The People of the State of California;" all the prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE VII MILITIA

- Sec. 1 The Legislature shall provide by law for organising and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.
- Sec. 2 Officers of the militia shall be elected, or appointed, in such a manner as the Legislature shall from time to time direct, and shall be commissioned by the governor.
- Sec. 3 The governor shall have power to call forth the militia, to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII STATE DEBTS

The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorised by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability , as it falls due, and also pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX EDUCATION

Sec. 1 – The Legislature shall provide for the election, by the people, of a superintendent of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

Sec. 2 – The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all land that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A.D. 1841; and all estates of deceased persons who may have died without leaving a will, or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Sec. 3 – The Legislature shall provide for a system of common schools, by which a school be kept up and supported in each district at least three months in every year, and any school neglecting to keep and support such a school, may be deprived of its proportion of the interest of the public fund during such neglect.

Sec. 4 – The Legislature shall take measures for the protection, improvement, or disposition of such lands as have been, or may hereafter be reserved of granted by the United States, or any person of persons to the State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorised by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE X MODE OF AMENDING AND REVISING THE CONSTITUTION

Sec. 1 – Any amendment, or amendments to this Constitution, may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment of amendments, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment of amendments to the people, in such manner, and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment of amendments, shall become part of the Constitution.

Sec. 2 – And if, at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature.

ARTICLE XI MISCELLANEOUS PROVISIONS

- Sec. 1 The first session of the Legislature shall be at the Pueblo de San Jose; which place shall be the permanent seat of government, until removed by law: Provided, however, that two-thirds of all members elected to each house of the Legislature shall concur in the passage of such law.
- Sec. 2 Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send, or accept a challenge to fight a duel with deadly weapons, either within this State or out of it; or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.
- Sec. 3 Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective officers, take and subscribe the following oath or affirmation: " I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of , according to the best of my ability." And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.
- Sec. 4 The Legislature shall establish a system of county and town governments, which shall be as nearly as practicable, throughout the State.
- Sec. 5 The Legislature shall have the power to provide for the election of a board of supervisors in each county; and these supervisors shall jointly and individually perform such duties as may be prescribed by law.
- Sec. 6 All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct.
- Sec. 7 When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office not fixed by this Constitution ever exceed four years.
- Sec. 8 The fiscal year shall commence on the 1st day of July.

- Sec. 9 Each county, town, city, and incorporated village, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.
- Sec. 10 The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State directly of indirectly become a stockholder in any association or corporation.
- Sec. 11 Suits may be brought against the State in such manner, and in such courts, as shall be directed by law.
- Sec. 12 No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.
- Sec. 13 Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but assessors and collectors of town, county, and State taxes, shall be elected by the qualified electors of the district, county, or town, in which the property taxed for State, county, or town purposes is situated.
- Sec. 14 All property, both real and personal, of the wife, owned or claimed by marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.
- Sec. 15 The Legislature shall protect by law, from forced sale, a certain portion of the homestead and other property of all heads of families.
- Sec. 16 No perpetuities shall be allowed, except for eleemosynary purposes.
- Sec. 17 Every person shall be disqualified from holding any office of profit in this State, who shall have been convicted of having given, or offered a bribe, to procure his election or appointment.
- Sec. 18 Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.
- Sec. 19 Absence from this State on business of the State, or of the United States, shall not affect the question of residence of any person.
- Sec. 20 A plurality of the votes given at an election shall constitute a choice, where not otherwise directed in this Constitution.
- Sec. 21 All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish.

ARTICLE XII BOUNDARY The Boundary of the State of California shall be as follows:

Commencing at this point of intersection of 42d degree of north latitude with the 120th degree of longitude west from Greenwich, and running south on the line of said 120th degree of west longitude until it intersects the 39th degree of north latitude; thence running in a straight line in a south easterly direction to the River Colorado, at a point where it intersects the 35th degree of north latitude; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the Treaty of May 30th, 1848; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction, and following the direction of the Pacific Coast to the 42d degree of north latitude, thence on the line of said 42d degree of north latitude to the place of beginning. Also all the islands, harbors, and bays, along adjacent to the Pacific Coast.

SCHEDULE

- Sec. 1 All rights, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.
- Sec. 2 The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect, to courts created by the same.
- Sec. 3 In order that no inconvenience may result to the public service, from the taking effect of this Constitution, no office shall be superceded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.
- Sec. 4 The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.
- Sec. 5 Every citizen of California, declared a legal voter by this Constitution, and every citizen of the United States, a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.
- Sec. 6 This Constitution shall be submitted to the people, for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or in case of vacancy, the Sub-Prefects, or senior Judge of first Instance, to cause such election to be held, the day aforesaid, in the respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefect, Sub-Perfect, or senior Judge of first Instance ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll-list shall be kept by the judges and inspectors of election. It shall also be the duty of these judges and

inspectors of election, on the day aforesaid, to receive the votes of the electors qualified to vote at such election. Each voter shall express his opinion, by depositing in the ballot-box a ticket, whereon shall be written, or printed "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election, the judges and Inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or senior Judge of first Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or senior Judge of first Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Perfect, Judge of first Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

Sec. 7 – If this Constitution shall be ratified by the people of California, the Executive of the existing government is hereby requested immediately after, the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

Sec. 8 – At the general election aforesaid, viz: the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, members of the Legislature, and also two Members of Congress.

Sec. 9 – If this Constitution shall be ratified by the People of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next, and in order to complete the organization of that body, the Senate shall elect a President pro tempore, until the Lieutenant-Governor shall be installed into office.

Sec. 10 – On the organization of the Legislature, it shall be the duty of the Secretary of State, to lay before each house, a copy of the abstract made by the board of canvassers, and if called for, the original returns of election, in order that each house may judge of the correctness of the report of said board of canvassers.

Sec. 11 – The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution, to be elected by that body, and within four days after it organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

Sec. 12 – The Senators and Representatives to the Congress of the United State, elected by the Legislature and People of California, as herein directed, shall be furnished with certified copies of

this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the People of California, the admission of the State of California into the American Union.

Sec. 13 – All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

Sec. 14 – Until the Legislature shall divide the State into counties, and senatorial and assembly districts, as directed by this Constitution, the following shall be the apportionment of the two houses of the Legislature, viz: the districts of San Diego and Los Angelos, shall jointly elect two senators; the districts of Santa Barbara and San Luis Obispo, shall jointly elect one senator; the district of Monterey, one senator; the district of San Jose, one senator; the district of San Francisco, two senators, the district of Sonoma, one senator; the district of Sacramento, four senators; and the district of San Joaquin, four senators. And the district of San Diego shall elect one member of assembly; the district of Los Angelos, two members of assembly; the district of Santa Barbara, two members of assembly; the district of San Luis Obispo, one member of assembly; the district of Monterey, two members of assembly: the district of San Jose, three members of assembly; district of San Francisco, five members of assembly; the district of Sonoma, two members of assembly; the district of Sacramento, nine members of assembly; and the district of San Joaquin nine members of assembly.

Sec. 15 – Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State senator; and the pay of members of the Legislature shall be sixteen dollars per diem, while in attendance, and sixteen dollars for every twenty miles travel by the usual route from their residences, to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers, other than those elected by the people, at the first election.

Sec. 16 – The limitation of the powers of the Legislature, contained in article 8th of this Constitution, shall not extend to the first Legislature elected under the same, which is hereby authorised to negotiate for such amount as may be necessary to pay the expenses of the State Government.

R. SEMPLE, President of the Convention, and Delegate from Benicia.

Wm. G. Marcy, Secretary.

J. ARAM, B. S. LIPPINCOTT, C. T. BOTTS, M. M. McCARVER, E. BROWN, JOHN McDOUGAL, J. A. CARRILLO, B.F. MOORE, J. M. COVARRUBIAS, MYRON NORTON, E. O. CROSBY, P. ORD, P. DE LA GUERRA, MIGUEL PEDRORENA, L. DENT, A. M. PICO, M. DOMINGUEZ, R. M. PRICE, K. H. DIMMICK, HUGO REID, A. J. ELLIS, JACINTO, RODRIGUEZ, S. C. FOSTER, PEDRO SANSEVAINE, E. GILBERT, W. E. SHANNON, W. M. GWIN, W. S. SHERWOOD, H. W. HALLECK, J. R. SNYDER, JULIAN HANKS, A. STEARNS,

L. W. HASTINGS, W. M. STEUART, HENRY HILL, J. A. SUTTER, J. HOBSON, HENRY A. TEFFT, J. McH. HOLLINSWORTH, S. L. VERMULE, J. D. HOPPE, M. G. VALLEJO, J. M. JONES, J. WALKER, T. O. LARKIN, O. M. WOZENCRAFT, FRANCIS J. LIPPITT.

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http://www.sos.ca.gov/archives/collections/1849/full-text.html