

Assembly Bill No. 174.

An act to authorize the
Citizens of the State of
California, residing north
of the 40th Degree of north
latitude to withdraw from
the State of California, &
organize a separate
Government.

Feb. 17. 1859. Read first &
second time referred to the
Sp. Com. on Colorado Territory
Macyll
— ap: clh

Apr 7. 1859. Reported &
reference to delegations
from counties interested
recommended.

Macyll
ap: clh

Apr 19 1859. Majority recom^d
Indef: Post: minority. Passage

Macyll
Watkins ap: clh

An act to authorize the Citizens of the State of California residing North of the 40th Degree of North latitude to withdraw from the State of California and organize a separate Government.

The People of the State of California represented in Senate and assembly do enact as follows—

Sec 1 At the next general election the qualified voters resident in that portion of the State of California North of the 40th Degree of North latitude may cast a vote for or against the organization of a separate Government embracing that portion of the territory of California & Oregon lying between the fortieth and forty fourth degrees of North latitude

Sec 2 At all of the election precincts within said district a ballot box shall be provided for the reception and deposit of such ballots and the ~~balloting~~ canoussing and returns shall be governed by the laws ^{upon that subject} regulating the elections for members of Congress and the balloting shall be subject to the laws now in force regulating elections

Sec 3 The Voting shall be by ballot, said ballots shall be either written or printed or partly written & partly printed upon a separate slip of paper the words "For Separate Government" or the words "Against Separate Government" and if after the election it shall appear that a majority of the votes cast upon such question are against the division of the state upon said boundary then the provisions of this act shall cease; but after a canvass of the vote aforesaid it shall be found that a majority of the votes cast at said election upon the question of separate Government shall be found in favor of that proposition that portion of the state of California is authorized to withdraw from the state at any time when the southern portion of Oregon as far north as Rogue River or further shall join in that purpose and form and establish a separate Government.

Sec 4 In case of the separate organization as above provided the state of California and the new Government so organized shall forthwith upon the complete organization of said new Government each appoint three commissioners whose duty it shall be to assemble at the Capital of the State of California there to

Settle and determine the property & rights and the financial liabilities of the two governments upon the following basis:

The said Commissioners shall cause a just and true valuation to be placed upon all of the state property and effects of what kind soever and the same shall be charged to the state of California at the rate so fixed. They shall then estimate the sum total of the indebtedness and liabilities of the state which shall be placed to the credit and the balance thereof. The balance so found shall be apportioned between the state of California and the new government. Pro rata to the amount of taxable property in that the state of California and the taxable property in that portion of the new government which now forms a portion of said state of California, as estimated by the last assessment next prior to said division. Provided if the indebtedness of the state of California shall exceed the assessed value of the assets, that portion assumed by the new government shall be made payable in the like manner and upon like terms &

Conditions as then existing upon the State of California —

Sec 5th The School fund belonging to the State of California shall be divided by Said Commissioners between the said State and the said New Government, pro rata to the number of white Citizens resident in the State of California and in that portion of the New State which is formed out of the Northern Part of the State of California. Estimated according to the census taken next prior to such division

Sec 6 The Said division and separate organization shall be subject to the further condition of the ratification thereof by the Congress of the United States of America and the establishment of a Territorial Government therein until a further organization shall be had by the Citizens resident therein. And in case the vote shall be in favor of such separate organization the State of California as a part and parcel of the Federal Government, is pledged to the ratification of such separate Government by the Congress of the United States,

Sec 7 This act shall take effect from and after its passing —