

The proclamation also called for the election of judges of the superior court ; prefects and sub-prefects ; judges to fill the vacancies in the offices of first alcaldes (or judges of the first instance) alcaldes, justices of the peace, and town councils. The Territory was at that time divided into four sections, each of which elected a judge of the superior court ; and each section was divided into judicial districts, each of which districts, elected a prefect and two sub-prefects. The districts comprising the first judicial section were : San Diego, Los Angeles, and Santa Barbara ; the Second : San Luis Obispo and Monterey ; third : San Jose and San Francisco ; fourth : Sonoma, Sacramento, and San Joaquin. The district of San Joaquin alone included all of the great valley south of the Sacramento district lying between the Coast Range and the Sierra Nevada. A special election was held pursuant to General Riley's proclamation, on the 1st day of August, 1849 ; the delegates assembled at Monterey, California, on the first day of the following month, and on October 10th, 1849, adopted the constitution which has since been the fundamental law of the State, with the exception of the amendments of Nov. 4th, 1856 and Sept. 3d, 1862.

#### THE COURTS UNDER THE CONSTITUTION.

Under the Constitution as originally adopted the judicial power of the State was to be vested in a supreme court, in district courts, in county courts, in justices of the peace, and in such inferior courts as the legislature might establish in cities and towns. The county judges exercised jurisdiction over probate matters by authority of the legislature, until the constitutional amendment of 1862, which provided for probate courts. The Constitution which now provides for a supreme court, one chief justice and four associate justices, originally called for a chief justice and two associates, who were to be elected at the first session of the legislature by a joint convention of both houses. In accordance with this provision, an election was held Dec. 22, 1849, when Hon. S. C. Hastings was elected Chief Justice, Hon. H. A. Lyons, First Associate, and Hon. Nathaniel Bennett, Second Associate. E. J. C. Kewen was elected Attorney General, and on Feb. 20th, 1850, E. H. Tharpe was elected Clerk of the Supreme Court. The legislature, on Feb. 19th, 1850 divided the State into nine judicial districts, and on March 30th, 1850, proceeded to elect judges for the several districts, with the following result :

1st District—San Diego and Los Angeles—O. S. Witherby.

2d District—Santa Barbara and San Luis Obispo—H. A. Teft.