

The Apotheosis of Charles Vaincoeur Stuart

This talk was given at Glen Oaks Ranch, under the auspices of the Sonoma Land Trust, on October 10th, 2014. This was the home built by Charles V. Stuart between 1868 and 1870, and where he lived until his death August 13, 1880.

Introduction

I want to thank the Sonoma Land Trust for the good works they have accomplished in preserving the rural quality of the county in which I was raised. This is a good place to be, and they've worked hard to keep it good. My grandfather's grandfather saw many of the same delightful landscapes here 150 years ago that my grandson sees today, in large part due to the efforts of this very important organization.

And thank you also for inviting me to talk about the man who built this house, and furnished these rooms, and lived here, and died here. He is of course the pioneer that named our region after his wife, Ellen, and so— so to speak— famously put Glen Ellen on the map, more than 150 years ago. I've long thought about Charles Stuart from a respectful distance, so thank you for giving me a reason to get to know him more closely. As I've learned more about him he continued to gain my respect, and my appreciation for his social vision, his political integrity, and his personal generosity.

This talk was advertised as: "Charles Stuart, a successful and influential California pioneer farmer and businessman, was a man of respectable social standing and firm moral principles, whose lone voice spoke eloquently in defense of the Chinese at the California Constitutional Convention. We will explore the origin and impact of his political beliefs during the turbulent early years of statehood."

Timothy Sandefur, in his paper titled "A Solitary Voice at California's Constitutional Convention", paints this description of Stuart when he addressed the convention on December 9th, 1878:

"Charles V. Stuart had been talking for ten minutes when the gavel fell. His speech was passionate, even desperate; he was not an accomplished orator. One pictures his hands shaking and his voice stuttering as he faced the hostile audience at the California Constitutional Convention. The chairman, usually lenient to speakers who went over the time limit, immediately interrupted Stuart.

"Los Angeles delegate Volney Howard spoke up with a flourish. "I hope the gentleman will be allowed to proceed. He is the pluckiest man in the Convention. I give him my ten minutes." Howard could afford to be magnanimous—and smug. Nobody was listening to Stuart's plea on behalf of California's Chinese immigrants, and the Convention had

long ago made up its collective mind: the Constitution they were drafting would include provisions barring the Chinese from working for any California corporation, and commanding the Legislature to forbid Chinese immigration.

"In the seats of the Capitol Building in Sacramento sat the 156 other Convention delegates—Republicans, Democrats, 'Workingmen', or 'Nonpartisans' like Stuart himself. But of all of them, only Stuart, delegate from Sonoma County, would speak on behalf of the state's most persecuted minority."

I believe Sandefur unfairly characterizes Stuart as unaccomplished, and desperately stuttering— I've learned about a different man. Who he was, and how he had the courage to be the only person to speak in defense of the Chinese, is I think an important thing for us all to know— *especially today*.

My approach to history lies in wanting to understand the people who were here before us on their own terms, as best I can, by examining (as much as possible) their primary documents. History is not about the past, it is what the present contains— and much of what Stuart argued for on the floor of that convention in 1878 deserves being heard again today.

The Social and Political Background

But first let's back up to get a sense of the world of that time, and how its cultural society had evolved.

The foreign settlement of California— first by the Spanish, and then (thanks to that abruptly traumatic event known as the Gold Rush) by the crush of competing cultures from throughout the world— made of this state a crucible, where economic and political elements of many disparate cultures were pressed together like tectonic plates, and a petri dish, where a new society was gradually becoming incubated.

It is important to remember that the Americans could themselves have been described as illegal aliens, claiming the country as their own through Manifest Destiny, marginalizing the natives and resisting as aliens those who would come later. An outline of the decades before Stuart's arrival in California would go something like this:

- 1800-1820 there was very little regional activity during the long Mexican revolution against Spain

- 1820-30, mission life was established in Sonoma with the arrival of Father Jose Altimira in 1823

- 1830-50, with Mexican independence established, there was a transition of power in the state of Alta California from the mission to the presidio, with the arrival of Mariano

Guadalupe Vallejo in 1833 to oversee the secularization of the missions and the redistribution of their lands.

Pioneer explorers and settlers began filtering in from various parts of the world, and there was a great loss of the indigenous peoples through famine, illness, and massacre; and as settlers married into the resident Mexican and Californio families there grew a concomitant increase of European and American influence.

The best and brightest emigrants arrived from a wide variety of cultures, jockeying for survival and control in an inchoate society where, with the gold rush, countryside of California was suddenly inundated by a flood of immigrants, from America's east coast, as well as from across the Pacific.

Chinese workers poured in to work the gold fields, to build the railroads, and to work in the state's agricultural fields. Racial and cultural conflict quickly followed. The cultural differences of the Chinese—and more importantly, their competition for jobs—made them a target for the vilest racism in the state's history.

In 1854, the State Supreme Court declared Chinese people ineligible to testify in the state's courts. An 1850 law had declared that “No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man,” and Chief Justice Hugh C. Murray explained that “the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race.”

Thus Chinese could not testify. Murray added, sensing the absurdity of his reasoning, “we would be impelled to this decision on grounds of public policy” anyway, because if they could testify, “we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls.”

The Chinese were “a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point.”

The decision practically legalized violent crime against the Chinese. Mark Twain, who was a reporter in San Francisco in the 1860s, later recalled that his paper refused to publish a news article he wrote about witnessing an attack on a Chinese man in a city street. In California, he wrote, the “Chinaman had no rights that any man was bound to respect [and] no sorrows that any man was bound to pity.... [N]obody loved Chinamen, nobody befriended them, nobody spared them suffering when it was convenient to inflict it; everybody, individuals, communities, the majesty of the State itself, joined in hating, abusing, and persecuting these humble strangers.”

Farm Boy

Charles Vaincoeur Stuart was born May 9th, 1819, to Charles and Mary McCormick Stuart in Nippenose Township in Lycoming County, Pennsylvania. He was born into a prosperous and prominent Pennsylvania family.

His grandfather, Charles Stewart Sr., had settled near present-day Williamsport in 1762 at the age of 19, and in 1783 (soon after the mass evacuation called "Big Runaway" of 1778, during the Revolutionary War) he bought 714 acres in Nippenose Township (a name which may have meant "warm place," in a Native American language, or may have referred to the cold weather, when Jack Frost would nip at one's nose, or a notch nipped into the mountain's ridge nearby). Here he raised a family of six, although the region was not really stable until after 1792, when local industry could resume. His eldest son, Samuel, became a notorious local sheriff and member of the state legislature.

His third son, Charles Jr., was born in 1775, at the start of the Revolutionary War; with the war for independence over he became a farmer, and raised eleven children, paying particular attention to their education. By the time his third son Charles V. was born in 1819, the family owned what one contemporary called a "magnificent estate," as well as several slaves. How much land or slaves he possessed is not known, but his home was described as an "old-fashioned brick house... in a conspicuous position overlooking the river near the east end of the Jersey Shore bridge," and his family was prominent enough to "move in the first circles of society."

This region was where the earliest evolution of an American civil society began, as soon as the Revolutionary War was done, where abolition was first legislated in 1780, and social reforms— including suffrage, temperance, and education— began being felt, and where it would grow over the following decades.

Charles V. Stuart (it is not clear when the spelling of the family name was changed, or by whom, but given the middle name there appears to be French influence), later recalled that "my early years was spent on my Father's farm doing the labor usually done by Boys and going to school [probably during the winter months] till my 14th year, when I was placed at the Owego Academy at Owego N.Y."

School Boy

While at the Owego Academy Stuart studied under the famous educational reformer Charles Rittenhouse Coburn. There was in fact an amazing variety of reform movements flourishing in that area at that time— an area known as the "Burned-Over District," after the number of revivals and new religious movements generated there. The term was coined by Charles Finney in his 1876 autobiography to denote an area in

New York State that had been so heavily evangelized as to have no "fuel" (unconverted population) left over to "burn" (convert).

The reforms included women's rights, pacifism, temperance, prison reform, abolition of imprisonment for debt and slavery, an end to capital punishment, improving the conditions of the working classes, a system of universal education, utopian social experiments, and the organization of religious communities that discarded private property, improving the condition of the insane and the congenitally enfeebled, and the regeneration of the individual were among the causes during the era. by 1837, when Stuart had finished his studies at Owego, New York had no fewer than 274 antislavery societies.

Stuart was probably deeply influenced by these movements; certainly his moral and literary education was significantly affected. Later in life he would punctuate his speeches not only with Biblical references, but with references to the works of Victor Hugo and Robert Burns, as well, demonstrating a liberal education that proved fundamental to his pragmatic yet literary and even visionary attitude.

The Merchant of Ithaca

Upon graduation at age eighteen Stuart moved to Ithaca, New York, where he quickly became a successful merchant. After two years he had done well enough to take a year off, at the age of twenty, to tour the country, believing his health was suffering from working too hard. Stuart toured the country from Maine to Texas, and from New Orleans to the Great Lakes, and finally returning to Ithaca.

We don't yet know much about these journeys, but travel was certainly becoming easier during this time, and with the development of toll roads and waterways, a better infrastructure employing steamboats and stage coaches began encouraging a far greater interaction throughout the country. Of course this is also that time in life when young people get restless to wander and see the world.

In 1841, at the age of twenty-two, Charles Stuart married Ellen Mary Tourtellot (or Tomlettolle, the spelling being uncertain due to poor scanning of old documents), the daughter of a respected soldier. While in Ithaca they had three children: Robert H. Stuart, Mary Stuart Pickett, and Emily Stuart Stangroom.

After the War of 1812 the British had abandoned their treaties with the Indians, and a series of "removal treaties" were signed in which most American Indians reluctantly but peacefully complied with the terms of the treaties, often with bitter resignation. Some groups, however, went to war to resist the implementation of these treaties, chief among them the Black Hawk War of 1832 and the Creek War of 1836, as well as the long and costly Second Seminole War of 1835–1842.

Though there were no major Indian Wars in the 1840s, I would guess the strained relationships and occasional incidents between Native Americans and American settlers required a standing army, in which I understand Stuart attained the rank of Colonel.

A Mule Train to California

In February, 1849, at the age of twenty-nine, Stuart joined fifty neighbors in raising \$500 to form the Ithaca Company of Packers, establishing a mule pack train to go to California without the hindrance of the slower ox-drawn wagons. Stuart was elected captain of the train, indicating his position in the community as a prominent and respected leader. Stuart was in fact chosen as Captain of the mule train because, as another member of the train noted, he “had been accustomed to Indian fighting.”

The company traveled first to Cincinnati, Ohio, and to Independence, Missouri, collecting supplies. In the words of another member of the expedition, we were “foolish enough to get everything under heaven that we did not want, and nothing that we did. We bought a lot of gold washers, which we faithfully packed... picks and shovels also, and everything you could think of. We commenced throwing away our articles the first day, and continued throwing away until we got to the base of the Rocky Mountains.”

They left Independence in April, traveling at first along the Arkansas River toward the base of the Rocky Mountains. On the way they encountered several Indian tribes, one of whom ran off the expedition's pack animals. But the group had no serious conflict with the Indians, and only two cases of Cholera, neither one of which was fatal. Still, the trip was grueling. One member recalled that “we were obliged to subsist upon what we could shoot, our chief article of food being hawks, which we could cook only by boiling.”

They picked up some experienced guides in Pueblo, Colorado, and were joined by a group of emigrants from Hannibal, Missouri. It was here that, probably through the advice of their guide, Matthew Kincaid, they took an unusual route to Salt Lake City, according to Stuart's diary traveling "north along the base of the mountains to the Cache la Poudre River in the vicinity of Fort Collins, Colorado, and from there through the Laramie Plains and westward to Brown's Hole at Green River. Then they rode westward via Fort Uintah to the Mormon settlements at Provo and Salt Lake City." Cache la Poudre, by the way, means "Hide the powder", referring to an incident in the 1820s when French trappers had to bury their gunpowder there during a storm.

Charles Stuart's diary records this phase of their journey: 'After consulting with him [guide Matthew Kincaid] as to our course and having encountered some of Col. Fremont's men frozen and returning from their unfortunate effort to cross the Toas [Taos] Mountains we changed our course from the White River to the more northerly

pass on the Cache la Poudre or what is called the Medicine Bow & Larrime plain, crossing Green River at Brown's hole and then by Fort Uinta to Utah Lake & Great Salt Lake, here we arrived early in July without loss of man or beast, and no accident. Here we remained about six weeks recruiting our animals, who had become quite worn out and poor from their long journey. During our stay I made the acquaintance of many of the Latter Day Saints, among them their prophet Brigham Young, from whom I received quite marked attention, they giving my company a grand supper & dance at Provo City the night previous to our departure for Los Angeles California."

Stuart himself recalled that the worst part of the trip came between Salt Lake City and the Cajon Pass, near what is now Ontario, California:

"This last part of our journey was one of extreme hardship both for men and animals from Provo City (or Fort as it was then) to the Mohave River is one of the most God forsaken portion of this Continent, the valleys filled with sand and alkali, the mountain and hills covered with piles of huge volcanic rocks, all the streams, springs and wells, bitter or salt, and no living reptile or insect but its bite or sting is poisonous, whole districts only inhabited by the prairie dog, the owl and rattle snake occupying the same hole and living in harmonious accord but feeding upon what, the Lord only Knows. The last Desert we passed in reaching the Mohave River was one hundred and twelve miles without water only such as we carried in our canteens, on this we lost about 1/4 of our animals, abandoned under the scorching sun for food for the Paiute.

After crossing the Cajon Pass, the group spent a few days recovering in Rancho Cucamonga before traveling on to Los Angeles, then through the San Fernando Valley to San Joaquin. Here, the party separated to reach the gold fields each on their own, while Charles Stuart continued on to San Francisco, arriving there November 20, 1849.

A San Francisco Farmer and Politician

In 1849, San Francisco was a chaotic town without a seriously functioning government. Daily arrivals were taking up land by adverse possession— called “squatting”— a source of violent conflict in the state, as thousands of miners declared themselves owners of land that belonged to wealthy absentee landlords.

Stuart recalled that squatting was “an entire new business to me” and, after asking local citizens for advice, he spent “a few days labor in fencing, plowing, and building” with a business partner named Robert T. Ridley. This labor “soon put us in possession of a handsome little plot of about 10 acres affording us an undisputed and pleasant home” on the grounds of the abandoned Mission Dolores. It's interesting to note that Stuart was not too proud to avoid asking for advice, and knew who best to ask, and how best to follow it.

Charles Stuart was a pragmatic and practical man, and easily recognized the opportunity to merchandise vegetables in the quickly growing city. Stuart began farming 40 acres nearby with partners I. N. Thorne and John Center. They constructed a house on that property, and dug a canal several hundred feet long to accommodate boats from the nearby creek.

Shortly afterwards, Stuart and business partner Robert T. Ridley established a tavern called the "Mansion House". It became a landmark in San Francisco, catering to travelers and local citizens who were especially fond of the "milk punch." The tavern was successful, and Stuart continued operating it long after Ridley's death in 1851. Ridley was an English immigrant who had married the daughter of a prominent Mexican citizen, and was an old hand at running taverns, but he drank himself to death by the age of 32. Stuart on the other hand did quite well for himself, and developed a reputation sufficient to be elected to the City's first Board of Aldermen in 1850, as the new city began settling down to govern itself.

Stuart continued operating the Mansion House for twenty more years, while continuing to sell his farm produce and investing in real estate, during a time when fortunes were quickly gained and lost by less conservative investors. He was already prosperous enough in 1851 to build the first brick house in San Francisco, on the corner of 16th and Capp Streets.

It is not clear when Ellen joined him. I believe she came with the children by ship through Panama, or around the Horn, which would have taken a year or two, after hearing he had successfully settled in. By 1853 she and Charles were living in the brick house; their son, Charles Duff Stuart, was born there in 1854, and three daughters followed: Antoinette in 1856, Ida in 1859, and Isabel in 1863.

Although he had been "reared in the Democratic faith," Charles Stuart enthusiastically supported Abraham Lincoln and "ever afterward acted with the Republican party." In 1854, he ran for the state assembly, but was not elected. Theodore H. Hittell, an historian contemporary with Hubert H. Bancroft, wrote in 1897 that Stuart "had never been in the political arena; politics was distasteful to him, and he knew little of political movements and nothing of the management and plans used for self-preferment."

This captures Stuart's forthright stance as an idealistic community organizer, sensitive to the needs of social reform, but it exaggerates his unwillingness to participate in politics. Historians have since noted Hittell's own independence and resistance to collaboration with Bancroft, and suspect his accuracy. Josiah Royce— himself a respected historian— wrote "No historian can gain by stubborn independence, or by ignoring fellow-students merely because their books are published at nearly the same time with his own."

Stuart's business interests extended far beyond the Mansion House: for a while he leased the New Almaden Quicksilver Mine in Santa Clara County, the first mine in California and among the wealthiest, since quicksilver (mercury) was an essential

ingredient in the process of extracting gold from ore. But, frustrated by “expensive and vexacious law suits” over ownership of the mine, Stuart sold his interest and continued pursuing agriculture instead, building extensive vegetable gardens in San Francisco, including fruit trees imported from New York.

A Sonoma Valley Country Gentleman

Stuart's rapidly expanding real estate investments brought him finally to Sonoma Valley in 1858 and— like several other San Franciscans that pioneered Sonoma Valley, such as his friend and partner Dr. J. B. Warfield, and the family of George and Martha Watriss— he began buying property in several complicated transactions. We have Peter Meyerhof to thank for discovering deeds dated between November 1858 and December 1860, which include no less than ten different properties within the city of Sonoma.

Other purchases are also noteworthy, demonstrating what Peter believes is "the independence of spirit one might expect from Charles Stuart." These included purchases of the same property from various different supposed owners, ensuring— I suppose— indisputable ownership.

On September 3, 1859, he signed a deed to purchase the entire Agua Caliente grant, including this ranch, from Gilbert Grant for the grand sum of \$300. This was of course the original land grant given to Lazaro Piña by Governor Alvarado in 1840, described in the deed as extending from the city of Sonoma up to the Wilson grant known as Los Guillicos, and from Sonoma Creek to the ridge of the Mayacamas Mountains, bordering on George Yount's ranch in Napa Valley.

On December 30th, 1859, Stuart purchased an incredibly imprecisely bordered piece of land somewhere south of Santa Rosa from Christian and Susan Weise for \$2,000.

On June 25, 1860 he bought a huge and vaguely described parcel (that sounded to Peter like most of the present Glen Ellen), from Thomas Davies for \$1. A few weeks later, July 9th, 1860, he bought what sounds like an adjacent parcel, again from Thomas Davies, for \$250.

The next purchase by Stuart on December 27, 1860, is still more fascinating, and perhaps (Peter believes) indicative of something unique in the Sonoma Valley. He paid \$100 for a large parcel (most of Glen Ellen up to the Mayacamas and so, once again, this parcel upon which he built his home) to none other than Jesus, Francisco, Luis, and Clara Piña (as well as Clara's new husband Guillermo Fitch, and also to Jose Berreyessa). These were the descendants of Lazaro Piña, whose original Agua Caliente rancho had been claimed by General Vallejo before he famously exchanged it with Andres Höppener for piano lessons in 1846.

Essentially, Charles Stuart purchased his ranch in Sonoma Valley several times, from several people, to ensure his ownership of the land.

Although Stuart had purchased this ranch September 3rd, 1859, he did not begin building this home for his family until almost a full decade later, in 1868. Like many people of the time, and as many do even today, he maintained his home in San Francisco while developing his country estate. His focus was upon local viticulture, exploiting, as he said, “the fact that we could produce grape vines without irrigating.” By 1863, Stuart was growing 40 acres of vineyards on his Sonoma County property, a number that would more than double by 1880.

In 1870 the family moved into this grand home, described as “one of the finest and most convenient homes in the valley,” and it became a center for social entertainment. The ranch house was made of stone quarried on the property, and probably constructed with Chinese labor. A barn and other outbuildings were also built of stone covered with plaster.

A railroad line was extended to the land and a small town, also called Glen Ellen, began to grow. In a typical display of chivalric and socially altruistic cooperation, Stuart renamed his ranch Glen Oaks to avoid confusion. A photograph of the house in 1870 shows several workers among the vines and barrels, with the imposing farmhouse in the background. A pencilled caption reading “Glen Oaks Ranch 1870, home of C.V. Stuart,” appears to be in Stuart’s handwriting.

No photograph of Stuart is known at this time to exist. An undated picture owned by the Glen Oaks Historical Society, however, depicts a man in a broad-brimmed hat standing at the gate dividing the main house from the barn. Although it is impossible to tell whether this is a picture of Stuart, it bears some resemblance to the photograph of Stuart’s grandfather, Charles Stewart— with the same prominent cheekbones and recessed chin. But the picture could also be of his son Charles Duff Stuart— if it is of any Stuart at all.

Glen Oaks Ranch prospered, and Stuart was able to send his son, Charles Duff Stuart, to the University of California at Berkeley; this perpetuated his belief in the value of higher education.

In 1906, a novel written by the younger Stuart titled *Casa Grande* was published. The book is worth reading, because it is based upon his memories of Glen Oaks as a young man. Admittedly a rhapsodically sentimental romance characteristic of the times, it still lends great insight into the nature of the times and the character of his father. Charles Duff was sixteen when they had moved into Sonoma Valley, and twenty-six when his father died some ten years later.

It's interesting to note the silent yet attentive presence of the previous peoples of the valley, the Indians working the fields and the Californio servants in the big house. A certain sympathetic understanding of their tragically diminished circumstances can be

read between the lines. And yet the Chinese are remarkably absent from the narrative. It's as though the Chinese Exclusion Act was even at work in this work of fiction— but it's quite understandable, given the times in which it was written.

Nativism and Immigration

Among the worldwide arrivals to California following the Gold Rush were the Chinese, who had fled the outbreak of the Taiping Rebellion against the Manchu dynasty in 1851. 25,000 were in California that year, and signs of racial conflict was beginning to be felt. In 1852 state legislation enacted a burdensome foreign miner's tax that focused particularly upon them, while the California Supreme Court formally denied them various civil rights. Still, while the railroads were being built, the Chinese were allowed to enter California for several years, with increasing discrimination and decreasing opportunity.

After the railroad was built many of them returned to China, but many others remained to build the structures we find throughout the area— the boundary walls, the barns, and the fine homes. An elderly Chinese woman recently stopped by my cabin recently, looking for the buildings her grandfather had helped build. We stood together at the stone foundation of the Chauvet cellar, her hand resting on the stones still there, and talked about his life here and his return to China, a wealthy man for his labors here.

By the late 1870s, conflict over the Chinese had reached a crisis level. Native-born whites and European immigrants accused the Chinese of being dirty and spreading disease; they refused to assimilate, and used strange potions like opium. They degraded the progress of Christian civilization, the whites complained, and missionary work was hopeless. Most importantly, though, the Chinese competed for work with white laborers, driving down wages. These lower wages, argued anti-Chinese writers, forced white laborers into poverty and white women into prostitution.

Leading the demand that “The Chinese Must Go!” was the Workingmen’s Party, a political party formed out of the disbanded International Workers of the World. The I.W.W. had been founded by Karl Marx in 1864 but its power in San Francisco had quickly failed. The Workingmen now supported a platform combining nativism and opposition to corporate power. Alongside social conservatives who worried about the influence of Chinese culture, the Workingmen successfully called for a Constitutional Convention to put down “the heathen Chinees.”

Dennis Kearney, a laboring man of rare personality and strength, was in California at the time. His remarkable oratorical powers gave him great influence among the workers; nor did he fail to criticize Governor Stanford and the other capitalists, particularly those employing Chinese, in the bitterest terms. By his opponents Kearney was characterized as developing into "a violent revolutionist", while his friends termed him the "great and efficient apostle of the laboring classes of California." Kearney was

the moving spirit in organizing the Workingmen's party. Its power in San Francisco was enormous, and in some other portions of the state it was very strong.

A Delegate to the Convention

The first California Constitutional Convention was held in Colton Hall, in the city of Monterey in September and October 1849, in advance of California attaining U.S. statehood the following year. It seems to have been a rather quickly drawn up document that clearly needed revision, as the increasingly complex impact of statehood gradually demonstrated.

The second and definitive California Constitutional Convention was held in the new state capital Sacramento from March 1878 to March 1879. This later constitution took a full year to finalize, and was not ratified until May 7, 1879. Today it is known as the third longest constitution in the world, and has been described by many as "the perfect example of what a constitution ought not to be".

Why Stuart was elected to the Convention can only be guessed at. By 1878, he was a prominent, wealthy citizen, with a reputation as a genuine 49'er and a shrewd businessman. His life story was known, but his political views were not, nor his opinion about the Chinese. We do know that he described himself as a Democrat who changed parties to vote for Lincoln, as had eight others in Sonoma County. But whether his neighbors knew it or not, Stuart was wise enough to see the danger that anti-Chinese sentiment posed to the farming trade. He did not list himself at the convention as either Democrat or Republican, nor of course as a Workingmen, but as an independent "Nonpartisan".

The Constitutional Convention opened on September 28, 1878. The delegates included many prominent Californians, including David S. Terry, former Chief Justice of the State Supreme Court, who had resigned his seat after shooting California Senator David Broderick to death in a duel. (Terry himself would be shot to death in a Fresno tavern by the bodyguard of United States Supreme Court Justice Stephen J. Field.) Terry was only one of many populist delegates who demanded changes in the state's property laws and corporate regulations.

Other delegates were even more unashamedly radical. Los Angeles delegate Charles Ringgold, for example, frankly denounced the United States Constitution as "a political abortion" which had "outlived its usefulness." This was, of course, the nationally emotional time that was leading up to the Civil War.

Remarkably, anti-Chinese delegates openly admitted that they despised the immigrants because they were smart and worked hard. As one Chinese worker recalled, the Chinese "were persecuted not for their vices but for their virtues. No one would hire an Irishman, German, Englishman, or Italian when he could get a Chinese,

because our countrymen are so much more honest, industrious, steady, sober, and painstaking.”

The delegates acknowledged this. “The Chinaman is the result of a training in the art of low life,” said delegate John Miller. “The result of this life is a sinewy, shriveled human creature, whose muscles are as iron, whose sinews are like thongs, whose nerves are like steel wires, with a stomach case lined with brass, a creature who can toil sixteen hours of the twenty-four; who can live and grow fat on the refuse of any American’ laborer’s table... The white man cannot compete in the field of labor with such a being as that... If the white man is to compete with the Chinaman he must adopt a cheaper style of dress, he must inure himself to the cold, he must labor in the night; sleep shall not come to his pillow until the midnight bell tolls the solemn hour. He must arise at the first gray streaks of dawn and at his work. Then what shall be his food? No longer the savory meats, the pure, white bread made by willing hands. No! He must live as the Chinaman lives; work as the beast works; there can be no recreation, no rest, nothing but toil... Our civilization has bred our people to a certain style of life, which to give up is to surrender all that makes life worth living.”

Volney Howard agreed. “Our own security requires that we should turn this tide away from California,” he told the Convention. “If they continue to come in the numbers in which they have been arriving, they will in no time, and at a distant day, drive out the free white laborers by their merciless system of competition, which must inevitably result in their getting the possession and control of the country... It is impossible for the white laborer to compete with him, and as a consequence, he drives off the white man and monopolizes the labor market.”

Delegates competed for ways to exclude the Chinese from the competition for labor. One delegate favored “hamper[ing] them in every way that human ingenuity could invent, so that the ‘heathen Chinese’ himself would see that it was getting too hot for him to attempt to try to make a living here.”

Others advocated licensing laws to forbid the Chinese from getting jobs, or laying heavy taxes on all Chinese immigrants, or confiscating the property of corporations that hired Chinese workers, and even forbidding the bodies of dead Chinese workers from being returned to China. (The Chinese believed their bodies must be interred in China, and would save their earnings to pay for repatriation.)

At one point, the Convention engaged in a particularly cruel joke. After deciding to exclude anyone who was “not capable of becoming a citizen of the United States” — i.e., Chinese immigrants—from owning property, the convention returned to discussing the Bill of Rights. When the delegates came to the clause, “All men are by nature free and independent,” the following exchange took place:

[Charles O’Donnell of San Francisco]: I move to amend by inserting after the word “men,” in the first line, the words “who are capable of becoming citizens of the United States.”

[Thomas McFarland of Sacramento]: I second the amendment. [Laughter.]

The Chairman: The Secretary will read it as amended.

The Secretary read: "All men who are capable of becoming citizens of the United States, are by nature free and independent."

The motion failed, but the fact remained. Finally, on December 9, 1878, Charles Stuart spoke up. "I have been a patient listener in this Convention," he began, "and have not been on the floor since its first organization—over two months ago. I have heard what was said with a great deal of instruction— sometimes; and sometimes with disgust and disappointment."

In a brief speech of four paragraphs, Stuart described his arrival in California, his work as a farmer, and his opposition to any state efforts to defy a federal treaty that permitted Chinese immigration.

He was interrupted by O'Donnell. "You say you have employed hundreds of men; have you not employed hundreds of Chinamen?"

"I have, sir, thousands of them, and hundreds and thousands of white men, too," Stuart answered.

"I thought so," sneered O'Donnell.

"That is what I am coming to now," Stuart continued. "There is not a man in California in my profession, that of farming, but what employs, directly, or indirectly, the Chinaman. The Chinaman becomes your cook, the Chinaman becomes your servant, he becomes your hewer of wood and drawer of water, even in the City of San Francisco."

Stuart recalled the celebrations in San Francisco when California was admitted to the Union, over a quarter century earlier. Stuart had watched the parade from the Mansion House. "[T]he Chinamen, few as they were, were admitted to a post of honor, and they followed the officers of the State and city in the parade," Stuart recalled. But since then, racial hatred over competition for jobs had poisoned the state."

The problem was not that the Chinese were racially inferior, but that white men did not want to compete: "White men we have plenty of here," he said, "We have thousands and tens of thousands of white men traveling this State and the United States, voluntary idlers—not involuntary. We have a class of so-called white laborers that have never worked, never intend to work, and never will work."

Banning Chinese immigration was unconstitutional, Stuart argued; it was a federal matter, and states could not interfere. He spoke nervously, trying to remember all his points: "I am somewhat unaccustomed to this kind of business," he said.

"Consequently I am going to leave that to others who are better posted than myself—after a while."

But then he came to his larger point, and the shorthand reporter captured his words as well as the audience's reaction:

"Chinese immigration is injurious to the country, is it? Chinese immigration to the country has made it what it is. [Derisive laughter.] Labor has made it what it is... It has been labor that has cleared up farms, that has planted fruit trees, that has built cities, that has done everything except the mining, and even then, the tailings we always used to rent to Chinamen in early days. Everything has been done by this labor.

"Mr. Chairman: a year ago last Summer about twenty or thirty white men came up near my place. I went down with others to employ them. I wanted fifteen, I think; another wanted ten or twelve, and so on; and we took them all. After a little they inquired: 'How much will you give?' 'A dollar a day and board.' They wanted a dollar and a half.... They did not want work. They would sooner go to San Francisco afoot; sooner go back to their beer."

The house grew increasingly agitated at Stuart. Charles Beerstecher of San Francisco rose to attack: "I would ask the gentleman if he considers one dollar a day and board fair wages?"

Stuart replied, "it is fair wages. You can get them East for twelve and fifteen dollars a month—that is half a dollar a day."

James O'Sullivan of San Francisco rose for his turn: "I venture to say that the gentleman is an employer of the Chinese," he said.

"Yes," replied Stuart.

"Yes: I knew it the first words that fell from his lips," replied O'Sullivan, "that he had such a hatred of his white fellow man—"

"No," interrupted Stuart, "I employ white men too."

"Keep order!" shouted the Chairman.

The delegates swarmed like hornets, rising to ever greater fury over the Chinese. They were starving white families, they were monsters who were obliterating Western civilization. And, again, they worked hard for little pay.

"If the white man works for a dollar a day," Beerstecher complained, "the Chinaman can work for fifty cents; if the white man can work for fifty cents, the Chinaman will work for ten cents. We cannot compete with them. This is what has driven the boys of San Francisco into hoodlumism and the girls into houses of prostitution."

Stuart sat quietly as the fury continued for the rest of the day, and the next—and for the rest of the week. Only once did he try to speak, but he was ruled out of order. The Convention ignored him.

The whole thing dragged on for months. Delegates agreed on provisions forbidding either state bureaucracies or private corporations from employing the Chinese; prohibiting the Chinese from fishing in Californian waters; prohibiting them from buying, holding, or leasing real estate; voiding all contracts to rent property to the Chinese, and banning "Asiatic coolieism."

Finally, on February 1, 1879, the Convention brought these provisions up for final approval. Stuart rose once more.

"I oppose this article, and I hope every section of it will be stricken out," he began. "Such savage monstrosity has never been penned by man. Is it for Christian men, in this enlightened age, and only for California, to commit this unnatural act of attempting the destruction, by starvation or otherwise, of over one hundred thousand men? Is there anything to be conceived more horrible or more savage?"

Stuart begged the delegates to reconsider their extreme proposals.

"Let us now reflect, and use our better judgment and purer reasons, before we pass this terrible article. Such a barbarous, inhuman, or unnatural proposition has never been conceived or entered the brain of either Pagan or Christian man since the foundation of the world. Talk of the Draconian laws written in blood! These proposals would punish the very virtues of Chinese immigrants: You can trace down the stream of time through all savage life, with its wars, its cruelties, and its slavery, and fail to find its equal or parallel for injustice, treachery, or ingratitude.

"These men, after being invited to our shores, after building our railroads, clearing our farms, reclaiming over one million acres of our swamp and overflowed land, planting our vineyards and our orchards, reaping the crops of the small and the needy farmers, gathering our fruits and berries, digging and sacking our potatoes, supplying our markets with the smaller kinds of fish from the sea, manufacturing our woolen and other goods, cleaning up the tailings of our hydraulic mines, scraping the bedrock of our exhausted mining claims, and relieving most of the householders in this State of the household drudgery which would be imposed upon our wives and daughters, thus contributing to our happiness and true prosperity.

"Sir, after all this, which has added many millions annually to the State and nation's wealth, you would commit treason against our Government by putting this unjust and inhuman article in our organic law. I beg of gentlemen on this floor to pause, to consider well, and not to be carried away through blind prejudice, through political ambition, or through race hatred; but act like civilized, just, and Christian men; not to do an act that would shock all humane men throughout the world, both Christian and Pagan.

"Sir, this is what I plead for, and will ever plead for; and will sympathize with the weak and downtrodden of the world, and hope to ever remain on the side of humanity and justice as long as life shall last. I may well say that Man's inhumanity to man Makes countless thousands mourn [this a quote from Robert Burns]."

Stuart told the convention that he had been attacked in the newspapers and received death threats for his previous speech defending the Chinese. But, he said, "they emanate from sources too low, too filthy, too cowardly, for me to notice. I will now say

that no threats, no fears, no intimidation, no coercion, shall ever deter me for a moment from defending the right or doing my conscientious duty.”

He returned to his subject, and his plea became ever more desperate:

"It is complained that the Chinese are penurious in their diet, and that they live on nothing but rice. The truth is, however, that they live here at a greater cost, and have a greater variety of food... than do most of their Caucasian enemies... Of pork, poultry, fish, and vegetables, they use large quantities, and good, for which they pay high prices... And the general condition of health among them is far better in the country than among their Caucasian enemies... Every night, after their work is done, and frequently before they eat their meal, each and all go through the ablutions from head to foot, and on Sunday their bathing and washing occupy nearly half the day. What a lesson! What an example to their boasting Caucasian persecutors! It would be well for them and the country if they would copy or practice some of their heathen rites— such as cleanliness, economy, and industry... I am told that many [members of the Convention] agree with me. If so, why not speak...?"

"[T]he gentleman from Alameda[,] Mr. Webster...in his fierce denunciation of the Chinese, I asked him whether Italians and others did not compete with them? He answered "The Italians compete with them only because they have been brought up from childhood to labor and economy." What a concession! Economy and labor! Oh, consistency, thou art a jewel. Mr. Reynolds of San Francisco, the ablest St. Paul of their tribe of persecutors, differs from all the rest in his persecution of them. He says he does so on account of their intelligence, industry, and thrift; not on account of their ignorance and filth. I think, sir, I see a ray of light beaming through the dark minds of these benighted persecutors, and hope, like their great leader, they will become converted and sin no more in this way..."

Stuart noticed here that his time was running out, and so he urged the delegates to recognize that Chinese immigrants were hardworking and honorable immigrants:

"Who are they who desecrate the Sabbath? Who form our rioters and our hoodlums? Who fill our alms houses? Who are plotting to overthrow our common schools? Who stuff our ballot boxes? Who are conspiring to overthrow and destroy our Government, and to utterly stamp out liberty, that despotism over conscience, mind, and muscle, may rise upon the ruins...? Who burn our railroad depots? Who threaten the lives of our best citizens? Who are plotting to despoil our wealthy men? Who claim two thirds of our public offices? Not Chinamen. Then who are they? You may search history through all time, and examine the nations of the East through their rise and fall, and you will find China where it now is and has been for over five thousand years. Yet you will fail to find an instance where she has overrun or crowded out a single nation, however near..."

At this point the chairman once again interrupted Stuart, indicating his time was up; and once again another delegate, this time a Mr. Howard of Los Angeles, spoke up,

saying: "I hope the gentleman will be allowed to proceed. He is the pluckiest man in the Convention. I give him my ten minutes."

Stuart replied:

"Thank you, General. As I was saying, on the contrary, her laborers, traders, and merchants have all been encouraged to settle [throughout the world]... Sir, when I was a candidate... [t]hey charged that I had said a Chinaman was better than an Irishman or a Dutchman. I said no such thing; but did say that they had as much right here as either and should be protected the same; and I say so still...

"Give to the children of these people (and some of them native born) the privilege of our common schools in return for the school taxes they pay; cease persecuting them by personal assault, to which the law is blind; stop this disgraceful special legislation against them; stop this relentless, heartless, and inhuman persecution of foreigners...and then, and only then, will we do our duty.

"What right has the State to exact of these men poll and other school taxes, and then legislate against them, prohibiting their children the privilege of her common schools? Why pass and continue to pass arbitrary and oppressive laws against them? Why does the State fail to protect them from murder, arson, and outrage? I charge the city of San Francisco with cowardice in not protecting them in the exercise of their rights of 'life, liberty, and the pursuit of happiness,' which all men are guaranteed under our flag; while they have collected millions of dollars in taxes, licenses, and otherwise, yet they furnish them no protection in return.

"They pass cruel ordinances against them; they harass and annoy them through every device the law can invent, and why are similar outrages heaped upon them in nearly every county, town, village, or hamlet in this state? Tell me; tell me; oh, tell me, why they are not protected like others in their honest toil? Or is this to be the final sum of all villainy? In case the outrages on these people do not cease in this state, and it refuses longer to protect them, then I call upon our Government to give them the ballot, that they may protect themselves. If it does not, then I demand the repeal of all naturalization laws, and to modify all immigration laws, with other nations, under the treaty making power."

Sandefur imagines "there was probably a contemptuous silence in the crowd when Stuart sat. Only one delegate rose to reply; the anti-Chinese provisions were certain to pass. 'I regret that I must differ,'" cracked the delegate. "It is a question between people of our own race, who build homes and build up the county, and the heathen, who band together like brutes, and I must choose the former."

Finally, on February 1, 1879, the Convention brought these provisions up for final approval.

Stuart rose once more. "I oppose this article, and I hope every section of it will be stricken out," he began.

"I beg of gentlemen on this floor to pause, to consider well, and not to be carried away through blind prejudice, through political ambition, or through race hatred; but act like civilized, just, and Christian men; not to do an act that would shock all humane men throughout the world, both Christian and Pagan. Sir, this is what I plead for, and will ever plead for; and will sympathize with the weak and downtrodden of the world, and hope to ever remain on the side of humanity and justice as long as life shall last."

His words however fell on deaf ears. The constitution was signed, and the abhorrent Chinese Exclusion Act was established soon afterwards, signaling the start of decades of institutionalized racism to follow.

The following year Charles Stuart died quietly upstairs in this home he had built, here in Sonoma Valley, on August 13th, 1880. His wife, Ellen, continued to manage the vineyards several years afterwards with her son, Charles Duff Stuart. And the question of immigration into California has never since been satisfactorily resolved.