NEW-YORK TRIBUNE.

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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 townships as such a proportion of the legislative body may deem just and proper.

§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.

§3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

§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 alms-house, or other asylum, at public expense; nor while confined in any public prison.

§5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

§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 Legislature, 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.*

SECTION 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 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."

§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.

§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.

§4. Senators and Members of Assembly shall be duly qualified electors in the respective counties and districts they respectively represent.

§5. Senators shall be chosen for the term of two years, at the same time and places as Members of 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 county or district for which he shall be chosen, six months next before his election.

§6. The number of Senators shall not be less than one-third, nor more than one-fourth of that of the Members of 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.

§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.

§8. Each House shall choose its own officers and judge of the qualifications, elections, and returns of its own members.

§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.

§10. Each House shall determine the rules of its own proceedings, and may with the concurrence of two-thirds of all the members elected, expel a member.

§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.

§12. Members of the Legislature shall in all cases except treason, felony, and breach of the peace, be privileged from arrest, and 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.

§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.

§14. The doors of each House shall be open, except on such occasions as in the opinion of the House, may require secrecy.

§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.

§16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

§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 a return.

§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.

§19. The Governor, Lieutenant-Governor, Secretary of State, Controller, 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 acquitted 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 shall provide.

§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 the elections by the people.

§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 offices in the militia, to which there is attached no salary, or local offices and postmasters whose compensation does not exceed $300 per annum, shall not be deemed lucrative.

§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.

§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 monies, shall be attached to, and published with the laws at every regular session of the Legislature.

§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 session of the Legislature at which such increase may have been elected.

§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 published at length.

§26. No divorce shall be granted by the Legislature.

§27. No lottery shall be authorized by this State nor shall the sale of lottery tickets be allowed.

§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.

§29. The number of Senators and Members of Assembly, shall, at the 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 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.

§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.

§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.

§32. Dues from corporations shall be secured by such individual liability of the corporators, and other means, as may be prescribed by law.

§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.

§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 loans, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank to circulate as money.

§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.

§36. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for his proportion of all debts and liabilities.

§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.

§38. In all Elections by the Legislature, the Members thereof shall vote viva voce and the votes shall be entered on the journal.

ARTICLE V.—*Executive Department.*

SECTION 1. The Supreme Executive power of this State shall be vested in a Magistrate, who shall be styled the Governor of the State of California.

§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.

§3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of the State two years next preceding the election, and attained the age of 25 years at the time of said election.

§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.

§5. The Governor shall be commander-in-chief of the Militia, the Army and Navy of this State.

§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.

§7. He shall see that the laws are faithfully executed.

§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.

§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.

§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.

§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.

§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.

§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 prescribed 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 the 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.

§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."

§15. All grants, commissions, and other instruments of a public nature, 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.

§16. A Lieutenant-Governor 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 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.

§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 the Commander-in-Chief of all the military force of the State.

§18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and Surveyor-General, shall be chosen by the people, at the same time and places, and in the same manner as the Governor and Lieutenant-Governor.

§19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General, shall each, at stated times during their continuance in office, receive for their services a compensation which shall neither be increased nor 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.*

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts of Justice, County Courts, and in Justices of the Peace. The Legislature may also vest jurisdiction in municipal and other inferior courts as may be deemed necessary.

§2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum.

§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 offices 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 two 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.

§4. The Supreme Court shall have appellate jurisdiction in all cases where the matter in dispute exceeds $200, when the legality of any tax, toll, or impost or municipal fee 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, mandamus, quo warranto, and certiorari, or other writs necessary to the exercise of its or their jurisdiction, and shall have power to issue all other writs and process necessary in the exercise of their appellate jurisdiction, and shall be conservators of the peace throughout the State.

§5. The State shall be divided, at the first Legislative session, by a convention, number of districts, subject to 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.

§6. The District Courts shall have original jurisdiction in law and equity, in all civil cases where the amount in dispute exceeds $200, 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.

§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.

§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 selected according to law, shall hold Courts of Sessions, with such criminal jurisdiction as the Legislature shall prescribe, and shall perform such other duties as may be required by law.

§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.

§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.

§11. No judicial officer, except a Justice of the Peace, shall receive to his own use, any fees, or perquisites of office.

§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.

§13. No judge of any Court of Law shall be elected, 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 manner as may be prescribed by law.

§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 by its law their powers, duties, and responsibilities. It shall also determine in what cases appeals may be made from Justices' Courts to the County Court.

§15. The Justices of the Supreme Court, and Judges of the District Courts, shall receive, at stated times during their continuance in office, 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.

§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.

§17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

§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.*

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

§2. Officers of the militia shall be elected, or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

§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 single, or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except to meet the war, to repel invasion or suppress insurrection, unless the same shall be authorized 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.

§2. The Legislature shall provide for the payment of all outstanding State bonds, and no further issue of State bonds shall be made until the debt thereby created, shall be paid to the extent of the State's proportion of the Mexican indemnity, and such portion thereof as may be required by law, shall be set apart for the payment of the interest and principal of the State debt, which is hereby made a first lien upon said portion of said indemnity, and the faith of the State is hereby pledged to the payment of said interest and principal, from said fund, in the order of their dates.

§3. The Legislature shall have power to provide for the election of a Board of Sinking Fund Commissioners, with power to redeem the State debt, on such terms as may be prescribed by law.

§4. 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.

§5. 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; but no term or duration of any office, not fixed by this Constitution, ever exceed four years.

§6. The fiscal year shall commence on the first day of July.

§7. 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.

§8. 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 or indirectly, become a stockholder in any association or corporation.

§9. Suits may be brought against the State in such manner, and in such Courts, as shall be directed by law.

§10. No contract of marriage, if otherwise duly made, shall be invalidated, for want of conformity to the requirements of any religious sect.

§11. Laws 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, intended to be taxed, is situated.

§12. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward 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.

§13. Foreigners who may become bona fide residents of this State, shall enjoy the same rights in the acquisition, possession, and transmission by inheritance or devise, of property, real and personal, and shall be entitled to vote at all elections, under this Constitution, and on the question of the adoption thereof.

§14. 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 shall, at least four weeks previous to said election, issue a proclamation to the People, directing the Prefects of the several Districts, or in case of vacancy, the Sub-Prefect, or Senior Judge of First Instance, to cause such election to be held, on the day aforesaid, in their 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-Prefect, or Senior Judge of First Instance ordering such election in each District, may have power to appoint such 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 for and against the Constitution. 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 for. The returns of the said election, shall be made in the form and manner prescribed by 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, who, with the Governor and Alcalde, on the fourth 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 Prefect, 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. If the returns of the said election shall show a majority for the adoption of the proposed Constitution, it shall be the duty of the said Executive, to issue his proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

§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.

§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.

§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 Dec. 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.

§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, of the votes given for Members of Congress, 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.

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

§12. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States or any person or persons to this 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 authorized 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.*

SECTION 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 amendment, or 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 or 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 or amendments to the people, in such manner, and at such time as the Legislature may think proper; and if such amendment or amendments shall be ratified by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments, shall become a part of this Constitution.

§2. And if at any time it shall seem desirable to any majority that it is necessary to revise and change this entire Constitution, copy of the proposed revision shall be published in the manner and for the time herein provided in the case of proposed amendments, and if, in the next Legislature, a majority of the Members of the Legislature, by a vote taken by yeas and nays, shall vote in favor of such revision, or change, it shall be their duty to call a convention, to revise or change the Constitution, at the next session, provided, that not more than six months shall elapse 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.*

SECTION 1. The first session of the Legislature shall be held 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 the members elected to each house of the Legislature shall concur in the passage of such law.

§2. Any officer 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 offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

§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 offices, 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 ——— 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.

§4. The Legislature shall establish a system of County and Town Governments, which shall be nearly as uniform as practicable throughout the State.

§5. The Legislature shall have 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.

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§11. Suits may be brought against the State in such manner, and in such Courts, as shall be directed by law.

§12. No contract of marriage, if otherwise duly made, shall be invalidated, for want of conformity to the requirements of any religious sect.

§13. Laws 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, intended to be taxed, is situated.

§14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward 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.

§15. Foreigners who may become bona fide residents of this State, shall enjoy the same rights in the acquisition, possession, and transmission by inheritance or devise, of property, real and personal, and shall be entitled to vote at all elections, under this Constitution, and on the question of the adoption thereof.

§16. 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 shall, at least four weeks previous to said election, issue a proclamation to the People, directing the Prefects of the several Districts, or in case of vacancy, the Sub-Prefect, or Senior Judge of First Instance, to cause such election to be held, on the day aforesaid, in their 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-Prefect, or Senior Judge of First Instance ordering such election in each District, may have power to appoint such 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 for and against the Constitution. 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 for. The returns of the said election, shall be made in the form and manner prescribed by the 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, who, with the Governor and Alcalde, on the fourth 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 Prefect, 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. If the returns of the said election shall show a majority for the adoption of the proposed Constitution, it shall be the duty of the said Executive, to issue his proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

§17. 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.

§18. 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.

§19. 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 Dec. 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.

§20. 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, of the votes given for Members of Congress, 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.

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

§22. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States or any person or persons to this 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 authorized 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.*

SECTION 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 amendment, or 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 or 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 or amendments to the people, in such manner, and at such time as the Legislature may think proper; and if such amendment or amendments shall be ratified by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments, shall become a part of this Constitution.

§2. And if, at any time, it shall seem desirable to any majority that it is necessary to revise and change this entire Constitution, copy of the proposed revision shall be published in the manner and for the time herein provided in the case of proposed amendments, and if, in the next Legislature, a majority of the Members of the Legislature, by a vote taken by yeas and nays, shall vote in favor of such revision, or change, it shall be their duty to call a convention, to revise or change the Constitution, at the next session, provided, that not more than six months shall elapse 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.*

SECTION 1. The first session of the Legislature shall be held 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 the members elected to each house of the Legislature shall concur in the passage of such law.

§2. Any officer 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 offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

§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 offices, 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 ——— 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.

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