

different from that of Oregon in this respect : the latter had no laws to change or repeal, but California had a system of laws which, though crude and unfit for the government of the enterprising people, who were then rapidly coming in, had to be maintained and endured until repealed by Congress or a duly authorized territorial legislature. Congress having failed to organize any new territorial government, there was much uncertainty and fear as to the legality and power of the judicial tribunals claiming authority. A provisional legislature removed many of the officers of the Mexican government in California and filled their places with others whom they appointed.

The people seeing the danger, and fearing that much expensive litigation and a general demoralization of property rights would follow such a state of affairs, prevailed upon General Riley to issue a proclamation advising an adherence and obedience to the laws and courts then in force and operation, at the same time advising what he understood to be the duly authorized tribunals, and calling for delegates to a constitutional convention to be held at Monterey, California, on Sept. 1st, 1849.

In this proclamation General Riley gives a summary of the organization of the government as then existing, which is as follows:

“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 Department Legislature, with limited power to pass laws of a local character ; 4th, a Superior Court (tribunal superior) of the Territory, consisting of four judges and a fiscal; 5th, a Prefect and Sub-prefects for each district, who are charged with the preservation of public order and the execution of the laws ; their duties correspond in a great measure with those of district marshals and sheriffs; 6th, a Judge of First Instance for each(10) district. This office is, by a custom not inconsistent with the laws, vested in the first Alcalde of the district; 7th, Alcaldes, who have concurrent jurisdiction among themselves in the same district, but are subordinate to the higher judicial tribunals; 8th, local Justices of the Peace; 9th, Ayuntamientos, or town councils. The powers and functions of all these officers are fully defined in the laws of this country, and are almost identical with those of corresponding offices in the Atlantic and Western States.”