

**PROCEEDINGS**  
OF THE  
**FIRST STATE CONVENTION**  
OF THE  
**COLORED CITIZENS**  
OF THE  
**STATE OF CALIFORNIA.**

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HELD AT SACRAMENTO NOV. 20TH 21ST, AND 22D, IN THE  
COLORED METHODIST CHURCH.

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**SACRAMENTO:**  
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# PROCEEDINGS

OF THE

# CONVENTION.

In obedience to call, a Convention of the colored people of the State of California, by their delegates, assembled at Sacramento, in the colored Methodist Church, on Tuesday, Nov. 20th, for the purpose of taking into consideration the propriety of petitioning the Legislature of California, for a change in the law relating to the testimony of colored people, in the Courts of justice of this State. Also. to adopt plans for the general improvement of their condition throughout the State.

At 10 o'clock, A. M., the Convention was called to order by J. B. Sanderson, of Sacramento; Jacob Francis, of San Francisco, was called to the Chair, and Albert Vaniel, of Sierra, appointed Secretary.

J. H. Townsend, of San Francisco, moved that a Committee of *five*, be appointed to examine the credentials of delegates. The motion was carried, and the following gentlemen appointed;

*Committee on Credentials.*—E. P. Duplex, Yuba; M. W. Gibbs, San Francisco; J. B. Sanderson, Sacramento; Alfred White, Tuolumne; Albert Vaniel, Sierra.

The Committee on Credentials presented their Report, as follows:

Number of Counties represented, 10; number of Delegates present, 49.

*From El Dorado County.*—Edward R. Phelps, William H. Thomas, Joseph Smallwood, John Butler, William Quinn, Peter Blackstone, Charles H. McDougall, John Galley, William J. Hardin, Isaac Morton, 10.

*From Sacramento County.*—J. B. Sanderson, George W. Booth, John G. Wilson, Emory Waters, Thomas Detter, David Brown, James Nicholas Clayton Miller, James R. Starkey, David Lewis, 10.

*From Yuba County.*—Edward P. Duplex, Isaac Triplett, 2.

*From Sierra County.*—Albert Vaniel, 1.

*From Nevada County.*—Daniel Mahoney, Dennis Carter, George Duval, 3.

*From San Joaquin County.*—Jeremiah King, 1.

*From San Francisco County.*—H. M. Collins, J. H. Townsend, W. H. Tewby, J. P. Dyer, D. W. Ruggles, F. G. Barbadoes, Henry F. Thompson, D. Gilliard, T. M. D. Ward, D. P. Stokes, Henry Cornish, Edward J.

Johnson, J. J. Moore, M. W. Gibbs, William H. Yates, Jacob Francis, Peter Anderson, William H. Harper, 18.

*From Contra Costa County.*—Fielding Smithea, 1.

*From Santa Clara County.*—W. D. Moses, 1.

*From Tuolumne County.*—Alfred J. White, John H. Morris, 2.

The report was accepted, and the Committee discharged.

H. M. Collins moved that a Committee of five be appointed to nominate a list of officers for the permanent organization of the Convention.

Mr. Sanderson proposed to amend, by appointing "one person from each county represented." He thought a more general and impartial expression of the feelings of members would thus be secured in the choice of officers, and hard-feeling and complaint be prevented hereafter.

J. G. Wilson said, that according to parliamentary rules, on every question of this kind, the motion must be submitted in writing. Jefferson's Manual is my authority in this. The good sense of gentlemen will enable them to see that we must have rules and abide by them, or we can accomplish nothing.

Mr. Townsend said he thought there were some persons of common sense in the assembly; that the business before us can be got through with, without quibbling about parliamentary rules, or any other rules, except such as should govern gentlemen in their intercourse with each other. In saying this, he wished to give no offense to any one. He hoped the business before us would not be delayed by stickling for little points of order.

The vote was then taken on the original motion to appoint a Committee of five. It was not sustained.

The question on amendment that Committee consist of one from each county was put, and carried.

The chair appointed the following gentlemen :

H. M. Collins,	Peter Blackstone,	D. Mahoney,
Alfred J. White,	E. P. Duplex,	Fielding Smithea,
W. D. Moses,	Jeremiah King,	James R. Starkey,
	Albert Vaniel.	

The Committee retired to deliberate and prepare their report. During their absence the meeting was addressed by Mr. Newby, of San Francisco.

He earnestly prayed that members of the Convention would demean themselves one toward the other with due charity and a spirit of conciliation. 'Tis no evidence of ability or talent for one who happens to be informed upon some points of etiquette in debate, to jump up and display that knowledge at the expense of the feelings of his fellow-members, who may not be so well informed as himself. A better evidence of good sense and good breeding will be found in manifesting charity, and listening patiently to the remarks of each other.

Rev. Mr. Moore, of San Francisco—I approve of the remarks of Mr. Newby, and hope they may have the weight they deserve, and tend to keep down that spirit of contention and the disposition, to personal remarks so frequent in all bodies of this nature. If any one thinks himself aggrieved by the remarks of another, let him make allowances for the excitement of the time and occasion, and pass it by. The questions before us are of too much importance to be laid aside for any personal considerations of mine or yours, or any one of us. The subject upon which we are about to deliberate is one which interests all classes—interests both races; and I do sincerely trust that, keeping in view its great importance, we may put aside all lesser considerations—all party, all personal piques and preferences—

giving ourselves up earnestly as men to its accomplishment. Do not let us disgrace ourselves—do not let those who deny us the possession of intellect and soul, have so great a triumph as to see us meeting thus for a noble purpose, and failing, because we cannot govern our passions. Let us rather prove to them that we have all the nerve and energy to complete, as well as the brain to plan a work of moral regeneration. We are Americans—colored Yankees—and we are as proud of the soil of America as they who boast loudest of their love.

Mr. Yates—I regretted that personal feelings were exhibited this morning, in the discussion of a certain question. Brethren, we must be firm, resolute, and above all, have no disunion or jealousy amongst us if we would carry on this work. I will say to this Convention in the language of a celebrated divine, who, in a prayer before the early Congress of the States, in the stormy days of the revolution, prayed for unity among the people, and that “while they were many as the waves, they might be one as the sea.” We are to know but one purpose—act together for the attainment of one object.

While I acknowledge that in form, appearance and education the African cannot compete with the Caucassian race,\* yet his sympathies are as warm, and his feelings as human. He can be grateful for kindness shown, and is as ready to forgive the injuries done him—he loves his country as dearly as they. I was raised and educated by the white man, and I thank the hand that reared me—I love the soil that nurtured me; so do we all, and if we seek for patriotism and love of country, where should it be found stronger or warmer than in our own bosoms?

Mr. Wilson, of Sacramento—Gentlemen must not feel insulted if I or any other of our fellow-members happen to express a different opinion from their own in a manner which to their cold unimpassioned soul may seem unduly earnest and excited. Men are differently constituted, and while some seem scarcely moved by the mightiest subjects, others will feel an intensity of excitement upon subjects the most trivial. The same God that made a diversity of colors, hues, kinds and conditions, has seen proper to make minds of different orders and diverse temperaments.

Mr. Ward made some sensible remarks concerning the relative conditions of the white and colored races, and ended by saying: “The great Sebastopol against which we are struggling is local prejudice. Let us bring up the battalions of reason, truth, and justice, and show the world the injustice of its prejudice, and the falsehood of its oft repeated taunt, that we are but a connecting link between the monkey and the man. Let us prove to the world that we have capacities and ambitions for the enjoyment of a much more elevated sphere than that in which we have so long grovelled.

Mr. Sanderson said: I feel a deep interest in the work in which we are about to engage. When first it was announced that this Convention was to be held, I rejoiced. We are scattered over the State in small numbers; the laws scarcely recognizing us; public sentiment is prejudiced against us; we are misunderstood, and misrepresented; it was needful that we should meet, communicate, and confer with each other upon some plan of representing our interests before the people of California; we owe our friends of San Francisco thanks for taking the initiatory in this movement; it is the most important step on this side of the Continent; we have taken in the course of improvement on which we have entered perhaps no subject is attracting the attention of the public more, than the efforts which the colored people

\*The above sentence was corrected in a subsequent speech of Mr. Yates.

are making to elevate themselves ; the public eye is upon us ; for our success in this, as in all worthy efforts, we have the best wishes of good men. I believe there are many in this State, this community, who are awaiting the issue of our deliberations with anxiety. There are those too, who think we cannot conduct this Convention with intelligence and ability ; they expect scenes of disagreement and confusion ; I trust we shall disappoint them ; let us deliberate and act, each emulous to perform his duty ; and when the report of our doings goes out before the people, they shall be compelled to say *well done*.

Mr. Stokes, of San Francisco, was then called, and said :

The several distinguished speakers who have preceded me, have said all I could have said, and much abler than my humble ability could have said it. After them I feel like another Alexander without one world to conquer.

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The very fact of our being here to-day under the sanction of public opinion, and the protection of public law, to express ourselves freely, and deliberate upon measures for our own good, is to me an evidence that a brighter destiny is before us ; 'tis but a few years since all this State was the abode of another race, who owned the soil and roamed at will, with none to molest or make them afraid. The white man came, and we came with him ; and by the blessing of God, we will stay with him side by side ; wherever he goes we will go ; and should another Sutter discover another El Dorado, be it where it may—north of the Caribbean or south of it—no sooner shall the white man's foot be firmly planted there, than looking over his shoulder he will see the black man, like his shadow, by his side.

The Committee on nominating a list of officers for the permanent organization of the Convention, reported the following through the Chairman, H. M. Collins :

*For President*.—William H. Yates, of San Francisco.

*For Vice Presidents*.—Joseph Smallwood, of El Dorado ; Dennis Carter, of Nevada ; Albert Vaniel, of Sierra ; Fielding Smithea, of Contra Costa.

*Secretaries*.—J. B. Sanderson, Sacramento ; John H. Morris, Tuolumne ; Frederic G. Barbadoes, San Francisco.

*For Chaplain*.—Rev. John J. Moore, of San Francisco.

Messrs J. D. Gilliard and M. W. Gibbs, were appointed a Committee to wait upon Mr. Yates, inform him of his election, and conduct him to the Chair.

Upon assuming the Chair, Mr. Yates thanked the delegates for the honor conferred on him, and said he would endeavor to discharge the duties of his office, faithfully and impartially. He trusted the proceedings throughout would be such as to reflect honor upon themselves and the country which gave them birth. "If," said he, "there are feelings of liberty within the breasts of those present, who but the Caucasian taught them to us ? The soil on which first we drew the breath of life—our country—we love her, and though wronged by her, we delight to call her mother."

On motion of H. M. Collins, a Committee of five was appointed, to prepare rules for the government of this Convention.

The following gentlemen were appointed by the Chair :

J. H. Townsend, Dennis Carter, Albert Vaniel, Fielding Smithea, and Emory Waters.

On motion of J. H. Townsend, it was ordered that a Business Committee,

to consist of *one* from each county, be appointed to report upon the order of business of the Convention, to be appointed by the Chair.

*Committee.*—William H. Newby, Chairman ; John G. Wilson, Edward Phelps, Isaac Triplett, George Duvall, Alfred White, Fielding Smithea, Albert Vaniel, W. D. Moses, Jeremiah King.

On motion of H. M. Collins, a Committee of *three* was appointed on Finance, consisting of J. J. Moore, D. W. Ruggles, and Emory Waters.

By authority of vote, the Chair appointed John Butler and William Queen, to act as door-keepers to the Convention.

Mr. Townsend gave notice that he should offer a resolution for the appointment of a Committee to ascertain, as far as practicable, the actual number, amount of capital, taxes, occupation, and character of the colored people of the State of California.

At half past two o'clock, P. M., the Convention adjourned until four o'clock, P. M.

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#### AFTERNOON SESSION—FIRST DAY.

Convention met at four o'clock, Albert Vaniel, Vice President, in the chair.

At the suggestion of the Rev. B. P. Stokes, the following article, from the *Grass Valley Telegraph*, was read by the Secretary, amid considerable applause :

“The following article from the *Grass Valley Telegraph*, presents a sensible, well written view of the subjects upon which it treats. We have had frequent occasion to notice the spirit of candor which pervades the columns of the *Telegraph*, and the general tone of liberality with which it is conducted.—*Ed. San Francisco Evening Journal.*

“We perceive that the colored people of this State are to hold a Convention at Sacramento, on Tuesday, the 20th of the present month. The object of the Convention is to bring together a full delegation of people of color, from all parts of the State, in order that they may compare notes, communicate information as to the general condition of things among themselves, and if possible fix upon some common plan for the intellectual, moral and social improvement of their condition as a class in this State.

“With the exception of a very small portion of the people of this State, composed in part of what are commonly known as ‘dough-faces,’ i. e., Northern men who seek to curry favor with Southerners, by advocating sentiments which are distasteful to intelligent Southern people themselves, and a very few ultra Southern men, whose opinions and influence among their own brethren are of quite as little importance as the ultra abolitionists of the North are among the Northern men; we say, with the exception of a very few people of such a description, the citizens of this State, both from the South and the North, are not only willing but desirous to see the condition of the colored people in our midst improved, by means of proper educational and social privileges, to the end that they may become intelligent, law-abiding and useful members of the community. Those timid gen-

tle men, and those timid editors, who are fearful that any word or movement on the part of either white or black to bring about such a result, will spread discord and dissention in the State, forget that in so doing we are but following in the footsteps of many even of the slave States themselves. Kentucky has made public provision for the education of all free blacks within her border, and ere another year elapses, North Carolina and perhaps other Southern States, will make even more liberal provision for the moral and intellectual improvement of the colored people in their midst. And shall *free* California be behind Kentucky and other *slave* States in such a matter, not only of philanthropy but of right? Out upon such waddle! Sensible, well-meaning citizens will never be guilty of it. While we tax the blacks, and thus make them contribute to the education of our own white children, let us not deny them access to the fountain of knowledge, and thereby compel them to grow up in ignorance, degradation and misery. So far as the proposed Convention shall have for its object the betterance of the social and intellectual condition of the colored people, we bid them God speed.' "

D. P. Stokes offered a Resolution, proposing to instruct the Secretary to tender the thanks of this Convention, to the editor of the Grass Valley Telegraph, for the unprejudiced manner in which he has represented our objects and motives, in holding this Convention.

Mr. Newby moved to amend, by including the "San Francisco Evening Journal." The amendment was accepted, and after remarks by Messrs. Ward, Stokes, Newby, and Gilliard, the resolution was unanimously adopted, and the Secretary instructed to carry out the intention of the Resolution.

The Committee on Rules for the Government of the Convention, then reported the following

## RULES.

1. Each session of the Convention shall be opened by prayer.
2. This Convention shall hold two sessions each day until it adjourns.
3. Morning sessions shall commence at 10 o'clock, A. M., and adjourn at 2 o'clock, P. M.  
Afternoon sessions shall commence at 4 o'clock, P. M., and adjourn at 7 o'clock, P. M.
4. The President shall decide all points of order, subject to an appeal by any member.
5. The President shall appoint all Committees, unless otherwise ordered by the Convention.
6. When any member desires to speak, he shall rise in his place, and address the Chair.
7. When two or more members arise at the same time, the Chair shall decide who is entitled to the floor.
8. Each person shall be allowed to speak fifteen minutes at one time ; and no person shall be allowed to speak more than twice, upon the same subject, without permission from the House.
9. All personalities shall be avoided in debate.
10. No subject shall be open for discussion, until a motion has been made and seconded.
11. All Resolutions shall be reduced to writing, to be registered.



12. The order of business shall be as follows :

1st. Prayer.

2d. Reading minutes of last meeting.

3d. Report of Standing Committees.

4th. Report of Special Committees.

5th. Unfinished business of last session.

6th. Miscellaneous business.

7th. Adjournment.

13. Questions of order, not contained in these Rules, shall be decided according to Cushing's Manual.

14. These Rules shall not be altered, amended or suspended, unless by a vote of two thirds of the members present.

*Committee on Rules*.—J. H. Townsend, Dennis Carter, Fielding Smithea, Albert Vaniel, Emory Waters.

These Rules were adopted.

Mr. Newby, Chairman of the Business Committee, read a Report, which was accepted and laid upon the table.

The Convention then adjourned until Wednesday.

## SECOND DAYS PROCEEDINGS OF THE CONVENTION.

WEDNESDAY MORNING, NOV. 21st.

The Convention was called to order at 10 o'clock, President Yates in the chair.

Business of the meeting opened by the reading of the 104th Psalm, and prayer by the chaplain, Rev. J. J. Moore. Minutes of the last meeting read and approved.

On motion of Mr. Morris, the rules were read.

The Report of the Business Committee was called up by Mr. Newby, and read.

### REPORT.

*Whereas*, We, the colored people of the State of California, believing that the law of this State, relating to the testimony of colored people in the courts of justice, recorded in 394th section of 3d Chapter of an Act, entitled :

"An Act for regulating proceedings in the Court practice of the Courts of this State," as follows :

"And persons having one-half or more of negro blood, shall not be witnesses in an action or proceeding, to which a white person is a party"—to be unjust in it itself, and oppressive to every class in the community ; that this law was intended to protect white persons, from a class whose intellectual and social condition was supposed to be so low as to justify the depriving them of their testimony ; and

*Whereas*, we believe that careful inquiries into our social, moral, religious, intellectual and financial condition, will demonstrate that, as a class, (allowing for the disabilities under which we labor,) we compare favorably with any class in the community ; and

*Whereas*, We believe that petitions to the Legislature, to convene in January, praying for the abrogation of this law, will meet with a favorable response ; believing, as we do, it cannot be sustained, on the ground of sound policy or expediency ; therefore,

*Resolved*, That we will memorialize the Legislature, at its approaching session, for a repeal of the 3d and 4th paragraphs of Section 394, of an Act passed April 29th, 1851, entitled, "An Act to regulate proceedings in civil cases in the courts of justice of this State." And also for the repeal of the fourteenth Section of "An Act concerning crimes and Punishments."

No. 3. *Resolved*, That a Committee be appointed with full powers to adopt such measures as may be deemed expedient to accomplish the object in view.

No. 4. *Resolved*, That we recommend the organization of a Grand Association, with auxiliaries in every county, for the purpose of collecting statistical and other evidences of our advancement and prosperity ; also to encourage education, and a correct and proper deportment in our relations toward our white fellow citizens, and to each other.

No. 5. *Resolved*, That we regret and reprobate the apathy and timidity of a portion of our people, in refusing to take part in any public demonstration having for its object the removal of political and other disabilities, by judicious and conservative action.

No. 6. *Resolved*, That we recommend the creation of a contingent fund of \$10,000, to be controlled by a committee having discretionary powers, to enable us to carry forward any measure that has for its object the amelioration of our condition.

Mr. Townsend presented a series of resolutions, which he read, and then moved to substitute them for the report of the Business Committee.

Mr. Newby said : "The motion of Mr. Townsend is unparalleled in the history of Conventions. Such presumption I have never witnessed. His proposition is discourteous in the extreme, both to the Committee and the Convention. The Committee, under your instructions, consider they have done the best they could in the time allotted to them ; they have presented their report. Have some respect to the feelings of your Committee ; dispose of the Report properly, and discharge the Committee before any such motion as that proposed is entertained."

Mr. Townsend withdrew his Resolutions, by leave of the Convention.

A motion to adopt the Report of the Business Committee, as a whole, being opposed by Mr. Townsend and Mr. Morris, and others, was lost.

On motion of Mr. E. A. Phelps, the preamble to the Report was taken up and discussed.

Mr. Townsend was opposed to the preamble, on the ground that it was crouching in its present form. All he wanted was to present a manly, courteous and dignified appeal to the Legislature, to grant them what is simply just in their opinion. He believed by so doing they could command the respect of their white brethren.

Mr. Lewis endorsed the views of the last speaker.

Mr. Newby said it was much easier generally to find fault than commend

—and the objections expressed by Mr. Townsend were to him about as clear as mud. All the preamble expressed was true, and simple to understand. He had not in drawing it up drawn largely upon Roman or Grecian history, to illustrate it by quotations that are to be found in every school book, but it merely stated what was known to every man in the State. A case in point occurred last week in the United States Court in San Francisco. A man was tried for murder on the high sea, the only witness in the case was a negro, and the Court decided that his evidence could not be received, and the man was liberated, thus inflicting a great wrong upon white men, by permitting a criminal to go at large because he killed a man in presence of a negro instead of a white man. This, he considered, was more of a wrong to the whites than to them. The gentleman is opposed to cringing. The language of the preamble is plain and honest, there is no crouching in it.

Mr. Townsend said, it is too late in the day to appeal to the prejudices of the people. The gentleman finds fault with the ancients, their learning and their graces of style in composition; or with us, because we would avail ourselves of them. I wish to rebuke this spirit. What I am anxious for is, that whatsoever paper goes from this Convention, while it tells the people of California what we desire of them—whether in Grecian or Roman quotations—shall challenge criticisms in respect to style and matter. Our business Committee should not be so sensitive about their report; their action must be pronounced upon; if we disapprove of it, we shall reject, or offer something better; if we approve, then only shall we accept. I know the Committee have worked faithfully, for which they deserve thanks; let them not, therefore, suppose all they do must be adopted.

Mr. Wilson urged concession and harmony in all their deliberations, and thought the preamble of the report was all that could be desired.

Mr. Smithea, though one of the Committee, was opposed to the adoption of the report. He was in favor of presenting their deliberations in as dignified or elegant language as possible.

Mr. M. W. Gibbs was in favor of striking out all the words of the preamble, after the words "and whereas, we believe that this section was intended to protect white persons from a class," &c., and made a motion to that effect. He said this language was undignified and untrue; that the original cause of the objection to the testimony of colored persons, was prejudice against them, and not ignorance of their general condition. The motion of Mr. Gibbs was lost.

Mr. Newby said, we are an oppressed people, the subjects of a bitter prejudice, which we are now seeking to overcome. In appealing to our oppressors, we desire to do so in a manner that will have weight.

The Legislature which passed the act depriving us of testimony, doubtless acted—or a portion of them—from an honest principle. I believe that they acted from what they believed to be a sense of duty; but they could not foresee the operations of the law in a State like California. Let us be careful, and not, by our impolicy, thwart ourselves in the action we are taking.

On motion of Mr. Gilliard, the preamble was laid upon the table.

Mr. Galliard moved the resolutions and report of the Committee be referred to a special Committee of five.

Mr. Stokes thought a Committee of five should not be entrusted with such an important question, as it would give them the power to over-ride the whole Convention.

Said he, look to your action. Yesterday you appointed your Business

Committee, from all the counties, in order that the voices of all should be fairly represented. To-day, you would take the business which they have deliberately arranged, and give it to five persons. Are *five* likely to do better than *ten*? The gentleman has done that which is well calculated to produce confusion.

Mr. Galliard was in favor of the Committee of five, and the re-commitment, nevertheless. He said, I am no *Æolus*, raising commotions in the Convention; that distinction belongs to the gentleman who has just spoken. My object in proposing the Committee of *five* is to facilitate action. Let the Committee be selected from the Business Committee; and if you desire it, let it be composed wholly of members from the country, so the business is properly accomplished.

Mr. Galliard's motion was lost.

It was voted, that the vote to lay the report of the Business Committee on the table be reconsidered.

It was then voted that the report of the Business Committee be returned back into their hands, with instructions to report again at the afternoon session.

On motion of Mr. Gibbs, it was voted to refer the resolutions of Mr. Townsend to the Business Committee, to be reported on at the afternoon session.

On motion of Mr. H. M. Collins, it was voted:

That any person having business to lay before this Convention, shall give the same into the hands of the Business Committee, to be reported by them.

President Yates vacated the Chair, which was assumed by Vice President, Dennis Carter.

The Business Committee having withdrawn, the Convention was addressed by Rev. Darius P. Stokes, as follows:

Mr. Stokes—While as a people we are striving for our own advancement, and endeavoring to obtain a recognition in society as men, let us not in the selfishness of our own plans, lose sight of other things, equally our duty. Look abroad upon the varied face of this favored country, and do we not see in the mountain top, and in the valley, evils existing among our kind? sin stalking in the noon-day, and no hand put forth to stop its progress? Let us first correct ourselves, and become worthy of respect, then the world will not withhold its reward. One thing I have observed amongst our race, that while all are consumers, very few are producers. We see through this State very few colored farmers, or mechanics, or artisans; yet it can be proved we may become as proficient in these branches as other people. Still, there is no awakening to the importance of proving ourselves capable of conducting the affairs of business with skill and advantage. In this State, there are over three and a half millions of property owned by the colored population; from this several thousand dollars of tax is collected every year—we own mining claims valued at \$30,000 per share—we have every advantage for unfolding whatever talent we may possess, and yet we are doing nothing. In other countries there are mechanics and artisans whose proficiency has astonished the world. Here we have no energy. Why not have our stores, our stock exchanges, our banking houses, as others? If we have capacities let them not sleep forever. This Convention is the initiatory step to a great end. The goal is before us—let us press on. If, like the Athenians, we sit over our feasts in fancied security while Philip thunders at the city gates, we shall be defeated in all our desires. All we have gained will be lost. We shall soon

possess no identity as a people—no place or position. Why should we in California be behind our brethren of other States? In Massachusetts—that cradle of liberty—our cause has awakened much interest. The portals of society, so long closed, are being thrown open to us—there are colored ministers and doctors, and lawyers—educated men. Yes, and men for us to be proud of, and thank God for! Is all this nothing? Is ascendancy in the great scale of moral being worth nothing? Are the means of intellectual advancement nothing to us, that we lie thus supinely on our backs, with folded hands, without one effort to elevate our moral, social, and political condition? Let us begin by improving our position as laborers—let us plan and execute for ourselves. In western Pennsylvania and Ohio some of the most extensive farmers are colored men. In Baltimore, my own city. I have seen wealthy men among our own people—men who bought and sold by thousands. We must exert ourselves to accomplish something here. There is plenty of land for us to cultivate, but we must not delay, for the next year there will come to these Pacific shores thousands of men from the old world, and every vacant spot will be taken.

Mr. David Lewis said: One of the most important things for our present consideration is, to obtain the right to be heard upon oath in the courts of justice—this is the one thing needful. As it is, the law is to us a dead letter, a broken staff to lean upon. The oath that should protect life, liberty, and property, all that should throw the shield of law around ourselves and families, is denied us. Now we have no protection, and stand as nothing. “The oath” would make people careful how they act before us. We should then have a voice. As it is, we are scarcely recognized as human beings.

Mr. Ruggles. 'Tis an injury to the white man as well as to ourselves, to deny us the right of being heard under oath. Justice is often checked in her course, and the guilty are suffered to escape because the only witnesses to their guilt are those upon whom the law has cast the stigma of being unworthy to be heard.

Mr. Newby gave notice that the Business Committee were ready to report, having united both series of resolutions offered at the opening of this meeting. He hoped this course would put an end to all misunderstanding, and secure the approval of all.

Mr. Stokes was in favor of having the report presented immediately, and he hoped it would be adopted without further debate. He offered a motion to that effect.

This was objected to by several. Some discussion followed. Mr. Stokes withdrew his motion.

The Convention, by vote, adjourned to four o'clock, P. M., after the benediction by the Chaplain.

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## AFTERNOON SESSION.

WEDNESDAY, November 21, 1855.

Convention called to order at four o'clock, President Yates in the chair. The Business Committee, by their chairman, presented their report, as follows:

*Whereas*, We, the colored people of the State of California, believing that the laws of this State, relating to the testimony of colored people in the courts of justice, recorded in 394th section of chapter 3d of an act entitled "an act for regulating proceedings in the court practice of the courts of this State," as follows: "*And persons having one-half or more of negro blood, shall not be witnesses in an action or proceeding to which a white person is a party*"—to be unjust in itself, and oppressive to every class in the community; that this law was intended to protect white persons from a class whose intellectual and social condition was supposed to be so low as to justify the depriving them of their testimony.

*And, whereas*, We believe that careful inquiries into our social, moral, religious, intellectual, and financial condition, will demonstrate that, as a class, allowing for the disabilities under which we labor, we compare favorably with any class in the community.

*And, whereas*, We believe that petitions to the Legislature, to convene in January, praying for the abrogation of this law will meet with a favorable response; believing, as we do, that it cannot be sustained on the ground of sound policy or expediency:

1. *Resolved*, That the laws of evidence in judicial investigations should be accommodated to and identical with the laws of the human mind; and, therefore, every fact and circumstance having a tendency to throw light upon the subject under investigation, should be heard and judged of according to their relative weight and value, and with reference to all the circumstances of credit or discredit connected with them.

2. *Resolved*, That past experience has abundantly shown that all attempts to establish artificial standards of credibility, depending upon such tests as race, color, creed or country, are as unwise as they are unjust; that they serve only on the one side to obstruct the investigation of truth by the erection of useless barriers, and on the other to defraud the excluded classes, while at the same time they subject them in their lives, in their persons, and in their property, to outrage and injustice with impunity, from the more favored classes.

3. *Resolved*, That the true and only tests of credibility in a witness, are his intelligence, integrity, and his disinterestedness; and that, as a race, we are willing to be subject to these tests, to be applied in each case as it occurs, and that we ought not to be subject to any other.

4. *Resolved*, That to a class of people, the right of testimony is as valuable as the right of self-defense; a right which no generous foe will deny, even to an enemy.

5. *Resolved*, That all classes, without distinction, are interested in the removal of all barriers as witnesses, imposed upon the African race in California, as unwise, unnecessary for the protection of the white race, and unjust towards the proscribed classes, "as taking that which naught enriches it, but leaves them poor indeed;" that these classes, in the consciousness of the injustice done them in this respect, say with the old Grecian, "Strike, but hear me."

6. *Resolved*, That we memorialize the Legislature at its approaching session, to repeal the third and fourth paragraphs of section three hundred and ninety four of an Act passed April 20th, 1851, entitled, "An Act to regulate proceeding in civil cases, in the Courts of Justice of this State," and also for the repeal of section fourteen of an Act entitled "An Act concerning Crimes and Punishments," passed April 6th 1850.

7. *Resolved*, That a State Executive Committee be appointed by the Con-

vention, with full powers to adopt such measures as may be deemed expedient to accomplish the object in view.

No. 8. *Resolved*, That we recommend the organization of a State Association, with auxiliaries in every county, for the purpose of collecting statistical and other evidences of our advancement and prosperity; also to encourage education, and a correct and proper deportment in our relations towards our white fellow citizens and to each other-

No. 9. *Resolved*, That we regret and reprobate the apathy and timidity of a portion of our people, in refusing to take part in any public demonstration, having for its object the removal of political and other disabilities, by judicious and conservative action.

*Resolved*, That we recommend the creation of a contingent fund of twenty thousand dollars, to be controlled by a Committee having discretionary powers, to enable us to carry forward any measure that has for its object the amelioration of our condition-

On motion of Mr. Anderson, the report of the Committee was received and adopted by acclamation, amidst much applause.

H. M. Collins offered the following resolution, which was also adopted without discussion:

*Resolved*, That a Committee of five be appointed to arrange as they may deem proper, and procure the printing of the proceedings of this Convention, in pamphlet form:

J. B. Sanderson,	W. H. Newby,	} Publishing Committee.
H. M. Collins,	J. G. Wilson,	
D. P. Stokes,		

Mr. Anderson commenced reading a series of resolutions referring to the action of the National Convention of colored people, assembled in Philadelphia recently, but he was ruled out of order by the President, who declared that while he presided over the deliberations of the Convention, no extraneous subjects should be brought forward to disturb the harmony of its proceedings. They had assembled for one object only, and the Convention should not swerve from it to debate the expediency of the actions of men in Philadelphia, Boston or Charleston. The Chair was sustained by acclamation.

On motion of T. M. D. Ward, it was voted "that each Delegate shall receive five copies of the printed proceedings of this Convention, when published.

This Resolution, offered by Mr. Townsend, was adopted:

No. 13. *Resolved*, That this Convention appoint a special Committee of seven persons, to collect statistics relating to the colored people in the State of California; their numbers, capital, &c., and to report upon the same:

J. H. Townsend,	E. P. Duplex,,	} Committee on Statistics.
Chas. H. McDougall,	H. M. Collins,	
J. H. Morris,	A. W. Gibbs,	
J. Q. Starkey.		

The following resolutions were adopted :

No. 13. *Resolved*, That the thanks of this Convention be extended to the Editors of the "Sacramento Daily State Tribune," "Democratic State Journal," and "Sacramento Daily Union." Also to the reporters connected

therewith, for the liberal and courteous manner in which they have reported and published the proceedings of this Convention.

No. 14. *Resolved*, That a Committee of five be appointed to prepare an Address to the colored people of this State, calling their attention to the importance of the mining and agricultural interests, as a means of improving and elevating their condition.

No. 13 was offered by W. H. Newby.

No. 14 was offered by Geo. W. Booth.

Under resolution No. 14, Geo. W. Booth, A. J. White, Geo. A. Duvall, A. Vaniel, D. Mahoney, were appointed to prepare an Address.

On motion of T. M. D. Ward, a vote was passed to assess each member of the Convention the sum of \$2 50, to defray the expenses of the Convention.

Mr. J. D. Gilliard offered resolution No. 15.

*Resolved*, That this Convention appoints persons in each County, to circulate petitions, and procure signatures to the same, for memorializing the Legislature for the repeal of the law which excludes the testimony of colored people in courts of justice, in an action or proceeding to which a white person is a party.

The following gentlemen were appointed to circulate petitions for signatures in the Counties in which they reside :

J. H. Townsend, San Francisco ; J. G. Wilson, Sacramento ; John Galley, El Dorado ; Fielding Smith, Alameda ; E. P. Duplex, Yuba ; W. D. Moses, Santa Clara ; John H. Morris, Tuolumne ; Albert Vaniel, Sierra ; Dennis Carter, Nevada ; Jeremiah King, San Joaquin ; Shadrack Howard, Amador ; Benjamin Young, Shasta ; Edward Hatton, Napa ; William Johnson, Plumas ; J. J. Underwood, Placer ; George W. Miller, Sonoma ; Thomas Rix, Los Angeles ; Mr. Brooks, Calaveras ; Joseph Pindall, Trinity ; Newport F. Henry, Mariposa ; A. W. Hernandez, Butte ; Samuel Kune, Siskiyou ; Isaac Johnson, Solano.

No. 16. *Resolved*, That a Committee of *two* be appointed to prepare an Address to the colored people of this State, urging upon them the importance of sending their children to school whenever it is practicable.

It was adopted, and J. J. Moore and T. M. D. Ward were appointed to prepare the Address.

W. H. Newby, chairman of the Business Committee, read a draft of the form of the Petition to be presented to the Legislature, in accordance with Resolution No. 6, as follows :

*To the Honorable the Senate, and House of Representatives of the State of California :*

We, the undersigned petitioners, most humbly pray your honorable bodies to repeal the *third* and *fourth* paragraphs of Section 394, of an Act passed April 29th, 1851, entitled, "An Act to regulate proceedings in civil cases in the courts of justice in this State."

Also to repeal Section fourteenth of an Act, entitled, "An Act concerning Crimes and Punishments," passed April 16th, 1850.

The form was approved and adopted.

Resolution No. 17, presented by J. H. Townsend, was passed.

No. 17. *Resolved*, That we appoint a State Executive Committee, of *ten* persons, who shall reside at San Francisco, Sacramento and Marysville. They shall act in conjunction with the State Central Committee, and shall be



the medium of communication between this Convention and the Legislature.

Messrs. J. H. Townsend, H. M. Collins, M. W. Gibbs, Peter Anderson, San Francisco. J. B. Sanderson, Emory Waters, Thomas Detter, George W. Booth, Sacramento. E. P. Duplex, Geo. Simms, Marysville—State Executive Committee appointed under resolution No. 17.

Convention adjourned until Thursday, at ten o'clock, A. M., with benediction by the chaplain.

### THIRD DAY'S PROCEEDINGS.

THURSDAY MORNING, NOV. 22d.

Meeting called to order at 10½ o'clock. President Yates in the Chair.

The Chaplain read the 85th Psalm, and offered prayer.

Minutes of yesterday's proceedings read and approved.

President Yates made a few remarks, prefatory to the business of the day. "I desire," said he, "that members will not enter into lengthy and needless discussions upon every question regarding which there may be a difference of opinion, but confine themselves strictly to the legitimate business of the meeting, so that the Convention may be enabled to close its proceedings to-day, and do so in such a manner as to reflect credit upon ourselves and the cause we advocate."

Mr. Newby, Chairman of the Business Committee, offered Resolution

No. 18. *Resolved*, That the Chairman of the Finance Committee, be authorized to procure a suitable testimonial, to present to E. K. Knight, Esq. reporter of the "Sacramento Daily Tribune," for his full and impartial reports of the proceedings of this Convention.

Mr. Newby said: "In holding this Convention in Sacramento, we expected to meet opposition, because we are not understood even by many well-informed persons. Evil reports are so often circulated about us; these stir up and bring out the prejudice which exists against us, meeting us whichever way we turn. In our deliberations we seek publicity; we court investigation; the object we are laboring for, is worthy; the means we take to secure it, discussion, peaceful agitation, the presentation of facts and arguments, are such as must commend themselves to intelligent and right-thinking men. The press is the great instructor and mover of the public mind. Had the press of this city been unfriendly or prejudiced against us, it might have stirred an opposition, thrown obstacles in our way that had prevented the holding of this Convention; but the Sacramento city press has treated us with respect and fairness, and we are thankful to all those gentlemen who control, and are connected with it. We have been pleased to see gentlemen reporting our doings; all we desired was that they would "naught extenuate or aught set down in malice;" the reports of Mr. Knight have been fair, liberal, and unusually elaborate. In proposing this testimonial, we are as far from intimating any re-

ward of his services, as he would be from receiving it in that light as of that motive. We beg its acceptance, as a slight testimonial of our appreciation of his gentlemanly and faithful report of us. "*Fair play is a jewel*"

The Resolution was adopted.

J. H. Townsend, chairman of Committee appointed under resolution No. 13, reported the following statistics of the colored population and their wealth:

Your Committee beg leave to state that the amounts set against the several counties is invested in various branches of business, real estate, mining, etc., but agriculture is the most prominent. They also beg leave to state that the colored residents of California are in proportion to their numbers, the least recipients of public charity of any class in the State; and this too, notwithstanding they are subject to great disabilities, and are entirely destitute of any protection in their persons or property from the laws of the land, which they regard as clear proof of their capacity to take care of their families for the present, and to provide for their future.

	POPULATION.	WEALTH.
Alameda - - - - -	50	\$50,000
Amador - - - - -	100	25,000
El Dorado - - - - -	1,000	350,000
Nevada - - - - -	400	250,000
Calaveras - - - - -	250	100,000
Los Angeles - - - - -	60	70,000
Tuolumne - - - - -	200	73,000
Shasta - - - - -	100	150,000
Santa Clara - - - - -	50	40,000
Sacramento - - - - -	500	250,000
San Francisco - - - - -	1,500	750,000
Monterey - - - - -	60	45,000
Yuba - - - - -	500	200,000
Trinity - - - - -	55	20,000
San Joaquin - - - - -	400	40,000
Total - - - - -	4,815	\$2,413,000

William J. Hardin said:

"I beg leave to call the attention of the House to the fact that the amount, ——— millions, set down by the Committee as the probable wealth of the colored population of this State, in addition to immense sums which have been, from time to time, paid to their owners by the colored men who have come here as slaves, and who, by a course of honest industry, have paid for and obtained their freedom. I adduce this as another evidence of the capability and enterprise of our race."

Rev. J. Moore: There is an expression in the report which I think should be corrected. It is this: "That we are entirely destitute of any protection in person and property by the laws of the land." This is incorrect, in some degree. And while we are stating our grievances, let us endeavor to do so in a spirit of thankfulness for all the favors shown us, and acknowledge every obligation we are under; but, above all, let us do so with truth. I, therefore, move an amendment to the report, so that it may read thus:—

"That we do not receive full protection of the law, in common with the white man."

Mr. Townsend: I deny that the pitiful support which the law offers can be called a *protection*. Are we heard before the bar of justice? Are we recognized as having souls, and comprehending the nature and responsibility of an oath? 'Tis but a few months since a negro was stabbed in the streets of San Francisco, in the presence of twenty witnesses. The murderer was a Spanish man, he was arrested, and discharged on bail. On the day of his trial his counsel ridiculed the idea of his being punished, and said he had "*only killed a nigger* who attempted to strike him down." What was the result? The murderer was cleared, and in a few hours he was walking the streets openly. There is indeed a semblance of protection, but it is not real."

Mr. Wilson asked for another reading of the report; it was again read. Further debate ensued.

Mr. Anderson moved to re-commit the Report to the Committee, with instructions to amend, as proposed by Mr. Moore.

This motion was not sustained.

Mr. Stokes.—I have listened to the Report as read, and believe it to be true in every particular. If I have a claim of \$100 against a white man, and bring an action for its recovery at law, unless I have a white man who possesses the moral courage to come forward and endure the odium of a mis-constructed society, and testify in my behalf, I lose my suit, and am scarcely exempt from the indignity of being kicked out of Court.

If a man cannot swear to a plain, honest, simple account, where is the protection of law? There is none!—'tis but a shadow and a name.

Mr. Carter said he understood the Report under discussion to be merely a recapitulation of the preamble and resolves, and entirely unnecessary, and hoped it would not be adopted.

Mr. McDougall moved that the Report be referred back to the Committee, with instructions to report as soon as possible.

Mr. McDougall's motion was adopted.

Rev. T. M. D. Ward offered the following preamble and resolution.

*Whereas*, We regard the sin of intemperance a crying evil, a public calamity, a check to the religious, social, mental and financial advancement of the colored people of this State; therefore

*Resolved*, That we recommend to our people the concentration of every moral and intellectual effort for the complete removal of this crying evil from among us.

The resolution was sustained by the offerer in a forcible speech. He said, in offering it, he did not expect the support of gentlemen who were in the habit of washing down the cotton in their throats every morning with a cocktail, but they see daily too much evidence of the evils of intemperance not to act upon the matter in some way. We have met to propose plans for the improvement of our people, it is proper that we should give expression to our opinions upon the subject so important to us. Some of the ablest and most talented of our young men, possessing qualities and attainments that would render them capable of doing an incalculable amount of good for themselves and others—are the subjects of intemperance—their influence for good is lost. While this is the case we should speak out; we should unite all our efforts against this great evil.

The Chair, though a warm supporter of the proposition of Mr. Ward, considered it out of order, as the Convention had decided to keep out all

extraneous matter, and upon that ground they had decided to act upon the school question. The temperance question is extraneous matter, and must be ruled out ; but the Convention could appeal from his decision if they desired to, and he should not deem it discourteous to him if he was over-ruled.

Mr. Collins moved a suspension of the rules to consider the resolution. The motion was lost, and the Convention refused to suspend the rules by the following vote : Ayes, 20 ; nays. 17. Two-thirds being required to suspend, the Resolution was ruled out of order.

Mr. Gibbs offered the following, which was adopted :

No. 20. *Resolved*, That the Secretary of this Convention receive pledges from each member of this Convention, that they will use their best endeavors to raise from their constituents a specific portion of the \$20,000 which, by vote of the Convention, is to constitute the Contingent Fund to be used for the carrying out the objects of this Convention, as follows :

We, the undersigned, do pledge ourselves to raise so much of the Contingent Fund as is set against our names.

Mr. Gibbs said in support of this Resolution : " The creation of this fund, will give assurance that we are in earnest ; something may be left to the humanity and philanthropy of men, in presenting our cause to the public ; but we must have money ; it is one of the most essential aids in carrying out the objects in view, ' the sinews of war ;' and we shall have occasion to use in various ways, all we can raise. When we return to our constituencies, let us not sit down upon the stool of do-nothing, but exert every effort to inform and influence those with whom we may come in contact, in public and in private ; I am under the necessity of taking leave of the Convention.

I congratulate you, gentlemen, upon your success in conducting the proceedings of the Convention ; good order has been observed, good feelings have been exercised one towards the other. Bodies of men rarely meet and deliberate, without some confusion. Even in the halls of legislation at Washington, scenes of confusion and disorder are sometimes witnessed, among men who have reputations for refinement and learning. It was feared we could not meet and deliberate two or three days, in an orderly manner. In future, should we meet to counsel for our common good, may similar success attend our efforts.

Mr. Cornish indorsed the resolution, and expressed the pleasure he experienced at the good feeling and harmony that had characterized the proceedings of the Convention. The chair here requested Rev. Mr. Stokes to seat himself on an opposite side of the room, as while two preachers were seated together he never could keep order. The request was complied with, amidst much laughter.

Pledges were made by the following gentlemen, in behalf of the counties they represent.

San Francisco, H. M. Collins,	-	-	-	\$1,250
Sacramento, J. G. Wilson,	-	-	-	600
Nevada, Dennis Carter,	-	-	-	500
Yuba, Isaac Triplett,	-	-	-	500
El Dorado, Joseph Smallwood,	-	-	-	1,200
Butte, Isaac Triplett,	-	-	-	150
Alameda and Contra Costa, Fielding Smithea,	-	-	-	200
Santa Clara and Santa Cruz, W. D. Moses,	-	-	-	200
Sierra, Albert Vaniel,	-	-	-	200

Tuolumne, John H. Morris,	-	-	-	-	500
San Joaquin, Jeremiah King,	-	-	-	-	150
Total,	-	-	-	-	<u>\$5,450</u>

Mr. Phelps proposed resolution

No. 21. *Resolved*, That a Committee of *three* be appointed to report before the close of this Convention, upon the propriety of establishing a paper for the use and benefit of the colored people of this State.

Adopted, and Messrs. E. R. Phelps, W. H. Newby, and D. P. Stokes, were appointed the Committee.

On motion of Mr. Gilliard, it was voted that this Convention adjourn *sine die*, this evening, at six o'clock.

Mr. C. H. McDougall offered resolution No. 22, proposing the establishing of a banking-house by colored men, in this State.

Mr. J. H. Morris said: "Mr. President, I am opposed to the passage of this resolution. Does the Convention propose to take care of the whole political, moral, social, and financial interests of the colored people of this State? I think not. Let us, then, leave the question of establishing banks. We have already undertaken herculean labors. Let us resolve less, but do more. Besides, we have not forgotten the experience of the past year. Can we expect to succeed in banking operations, where so many have failed? There is a prevailing sentiment of hostility against banks, throughout the State. Nor can we hope to bring a greater amount of capital, experience, and business capacity, to the sustentation and management of the proposed scheme, than have been employed to carry on other institutions of the kind, but which have nevertheless failed. Mr. President, I hope the proposition will be voted down, and that we shall have no more of the visionary and impracticable scheme."

Mr. McDougall said: "There are many in the State who will not deposit their money in the banks already established. But why should we not form banking institutions among ourselves? We have men of means, of good business abilities and integrity. We need confidence in each other. This would be an effective means of building ourselves up as a people, and securing the respect and consideration of the public. There must be a commencement of effort in this direction. My wish is to call attention to the subject, but as the resolution meets with such decided opposition, by leave of the Convention I will withdraw it."

The Resolution was withdrawn. The Convention then adjourned until 4 o'clock, P. M.

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#### THURSDAY AFTERNOON SESSION.

Met at 4 o'clock. President in the Chair.

Finance Committee presented a Report of the amount collected to

defray the expenses of the Convention, \$158,75 ; expenses for stationary, books and light, \$12,60 ; balance in hand, \$146,75.

*Finance Committee.*—J. J. Moore, Emory Waters, D. W. Ruggles.

The Report of the Committee was adopted.

Mr. William Quinn moved, that the Secretary prepare and send the proceedings of this Convention to the "*Liberator*," and "*Douglass' Paper*," for publication. This motion was not sustained.

On motion of T. M. D. Ward, it was voted that each delegate be furnished with five copies of the proceedings of the Convention when printed.

The next Resolution was as follows :

No. 22. *Resolved*, That the Publication Committee be authorized to have 5,000 copies of the proceedings of this Convention printed in pamphlet form, to be placed in the hands of the State Central Committee—the delegates having received their quota—to be disposed of, and the proceeds put into the general fund.

No. 23. *Resolved*, That the Finance Committee be authorized to pay over to the Publishing Committee the sum of \$100, towards publishing the proceedings as above, were presented by Mr. Townsend, and unanimously adopted.

Mr. E. A. Phelps, Chairman of the Committee appointed to report upon the propriety of establishing a printing press, read Committee's Report.

Your Committee, who were charged with the duty of reporting on the subject of a press, beg leave to say, that after giving the subject earnest consideration, they would earnestly recommend the establishing of a press, for the use and benefit of the colored people resident in California.

The time allotted your Committee was too short to admit of their obtaining the information necessary to enable them to arrange, and report, the details of a plan for carrying out this proposal. They would respectfully recommend the appointment of another Committee from this Convention, to ascertain the probable cost of a press, with its appurtenances, and the mode by which it can be sustained, and report the same to the State Central Committee, who might be charged with the responsibility, if practicable, of carrying the plan into operation. And to this end, the Committee shall be authorized to call meetings, and lay this subject before our people, in the various counties of the State, collect means, and adopt such plans as they may deem necessary for its success. Respectfully submitted.

E. R. Phelps, }  
D. P. Stokes, } Committee.  
W. Newby, }

The report was adopted, and the Committee discharged.

Resolution 23, presented by Mr. Townsend, was adopted without discussion, as follows :

No. 23. *Resolved*, That the State Central Committee, be authorized to prepare and publish an address, to the citizens at large of this State, setting forth the true character and position of the colored people of California.

Mr. Newby offered Resolution

No. 24. *Resolved*, That the thanks of this Convention be tendered William H. Yates, Esq., for the efficient, dignified, and impartial manner in which he has presided over its deliberations.

It was adopted by acclamation, and in responding to it, Mr. Yates remarked that he duly appreciated the high compliment conferred upon him by the members of the Convention, in thus expressing, in so emphatic a manner, their thanks. In presiding over their deliberations, he had sought

to act fairly towards all, and if he had not done so, he exceedingly regretted it. One thing he desired to call their attention to, particularly as he had been spoken to by several gentlemen present upon the subject.

In the published report of the few remarks he offered on Tuesday, he was made to say—"while I acknowledge in form, appearance and education, the African cannot compete with the Caucasian race," &c.. It should have been—"he is *unable under existing circumstances* to compete with the Caucasian race," &c. This is what he said and meant: "I do not admit that the African could not compete with any nation, if he is allowed the same opportunities. The colored people have much to contend against in the present age, but by pursuing a proper course could overcome much of it. It has been said that, in holding this Convention—in seeking to change the law by asking for the right of testimony on the same terms with our white fellow-citizens—we are presumptuous. We ask for no social concessions or privileges, but say 'hands off,' and do not depress us; we only desire a removal of a special grievance. The granting of our petition will bless 'him that gives, and him that takes.' We believe the American heart in Northern or Southern men, is too noble and generous to turn a deaf ear to our request, couched as it is in manly and respectful terms. We are Americans; this is our country and our home; we know no other. Who will question our love of country? We say to our white fellow-citizens, in spite of all the evils which surround us, from the East, the West, the North, and the South, we are with you. Where does the white man go that the black does not? If to the battle field, in conquering lands, the black is found at his side; if not with a sword, he has a soup-ladle to feed them while they fight. I am no orator, but a simple laborer, working hard and honestly for my daily living, yet have a love for liberty that can not be repressed, as it has grown in me for years. I believe this Convention has accomplished much good, for it has awakened an interest in the minds of all, and much good must eventually grow out of it. Let us be united, let us cherish a brotherly regard for each other, and we cannot fail to obtain at length that which we seek."

The following resolutions were unanimously adopted as they were presented, in the following order:

No. 25. *Resolved*, That the thanks of this Convention be tendered Messrs. Vaniel, Carter, Smallwood, and Smithea, for their services as Vice Presidents of this Convention.

No. 26. *Resolved*, That thanks be presented Messrs. J. B. Sanders, J. H. Morris, and F. G. Barbadoes, Secretaries.

No. 27. A resolution of thanks to Messrs. John Butler and William Queen, door-keepers.

No. 28. *Resolved*, That in consideration of the extra labor required in the preparation of the proceedings of this Convention for publication, the Finance Committee be ordered to pay J. B. Sanderson the sum of \$25.

No. 29. *Resolved*, That the Treasurer of the State Executive Committee who is to hold the funds collected by order of this Convention, be required to give bonds in the sum of \$10,000, for the faithful discharge of his duty.

Resolution No. 25, offered by D. Stokes.

Resolutions No. 26 and 28 by J. Francis.

Resolution No. 27 offered by C. H. McDougall.

Resolution 29 offered by W. H. Newby.

The Chairman of the Business Committee, Mr. Newby, read the next Resolution,

No. 30. *Resolved*, That the Business Committee are richly entitled to the thanks of the members of this Convention, and all who have been present upon its sessions, for their faithful, intelligent and successful labors, in preparing the business, and promoting the objects of the Convention.

Mr. Newby said: "This Resolution was placed in the hands of the Business Committee by Mrs. Alfred J. White, a lady from Tuolumpe County. — It is all the more grateful to the feelings of the committee as an expression of satisfaction with their efforts to serve you—as coming from a lady; where the ladies are with us, and approve, we are satisfied that we are right; it is an earnest of success.

"In behalf of the committee, I return our acknowledgments to Mrs. White. It is my misfortune to be a bachelor; and unfortunately for me, also, the lady who proposed this resolution is a married lady, or I should be tempted to hazard the expression, of not only my gratefulness to, but also my admiration of, her, in other circumstances."

Resolution No. 30 was adopted amid applause.

Some inquiries were made by delegates in regard to communicating with each other, and promoting the objects of the Convention.

It was suggested that delegates should call meetings in the counties and towns of their residence, form local organizations, appoint committees, collect funds, circulate petitions, and keep up a correspondence with the State Executive Committee.

Six o'clock P. M., having arrived, the choir attached to the church, by request, sung an Anthem, selecting

"The Earth is the Lord's,  
And the fullness thereof."

The Chaplain pronounced the Benediction, and the President declared the Convention adjourned *sine die*.

NOTE.—In closing these minutes, I take occasion to acknowledge my obligations to the Sacramento "Daily Tribune." Much of the three days' proceedings of the Convention were published in that paper. I preserved the copies, and derived valuable assistance from them in preparing the foregoing pages. J. B. SANDERSON.

The Committee, appointed under resolution No. 16, present the following to the parents and guardians of colored children in California:

### ADDRESS.

"Knowledge is power," said Bacon, one of England's wisest sons. The ruth of this apothegm, history and common experience abundantly prove. No people have become truly illustrious, great and powerful, who did not make learning the subject of especial attention.

As of nations, so of communities and individuals. Knowledge gives to its possessors a power and a superiority over the uncultivated, real and substantial. The ignorant must give place and yield to the intelligent and educated; it is a law growing out of the nature of things.

As a class, the colored people have to a great extent been deprived of the advantages of education, the means and opportunities of intellectual culture, and it ill becomes those who have deprived them of those blessings, where they had the power, and in other circumstances have thrown obstacles in the way of their improvement, to taunt them with being ignorant.

But the condition of things are changing; public sentiment, laws, slowly but surely. Educated men better understand, and are coming to acknowledge and teach the absolute necessity of obeying the laws of man's intel-



lectual, moral and social nature; by this, we mean that man is the subject of intellectual, moral and physical laws; we cannot break and trample upon these without producing suffering and wretchedness.

Societies are subject to the same laws; their peace, good order and safety depend upon obedience to these laws. Society cannot neglect, hate, abuse and oppress a class, a part, without suffering itself; the indulgence of evil passions, the practice of bad conduct, re-act backward and forward; ignorance vice, crime and suffering abound, and society is the sufferer; intelligent men see this clearly; they regard the education of youth one of the first and most important duties society owes itself; give good instruction to the young and withhold not.

True intellectual culture gives to men power over themselves, opens a knowledge of the laws of life, disposes them to respect the rights of all, and to the practice of justice and virtue.

Dear friends, we are living in an age when, and in a country where the light of knowledge is spreading, is abounding more and more, stimulating activity in the arts, in science, philosophy and general literature. As a people, we are in the midst of these activities, having a common interest in their results.

We are engaged in a great work; it is this, we aim to render ourselves equal with the most favored, not simply nominally equal, but truly and practically, in knowledge, energy, practical skill and enterprise. The past has been to us full of wrong and suffering; we are not content with our present condition; it remains for us to say whether we will continue in this position.

Under God, our dependence is in our children. As parents and guardians, we are under the most solemn obligations to have our children educated; upon any other conditions, our hopes and expectations of the future are vain. It cannot be denied, ignorance has been the cause, chiefly, of our sufferings. We must seize upon every opportunity to acquire knowledge, to educate the head, the hands, the heart, for the duties, necessities and responsibilities of life. It is true the State should provide schools and instruction for our children, but she excludes colored children from her public schools. In one locality only in the State—San Francisco—a school is established for colored children, which is sustained by the liberality of that city's government.

The number of our children is rapidly increasing. In these circumstances, left to provide for ourselves, we must be all the more determined to do our duty—sacrifice something too of personal ease and comfort for the sake of giving your children schooling, wherever it is practicable. When our characters, as a people, shall fully combine the elements of learning, sound morality, and wealth, we shall be free and respected by all.

J. J. Moore, }  
T. M. D. Ward, } *Committee.*

REPORT of the Committee appointed to address the Colored Citizens of California, upon the subjects of Agriculture and Mining, and the importance of turning their attention to them:

BRETHREN: In discharging the duty of addressing you upon these great branches of industry, it is our wish to call your attention to reflect carefully upon them, that a lively interest may be awakened.

The agricultural and mining interests of California are rich and fruitful themes; Heaven has indeed been bounteous in heaping blessings upon our State. The application of intelligent skill and industry, in developing its riches, will make it a second Eden.

In the rapid view we shall take of the subject of Agriculture, we can only touch a few important points, invite your attention to the subject generally, in the hope you may become familiar with the statistics and the practice of this pursuit. Facts are abundant, going to prove that agriculture, as a pursuit, is the road to wealth, honor and independence; the time has come when we must become owners and cultivators of the land. The mortifying fact is ever before us that colored people, in the free States especially, are rather the consumers than the producers of the wealth of the soil.

The advantages held out by the General Government, as regards the settlement of the public domain, constitute a cheering and encouraging fact. It has been said, "that we cannot settle upon and become possessors of the public lands upon those terms held forth by the General Government." We have taken pains to ascertain the facts upon this point, and we are proud to inform you that we can find no facts going to show that we may not settle upon and lawfully possess portions of Government lands. We would respectfully urge you to use all lawful means to secure for yourselves right and just claims to the ownership of the soil, as a means to usefulness, respectability and wealth.

We would briefly invite your attention to the mining business in California. Mining, like agricultural pursuits, gives those engaged in it, a more honorable position than menial service.

The gold mines of this State must continue for years the source of almost unaccountable wealth. These are open to all; none who are respectable, honest and industrious, are excluded therefrom.

The tide of emmigration continues to pour its thousands upon our shores. The time may come when we shall regret that we allowed the golden opportunities to be lost. Hundreds of thousands of acres of mineral lands now unoccupied, in a few years will be worth fortunes, will be sought after, but not obtained.

We have great hopes in the developing and increasing intelligence, energy and enterprise of our people. We urge you again, as opportunities offer, engage in agriculture and mining; honorable employments, they will promote our best interests.

George W. Booth,	} Committee.
Alfred J. White,	
George A. Duvall,	
Albert Vaniel,	
Daniel Mahoney,	

The following Address was prepared by J. H. Townsend, in behalf of the State Executive Committee :

### ADDRESS.

The colored citizens of this Commonwealth, would respectfully represent before you, their state and condition, and they respectfully ask a candid and careful investigation of facts in relation to their true character.

Our population numbers about 6,000 persons, who own capital to the amount of near \$3,000,000. This has been accumulated by our own industry, since we migrated to the shores of the Pacific.

Most of us were born upon your soil; reared up under the influence of your institutions; become familiar with your manners and customs; acquired most of your habits, and adopted your policies. We yield allegiance to no other country save this. With all her faults we love her still.

Our forefathers were among the first who took up arms and fought side

by side with yours ; poured out their blood freely in the struggle for American independence. They fought, as they had every reason to suppose, the good fight of liberty, until it finally triumphed.

In the war of 1812, in which you achieved independence and glory upon the seas, the colored men, were also among the foremost to engage in the conflict, rendering efficient service in behalf of their common country. Through a long series of years have we been always ready to lay down our lives for the common weal, in defense of the national honor. On the other hand, instead of treating us as good and loyal citizens, you have treated us as aliens ; sought to degrade us in all the walks of life ; proscribed us in Church and State as an ignorant and debased class, unworthy the sympathy and regard of men ; without examining into our true character, you have allowed yourselves to become bitterly prejudiced against us. When we have spoken of the wrongs inflicted upon us, you have turned a deaf ear to our representations and entreaties, or spurned us from you.

We again call upon you to regard our condition in the State of California. We point with pride to the general character we maintain in your midst, for integrity, industry, and thrift. You have been wont to multiply our vices, and never to see our virtues. You call upon us to pay enormous taxes to support Government, at the same time you deny us the protection you extend to others ; the security for life and property. You require us to be good citizens, while seeking to degrade us. You ask why we are not more intelligent ? You receive our money to educate your children, and then refuse to admit our children into the common schools. You have enacted a law, excluding our testimony in the Courts of justice of this State, in cases of proceedings wherein white persons are parties ; thus openly encouraging and countenancing the vicious and dishonest to take advantage of us ; a law, which, while it does not advantage you, is a great wrong to us. At the same time, you freely admit the evidence of men in your midst, who are ignorant of the first principles of your Government—who know not the alphabet. Many colored men, who have been educated in your first colleges, are not allowed to testify ! and wherefore ? our Divine Father has created us with a darker complexion.

People of California ! we entreat you to repeal that unjust law. We ask it in the name of humanity, in the enlightened age in which we live, because of the odium it reflects upon you as a free and powerful people ; we ask you to remove it from your civil code ; we ask it, that our homes and firesides may be protected ; we ask it, that our just earnings as laborers may be secured to us, and none offered impunity, in withholding from us our just hire ; that justice may be meted out to all, without respect to complexion ; the guilty punished ; the innocent protected ; the shield of wise, and wholesome and equal laws, extended over all in your great State ; upon her mountains, in her vallies and deep ravines ; by her winding streams ; may your State be a model, even to the elder sister States, in respect of your just laws ; may your growth, prosperity and happiness, be bounded only by time and immortality.

