

PROCLAMATION
To the People of California.

Congress having failed at its recent session to provide a new government for this country to replace that which existed on the annexation of California to the United States, the undersigned would call attention to the means which he deems best calculated to avoid the embarrassments of our present position:

The undersigned, in accordance with instructions from the Secretary of War, has assumed the administration of civil affairs in California, not as a military Governor, but as the executive of the existing civil government in the absence of a properly appointed civil Governor, the commanding officer of the Department is, by the laws of California, *ex officio* civil Governor of the country and the instructions from Washington were based on the provisions of these laws. This subject has been misrepresented or at least misconceived and currency given to the impression that the government of the country is military. Such is not the fact. The military government ended with the war, and what remains is the civil government recognized in the existing laws of California. Although the command of the troops in this Department and the administration of civil affairs in California, are by the existing laws of the country and the instructions of the President of the United States temporarily lodged in the hands of the same individual, they are separate and distinct. No military officer other than the commanding General of the Department exercises any civil authority by virtue of his military commission, and the powers of the commanding General as *ex officio* Governor are only such as are defined and recognized in the existing laws. The instructions of the Secretary of War make it the duty of all military officers to recognize the existing civil government and to aid its officers with the military force under their command. Beyond this any interference is not only uncalled for but strictly forbidden.

The laws of California not inconsistent

with the constitution and laws of the United States or repeated by legitimate legislative enactments, furnish us a clear and safe guide in our present situation. It is important that citizens should understand this fact, so as not to endanger their property and involve themselves in useless and expensive litigation by giving countenance to persons claiming authority which is not given them by law and by putting faith in laws which can never be recognized by legitimate courts.

As Congress has failed to organize a new Territorial Government, it becomes our imperative duty to take some active measures to provide for the existing wants of the country. This it is thought may be best accomplished by putting in full vigor the administration of the laws as they now exist and completing the organization of the civil government by the election and appointment of all officers recognized by law. While at the same time a convention, in which all parts of the Territory are represented, shall meet and frame a State constitution or a Territorial organization to be submitted to the people for their ratification and then proposed to Congress for its approval. Considerable time will necessarily elapse before any new government can be legitimately organized and put in operation; in the interim the existing government if its organization be completed, will be found sufficient for all our temporary wants.

A brief summary of the organization of the present government may not be uninteresting. It consists 1st. of a Governor, appointed by the Supreme Government; in default of such appointment the office is temporarily vested in the commanding military officer of the Department. The powers and duties of the Governor are of a limited character, but fully defined and pointed out by the laws. 2d. A Secretary, whose duties and powers are also properly defined. 3d. A Territorial or Departmental Legislature with limited powers to pass laws of a local character. 4th. A Superior Court (Tribunal Superior) of the Territory, consisting of four Judges and a

President of the Council... lodged in the hands of the same individual, they are separate and distinct. No military officer other than the commanding General of the Department exercises any civil authority by virtue of his military commission, and the powers of the commanding General as *ex officio* Governor are only such as are defined and recognized in the existing laws. The instructions of the Secretary of War make it the duty of all military officers to recognize the existing civil government and to aid its officers with the military force under their control. Beyond this any interference is not only uncalled for but strictly forbidden.

The laws of California not inconsistent with the laws, constitution and treaties of the United States, are still in force and must continue in force till changed by competent authority. Whatever may be the thought of the right of the people to temporarily replace the officers of the existing government by others appointed by a provisional Territorial Legislature, there can be no question that the existing laws of the country must continue in force till replaced by others made and enacted by competent power. That power by the treaty of peace, as well as from the nature of the case is vested in Congress. The situation of California in this respect is very different from that of Oregon. The latter was without laws while the former has a system of laws which, though somewhat defective and requiring many changes and amendments, must continue in force till repealed by competent legislative power. The situation of California is almost identical with that of Louisiana, and the decisions of the Supreme Court in recognizing the validity of the laws which existed in that country previous to its annexation to the United States, where not uncom-

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In order to complete this organization with the least possible delay, the undersigned, in virtue of power in him vested, does hereby appoint the first of August next as the day for holding a special election for Delegates to a general Convention, and for filling the offices of Judges of the Superior Court, Pre-

fects and sub Prefects and all vacancies in the offices of 1st Alcalde (or Judge of First Instance) Alcaldes, Justices of the Peace and Town Councils. The Judges of the Superior Court, and District Prefects, are by law executive appointments, but being desirous that the wishes of the people should be fully consulted, the Governor will appoint such persons as may receive the plurality of votes in their respective districts provided they are competent and eligible to the office. Each district will therefore elect a Prefect and two sub-Prefects, and fill the vacancies in the offices of 1st Alcalde (or Judge of First Instance) and of Alcaldes. One Judge of the Superior Court will be elected in the Districts of San Diego, Los Angeles and Santa Barbara, one in the Districts of San Luis Obispo and Monterey, one in the Districts of San Jose and San Francisco; and one in the Districts of Sonoma, Sacramento and San Joaquin. The salaries of the Judges of the Superior Court, the Prefects and Judges of First Instance are regulated by the Governor, but cannot exceed for the first \$1000 per annum or the second \$2500 and for the third \$1500. These salaries will be paid out of the civil fund which has been formed from the proceeds of the customs, provided no instructions to the contrary are received from Washington. The law requires that the Judges of the Superior Court meet within three months after its organization, and form a tariff of fees for the different Territorial Courts and legal officers including all Alcaldes, Justices of the Peace, Sheriffs, Constables &c.

All local Alcaldes, Justices of the Peace and members of Town Councils elected at the several elections will continue in office till the 1st of January 1850 when their places will be supplied by the persons who may be elected at the regular annual election which takes place in November at which time the election of members to the Territorial Assembly will also be held.

The general Convention for forming a State constitution or a plan for Territorial government, will consist of 37 Delegates who will meet in Monterey on the first day of September. These delegates will be chosen as

follows: Every free male citizen of the United States and of Upper California, 21 years of age, and actually resident in the district where the vote is offered, will be entitled to the right of suffrage. All citizens of Lower California who have been forced to come to this territory on account of having rendered assistance to the American troops during the recent war with Mexico, should also be allowed to vote in the district where they actually reside.

Great care should be taken by the Inspectors that votes are received only from bona fide citizens actually resident in the country. These judges and Inspectors previous to entering upon the duties of their office should take an oath faithfully and truly to perform these duties. The returns should state distinctly the number of votes received for each candidate, be signed by the Inspectors, sealed and immediately transmitted to the Secretary of State for file in his office.

The following are the limits of the several Districts:

1st The District of San Diego is bounded on the south by Lower California, on the west by the sea, on the north by the parallel of latitude including the mission San Juan Capistrano and on the east by the Colorado river.

2nd The District of Los Angeles is bounded on the south by the District of San Diego, on the west by the sea on the north by the Santa Clara river and a parallel of latitude running from the head waters of that river to the Colorado.

3d The District of Santa Barbara is bounded on the south by the District of Los Angeles, on the west by the sea, on the north by the Santa Ines river and a parallel of latitude running from the head waters of that river to the summit of the coast range of mountains.

4th District of San Luis Obispo is bounded on the south by the District of Santa Barbara, on the west by the sea, on the north by a parallel of latitude including San Miguel, and on the east by the coast range of mountains.

5th The District of Monterey is bounded on the south by the District of San Luis and on the north and east by a line running east from New Year's point to the summit of the

the civil fund which has been found to be in the proceeds of the customs, provided no money to the contrary are received from Washington. The law requires that the Judges of the Superior Court meet within three months after its organization and form a tariff of fees for the different Territorial Courts and legal officers, including, all Alcaldes, Justices of the Peace, Sheriffs, Constables &c.

All local Alcaldes, Justices of the Peace and members of Town Councils elected at the next election will continue in office until the next 1st of September 1850 when their places will be supplied by the persons who may be elected.

The annual election which takes place in November at which time the election of members to the Territorial Assembly will also be held.

The general convention for forming a State constitution or a plan for Territorial government will consist of 37 Delegates who will meet in Monterey on the first day of September next. These delegates will be chosen as follows:

The District of San Diego will elect two Delegates, of Los Angeles four, of Santa Barbara two, of San Luis Obispo two, of Monterey five, of San Jose five, of San Francisco five, of Sonoma four, of Sacramento four, of San Joaquin four. Should any District think itself entitled to a greater number of Delegates than that above named, it may elect supernumeraries who on the organization of the convention will be admitted or not at the pleasure of that body.

The places for holding the election will be as follows: San Diego, San Juan Capistrano, Los Angeles, San Fernando, San Buenaventura, Santa Barbara, Nepoma, San Luis Obispo, Monterey, San Juan Bautista, Santa Cruz, San Jose de Guadalupe, San Francisco, San Rafael, Bodega, Sonoma, Genesia, (The places for holding election in the Sacramento and San Joaquin Districts will be hereafter designated.) The local Alcaldes and members of the Ayuntamiento or Town Council will act as Judges and Inspectors of election. In case there should be less than three such Judges and Inspectors present at each of the places designated on the day of election, the people will appoint some competent persons to fill the vacancies. The polls will be open from 10 o'clock A.M. to 4 P.M. or until sunset if the Judges deem it necessary.

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4th District of San Luis Obispo is bounded on the south by the District of Santa Barbara, on the west by the sea, on the north by a parallel of latitude including San Miguel, and on the east by the coast range of mountains.

5th The District of Monterey is bounded on the south by the District of San Luis and on the north and east by a line running east from New Year's point to the summit of the Santa Clara range of mountains, thence along the summit of that range to the Arroya de los Leagas and a parallel of latitude extending to the summit of the coast range and along that range to the District of San Luis.

6th The District of San Jose is bounded on the north by the straits of Carquenas, the bay of San Francisco, the Arroya of San Francisco and a parallel of latitude to the summit of Santa Clara mountains, on the west and south by the Santa Clara mountains and the District of Monterey, and on the east by the coast range.

7th The District of San Francisco is bounded on the west by the sea, on the south by the Districts of San Jose and Monterey, and on the east and north by the bay of San Francisco including the islands in that bay.

8th The District of Sonoma includes all the country bounded by the sea, the bays of San Francisco and Suisun, the Sacramento river and Oregon.

9th The District of Sacramento is bounded on the north and west by the Sacramento river, on the east by the Sierra Nevada, and on the south by the Colusaes river.

10th The District of San Joaquin includes all the country south of the Sacramento District and lying between the coast range and the Sierra Nevada.

The method here indicated to attain what is desired by all viz — a more perfect political organization, is deemed the most direct and safe that can be adopted; and one fully authorized by law. It is the course advised by the President and by the Secretaries of State and of War of the United States and is calculated to avoid the numberable evils which must necessarily result from any attempt at illegal local legislation. It is therefore hoped that it will meet the approbation of the people of California, and that all good citizens will unite in carrying it into execution.

Given at Monterey California, this third day of June A. D. 1849.

(Signed) B. RILEY

Brevet Brig Genl U. S. A.,
and Governor of California.

Officially Witnessed by
W. HALLECK,

But Capt. and Secretary of State.

PLACER TIMES.

TUESDAY JUNE 26 1849