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Conditional freedom : free soil and fugitive slaves from the US South to Mexico's Northeast, 1803-1861

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PART 2

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CRAFTING FREEDOM

III

Self-Liberated Slaves and Asylum in Northeastern Mexico, 1803-1836

Introduction

During one of his several trips to Mexican Texas to promote black emigration from the US to Mexico, abolitionist Benjamin Lundy arrived at San Antonio de Bexar in August 1833 and recognized a “free black man” named Mathieu Thomas, whom he had met the previous summer in Nacogdoches. According to Lundy, the man was originally from North Carolina and had been brought to the region as a slave by his owner in the 1820s, but had been subsequently manumitted. Now employed as a blacksmith in Bexar, he appeared to be doing well for himself and he enthusiastically asserted that “the Mexicans pay him the same respect as to other laboring people”, regardless of the color of his skin. What Lundy was apparently not aware of was that Mathieu Thomas was in fact not a free black man at all, but rather a fugitive from slavery.¹ His apparent success in Mexico (which neatly fit with Lundy’s goal of presenting Mexico as a racial haven), moreover, obscured a series of fierce struggles the blacksmith had had to overcome in order to secure his own freedom in the years before the Texas Revolution, as we will see.

Countless fugitive slaves settled in the Mexican Northeast prior to Texan independence in 1836. However, a thorough analysis of refugees’ experiences upon arrival during this period, such as those of Mathieu Thomas, is largely lacking in the scholarly literature. Indeed, the growing historiography on slave flight and the experiences of self-liberated bondspeople in the northeastern borderlands of New Spain/Mexico has largely focused on the four decades spanning from Mexican independence to the US Civil War, with an emphasis on the Texas-Mexico borderlands after 1836.² By contrast, the first third of the nineteenth century has received far less scrutiny, and research on the experiences of freedom and unfreedom for self-liberated US slaves in the New Spain/Mexico northeastern borderlands before 1836 – in the context of Mexico’s independence and gradual abolition of slavery, and the evolution of its asylum policy (particularly in its northeastern fringes) for foreign fugitive slaves – remains for the most part in its infancy.³

¹ Thomas Earle, *The life, travels and opinions of Benjamin Lundy, including his journeys to Texas and Mexico, with a sketch of contemporary events, and a notice of the revolution in Hayti*, (Philadelphia: W.D. Parrish, 1847), 48.

² Rosalie Schwartz, *Across the Rio to Freedom: US Negroes in Mexico* (El Paso: Texas Western Press, 1975); Sean M. Kelley, “Mexico in his head: Slavery and the Texas-Mexican Border, 1810-1860”, *Journal of Social History*, 37:3 (2004), 709-723; James David Nichols, “The Line of Liberty: Runaway Slaves and Fugitive Peons in the Texas-Mexico Borderlands”, *Western Historical Quarterly*, v.44, n°4 (2013), 713-733; Sarah E. Cornell, “Citizens of Nowhere: Fugitive Slaves and Free African Americans in Mexico, 1833-1857”, *Journal of American History*, 100:2 (2013), 351-374.

³ James Harrison, “The failure of Spain in East Texas: The Occupation and Abandonment of Nacogdoches, 1779-1821”, Ph.D. Diss. (Lincoln: University of Nebraska, 1980); Lance Blyth, “Fugitives from Servitude: American Deserters and Runaway Slaves in Spanish Nacogdoches, 1803-1808”, *East Texas Historical Journal*, v.38, issue 2 (2000), 3-14.

This chapter will examine settlement patterns and the (geo)political repercussions of slave flight to northeastern Mexico between 1803 and 1836. How did escaped bondspeople experience settlement in New Spain/Mexico before the secession of Texas? To what extent were they granted freedom(s), and if so, what kinds of freedom and through which strategies were they achieved? How did Spanish and Mexican (local and national) authorities respond to the arrival of US fugitive slaves, and to what extent were official policies enforced in practice? How did slave flight to Mexico affect relations between borderland communities and state governments?

Drawing extensively upon municipal and state records, this chapter will explore these questions chronologically. The first part of the chapter traces the experience of US fugitive slaves in late colonial Mexico from the Louisiana Purchase in 1803 to Mexican independence in 1821, examining in what ways their reception and status in northeastern Mexico was entangled with local borderlands politics as well as with wider geopolitical developments in the Atlantic world. The second part of the chapter analyzes the settlement of enslaved absconders from the cotton states in early independent Mexico (1821-1836), with a special emphasis on the conflicting trends of the Mexican abolition of slavery, on the one hand, and US westward expansion and the spectacular expansion of slavery into the Mexican province of Texas, on the other.

Slave Refugees in Late Colonial New Spain (1803-1821)

Imperial Contests and Borderland Interactions in Late Colonial Circum-Caribbean and North America

In order to fully understand fugitive slaves' settlement practices and their political consequences for the region, it is important to sketch the ever-evolving landscape of slavery and freedom prior to Mexico's independence. Spanish America had long enjoyed a reputation for granting asylum to foreign fugitive slaves, even before US slaves began trickling into Mexico. As early as the seventeenth century, asylum policies were employed as part of a geopolitical strategy in Spain's broader contest with other European powers over land and population resources in the Circum-Caribbean and North America (see table 6). Despite the legal sanction of slavery in the Spanish empire, colonial administrators in the Americas early on foresaw the disruptive potential of welcoming fugitive slaves from foreign possessions in order to weaken imperial competitors by draining their colonies of their workforce. This Spanish sanctuary policy began as a patchwork of local provisions and grew more extensive over time. It began with the island of Trinidad in 1680, Florida in 1693 and Venezuela in 1704. Freedom for enslaved fugitives was usually conditional upon their conversion to Roman Catholicism. These early local decrees paved the way for a more extensive asylum policy put forward in Fernando VI's *Real Cédula*, which on 24 September 1750 stated that slaves from Protestant empires would be declared free in Spanish domains upon conversion to Catholicism.

Date (and confirmations)	Place
Mar. 1680 (May 1680, May & Aug. 1740, Feb. 1773)	Trinidad
Nov. 1693 (Oct. 1733)	Florida
June 1704	Venezuela
Dec. 1739	Central America
Sep. 1750 (Apr. 1789)	Spanish America (all encompassing)
Oct. 1764	Hispaniola

Table 6: Main royal decrees and provisions for the Spanish free-soil policy in the early modern Americas (1680-1789).

Sources: note 4.

During the second half of the eighteenth century, then, Spain's sanctuary policy offered better prospects for slaves from neighboring colonies. Mostly justified by religious motives, asylum was occasionally granted for humanitarian reasons, as in the case of fugitive slaves from the French side of Hispaniola who had absconded because of maltreatment in 1764. Carlos IV's *Real Orden* on 14 April 1789 reiterated the protection provided to foreign escaped slaves on Spanish soil. Some months later though, the empire "temporarily revoked" asylum in its American colonies on 17 May 1790, due to the widespread fear of revolutionary contamination that followed the French and Haitian Revolutions and the pressures exerted by the British planters in North America on Florida regarding ending its sanctuary policy.⁴

Parallel to the development of Spanish asylum policies, the French began to colonize Louisiana as part of New France after René Robert Cavelier de La Salle symbolically took possession of the territory for the French King in 1682. In its early years, the French empire employed Basse-Louisiane (roughly corresponding to

⁴ UT(A), Briscoe, BA, reel 20, frame 466, "Lieutenant Manuel de Espada to Martínez Pacheco, 14 Aug. 1790". On Spain's asylum policy: Manuel Lucena Salmoral, *Leyes para Esclavos: el Ordenamiento Jurídico sobre la Condición, Tratamiento, Defensa y Represión de los Esclavos en las Colonias de la América Española* (CD-ROM Colección Proyectos Históricos Tavera, Madrid, 2000); Manuel Lucena Salmoral, *Regulación de la Esclavitud en las Colonias de América Española (1503-1886): Documentos para su Estudio* (Alcalá de Henares, Madrid: Universidad de Alcalá; Murcia: Universidad de Murcia, 2005); Maria Verónica Secreto, "Asilo: Direito de Gentes. Escravos Refugiados no Império Espanhol", *Revista História*, São Paulo, n°172 (January-June 2015), 197-219; Linda M. Rupert, "Marronage, Manumission and Maritime Trade in the Early Modern Caribbean", *Slavery & Abolition*, 30:3 (2009), 361-382; Linda M. Rupert, "'Seeking the Water of Baptism': Fugitive Slaves and Imperial Jurisdiction in the Early Modern Caribbean", in Richard J. Ross, Lauren Benton, *Legal Pluralism and Empires, 1500-1850* (New York: New York University Press, 2013), 199-232. For an analysis of Spain's asylum policy to foreign escaped slaves, in the context of eighteenth-century Spanish Florida, see Jane Landers, *Black Society in Spanish Florida* (Chicago: University of Illinois Press, 1999), 24-45 and 75-83. Spain's sanctuary policy towards foreign escaped slaves was rooted in the provisions of the *Siete Partidas*, as the Fourth *Partida*, Title 21, Law 8 in particular outlawed the possession of Christian slaves by non-Christian individuals (*Las Siete Partidas del Sabio Rey D. Alonso, extractadas por el Licenciado D. Ignacio Velasco Pérez y una sociedad de abogados del Ilustre Colegio de esta Corte* (Madrid: Imprenta de los señores viuda de Jordán é hijos Editores, 1843).

present-day state of Louisiana) as a back colony for its thriving Saint-Domingue. The introduction of enslaved African Americans by French creole planters slowly began during the first third of the eighteenth century, and from the 1720s onwards, incidences of slaves running away gradually increased. Escaped bondspeople took refuge in swamps, forests, among Native American populations or within urban environments. They also occasionally crossed the Sabine River to Spanish Texas in an attempt to reach freedom through *grand marronage*. However, no royal decree or provision officially granted freedom to these fugitives, and the 1750 *Real Cédula* did not apply to escaped slaves from the (formally Catholic) French possessions. Policymaking in the Louisiana-Texas borderlands was simply left to local officials, who alternatively sheltered or delivered the few runaways arriving from Louisiana. In April 1753, the governor and captain general of Texas (1751-1759) Jacinto de Barrios y Jauregui proposed to grant asylum to slaves escaping from the French post of Natchitoches to the *presidio* of Los Adaes (one of the two posts, with Bucareli, often reached by runaways at the time), but he received no support from his Vice-Royalty on the matter.⁵ As Louisiana was subsequently integrated into the Spanish empire between 1763 and 1800, slaves absconding between the former French province and Texas were considered “internal” runaways and therefore actively pursued by colonial administrators and sent back to their masters. As the eighteenth century drew to a close, large-scale plantation slavery began to develop in Louisiana. The numbers of cross-border fugitives rose accordingly, generating frequent exchanges between Spanish agents in Louisiana and Texas on the subject.⁶ Following a brief French interregnum (1800-1803), the acquisition of Louisiana by the US in 1803 provided an unprecedented stimulus to the expansion of cotton and sugar production in the Mississippi delta region, bringing an army of enslaved newcomers to the territory. Combined with the particular harshness of slavery in the US Lower South and the

⁵ Charles W. Hackett (ed.), *Pichardo's Treaties on the Limits of Louisiana and Texas* (Austin: University of Texas Press, 1946), v.4, 65-66, “Jacinto de Barrios y Jauregui to Viceroy de Revillagigedo, 17 April 1753”; Francis X. Galán, “Last Soldiers, First Pioneers: the Los Adaes border community on the Louisiana-Texas Frontier, 1721-1779”, PhD Diss. (Southern Methodist University, 2006), 117-119. On fugitive slaves in Louisiana and the Mississippi region in the late colonial period: Gwendolyn Midlo Hall, *Africans in Colonial Louisiana, the Development of Afro-Creole Culture in the Eighteenth Century* (Baton Rouge: Louisiana State University Press, 1992), 98-118, 142-148 and 202-236; Sylviane Diouf, *Slavery's Exiles: the Story of the American Maroons* (New York and London: New York University Press, 2014), 33; Rosalie Schwartz, *Across the Rio to Freedom: US Negroes in Mexico* (El Paso: Texas Western Press, 1975), 5-6; Sean M. Kelley, “Mexico in his Head: Slavery and the Texas-Mexican Border, 1810-1860”, *Journal of Social History*, 37:3 (2004), 711.

⁶ For the three years leading to the Louisiana Purchase: BA, reel 29; frame 430, “Felix Trudeauaux to Governor of Texas, 29 March 1800”; BA, reel 29, frame 744, “Casa Calvo to Elguezabal, 17 Oct. 1800”; BA, reel 29, frame 1032, “Casa Calvo to Elguezabal, 26 March 1801”; BA, reel 30, frame 103, “Casa Calvo to Elguezabal, 9 June 1801”; BA, reel 30, frame 324, “Elguezabal to Casa Calvo, 29 Sep. 1801”; BA, reel 30, frame 324, “Elguezabal to Carrasco, 11 Nov. 1801”; BA, reel 30, frame 442, “Elguezabal to Manuel de Salcedo, 4 Dec. 1801”; BA, reel 31, frame 567, “Ugarte to Elguezabal, 3 Sep. 1803”; RBBC, BA, v.20, 5; James Harrison, “The failure of Spain in East Texas: the Occupation and Abandonment of Nacogdoches, 1779-1821”, PhD Diss. (Lincoln: University of Nebraska, 1980), 207; H. Sophie Burton, F. Todd Smith, *Colonial Natchitoches: A Creole Community on the Louisiana-Texas Frontier* (College Station: Texas A&M University Press, 2008), 71.

erasure, through the 1806 Black Code, of the progressive Spanish legislation on slave rights and treatment passed during the late eighteenth century, this process sparked an increase in slave resistance in territorial Louisiana which culminated in the 1811 German coast uprising.

As the first slaves from the US territory of Orleans (or territorial Louisiana) started appearing after 1803 in Texas, Spanish administrators on both sides of the border wondered which piece of legislation should prevail. Was the “temporary” revocation of free-soil policy in 1790 still in legal force, undermining the protective dispositions of Carlos IV’s Royal Decree of 1789? Was it applicable to Texas at all? Were foreign runaways to be protected or not and, if so, under which terms? In July 1803, Nemesio Salcedo, the general commandant of the Eastern Internal Provinces (*Provincias Internas de Oriente*), decided to base his policy on the Royal Decree of 1789, either dismissing or ignoring for the time being the Royal Order issued a year later. Salcedo’s enforcement of a pro-sanctuary policy was tantamount to setting a boundary between slavery and freedom for self-emancipated slaves from Louisiana.⁷

The Spanish empire’s acceptance of foreign escaped slaves in eastern Texas also stemmed from several practical motives. First, protecting fugitive slaves from the US could weaken the rival’s fast-growing plantation slavery in the Mississippi delta region, which was the cornerstone of US economic and political westward expansion and thereby threatened Spanish sovereignty in eastern Texas, where development had stagnated in the eighteenth century. Second, as new settlers, runaways from the US would contribute to the economic development of the borderlands and strengthen the demographic presence of the empire in the province. This was important, since settlers from the heart of New Spain came in chronically insufficient numbers to the northeastern part of the Viceroyalty. Interestingly, Carlos IV simultaneously encouraged the introduction of African American slaves for the agricultural development of the Eastern Internal Provinces through a *Real Cédula* (April 1804). In this context, as Eric Herschtal has argued, “escaped slaves could be used as a bargaining chip in local diplomatic relations” along the Sabine River, while sheltering slave refugees from territorial Louisiana represented a symbolic assertion of clear sovereignty over an endangered territory.⁸ In August 1805, Nemesio Salcedo dispatched orders to Texas stating that any hostile US action over Texas would trigger

⁷ BA, reel 31, frame 442, “N. Salcedo to Elguezabal, 3 July 1803”; *ibid.*, reel 38, frame 180, “N. Salcedo to Gov. Cordero, 31 May 1808”; Harrison, “The failure of Spain in East Texas”, 207. Nemesio Salcedo’s claim that he was not aware of the 1790 royal order’s existence until May 1805 seems to validate this second hypothesis (AGI, Guadalajara, 398, “N. Salcedo to Ceballos, 9 July 1805”).

⁸ BA, reel 32, frame 273, “Certified copy of royal decree requesting information as to the need of negro slaves in Interior Provinces for the encouragement of agriculture, 22 April 1804”; Eric Herschtal, “Slave, Spaniards and Subversion in early Louisiana: the Persistent Fear of Black Revolt and Spanish Collusion in Territorial Louisiana, 1803-1812”, *Journal of the Early Republic*, n°36, (Summer 2016), 289.

a public declaration granting freedom to foreign fugitive slaves crossing the Sabine River.⁹

Settlement and (Re)-Settlement

Once in New Spain, slave refugees could opt for strategies of formal or informal settlement. In other words, they could attempt to gain legal freedom from Spanish military and civilian administrators, or deliberately stay out of the reach of the agents of the empire. Following Aron and Adelman's terminology, the "borderland" that stretched from Natchitoches to Nacogdoches did not yet form a "bordered land". In the first decade of the nineteenth century, transgressors of national laws could easily find refuge on either side of the Sabine River, especially given that in November 1806, a "neutral ground" was constituted in part of the borderlands (upon which no state could claim sovereignty), since the two governments could not agree on clear boundaries.¹⁰ Settlers were formally banned from the strip, yet this provision went largely unheeded, as frontier bandits, criminals, mercenaries, deserters and illegal settlers soon invested this grey zone. Slaves absconding from Louisiana entered a jurisdictional limbo when setting foot on this neutral ground. Reaching a legally ambiguous space, they found themselves on neither US territory nor Spanish soil.¹¹ In December 1811, John Sibley, the US Indian Agent in post at Natchitoches (1805-1814), regretted that the neutral ground had turned into a refuge for escaped slaves, as for instance west of Big Woods, in the western part of Calcasieu Parish. Further north, at Pecan Point on the Red River, escaped bondspeople mingled among other fugitives from justice, squatters, hunters, traders and all sorts of traffickers. Pecan Point represented, in Sibley's words, "an asylum for runaway negroes and all bad people".¹²

⁹ Christina Marie Villarreal, "Colonial Border Control: Reconsidering Migrants and the Making of New Spain's Northern Borderlands, 1714-1820", Master Thesis (Austin: University of Texas, 2015), 42-70. On *comandante general* Nemesio Salcedo, consult in particular: Arturo Berrueto González, *Diccionario Biográfico de Coahuila* (Saltillo: Gobierno del Estado de Coahuila, Consejo Editorial, 1999), 533; Juan Villasana Haggard, "The Neutral Ground between Louisiana and Texas, 1806-1821", *Louisiana Historical Quarterly*, n°28, (October 1945), 142.

¹⁰ Blyth, "Fugitives from Servitude", 4; Jeremy Adelman, Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the People in Between in North American History", *The American Historical Review*, v.104, n°3 (1999), 814-841. On the "neutral ground": Villasana Haggard, "The Neutral Ground", 1001-1128. As the US and Spain were unable to define a clear border in this contact zone, and fearing that tensions over the issue might escalate into an open conflict, this agreement was reached between lieutenant colonel Simon de Herrera and US general James Wilkinson, by which none of their governments would be allowed to claim sovereignty over the lands located east of the Arroyo Hondo and west of the Sabine River.

¹¹ Matthew Babcock, "Roots of Independence: Transcultural Trade in the Texas-Louisiana Borderlands", *Ethnohistory*, v.60, n°2 (2013), 259; Felix D. Almaraz Jr., *Tragic Cavalier: Governor Manuel Salcedo of Texas, 1808-1813* (College Station: Texas A&M University Press, 1991), 17-18; David Head, "Slave Smuggling by Foreign Privateers: The Illegal Slave Trade and the Geopolitics of the Early Republic", *Journal of the Early Republic*, v.33, n°3 (fall 2013), 452.

¹² Julia Kathryn Garrett (ed.), "Dr. John Sibley and the Louisiana-Texas Frontier, 1803-1814", *Southwestern Historical Quarterly*, XLIX (Jan. 1946), 403-404; Jack Johnson, "Nicholas Trammell's difficulties in Mexican Texas", *East Texas Historical Journal*, v.38, issue 2 (Oct. 2000), 18-19; Odie B. Faulk, "The Penetration of Foreigners and Foreign Ideas into Spanish East

Apart from this quest for *informal* freedom, fugitive slaves also attempted to gain *formal* freedom from the agents of the Spanish empire in New Spain. Some of them journeyed deep into its interior, as far as the Pacific coast. The slave “Juan Bron” (in Spanish sources) deserted from a schooner (likely engaged in the illegal otter fur trade) in the Bay of San Quintín (Baja California) in March 1804. He arrived at the *presidio* of San Diego (Alta California) three months later, looking for freedom. The “*negro Americano*” was kept in custody, living mostly on maize, beans and some beef. By the month of November, a local military commandant commissioned captain Agustín Bocalan to transfer Juan Bron to the port of San Blas (in present-day Nayarit) aboard his *Princesa*, from where the refugee was conducted to Guadalajara. At the Real Audiencia, the fugitive expressed his desire to convert to Catholicism and, as his office as a carpenter allowed him to make a decent living, he was likely set free by the institution.¹³ Closer to the northeastern edges of New Spain, Pedro introduced himself as a refugee from slavery to officer José de Jesús Rodríguez at the *presidio* of San Juan Bautista del Río Grande (Guerrero after 1827) in Coahuila. Likewise, a man named Evangéliste who had fled during the spring of 1808 from Emmanuel Prudhomme (the owner of fifty-eight slaves in 1810) decided to pass himself off as free and changed his name to “Manuel” when residing in San Antonio, where he worked for a priest named Cembrano. Yet the vast majority of slaves fleeing from the US settled in the easternmost fringes of Spanish Texas. Across the border, self-liberated slaves from Louisiana settled in the frontier towns of Nacogdoches and Trinidad de Salcedo.¹⁴

Nacogdoches (a town developed around the foundations of an old mission established in 1716) represented the gateway to Spanish Texas. Its settlers maintained intense cross-cultural and economic ties with western Louisiana, eluding restrictions imposed by the Spanish empire on trade with foreign powers. Complementing agriculture and ranching, contraband trade (including with Amerindians) flourished along the Sabine River. As slave traders from New Orleans and Natchez expanded their networks across the border, at the turn of the nineteenth century Nacogdoches had twice as many slaves as the rest of the province (enslaved African Americans numbered 56 out of 811 inhabitants by 1805, apart from free blacks). Escaped slaves from Louisiana thus settled in a small, albeit visible, black community.¹⁵ Further west, the *villa* of Trinidad de Salcedo was founded in January 1806 with the purpose of

Texas, 1793-1810”, *East Texas Historical Journal*, v.2, issue 2 (1964), 87-98; Cooper K. Ragan, “The Diary of Captain George W. O’Brien, 1863”, *The Southwestern Historical Quarterly*, v.67 (July 1963-April 1964), 45.

¹³ AGN, PI, v.18, e.6. The population of *presidio* of San Diego numbered 160 inhabitants by 1803, alongside the 1593 inhabitants hosted by the neighboring mission of San Diego. Martha Ortega Soto, *Alta California: una frontera olvidada del noroeste de México, 1769-1846* (México: Universidad Autónoma Metropolitana, Unidad Iztapalapa, 2001), 133-134.

¹⁴ BA, reel 41, frame 885, “Rodríguez to Manuel de Salcedo, 27 June 1809”; *ibid*, reel 40, frame 153, “Emmanuel Prudhomme to Cordero, 15 Feb. 1809”.

¹⁵ Felix D. Almaraz Jr., *Tragic Cavalier: Governor Manuel Salcedo of Texas, 1808-1813*, (College Station: Texas A&M University Press, 1991), 11; Matthew Babcock, “Roots of Independence: Transcultural Trade in the Texas-Louisiana Borderlands”, *Ethnohistory* 60, no. 2 (2013), 249-250.

settling an intermediary military and civilian post between San Antonio de Bexar, the province's capital, and Nacogdoches. Designed according to the urban template for the foundation of *villas* of the *Provincias Internas* passed in August 1783, Trinidad's initial population consisted of twenty-three settlers who had relocated from Louisiana after 1803 along with five families from Bexar and a unit of cavalry soldiers.¹⁶ Enslaved freedom-seekers from the US sought refuge in Trinidad very early on. Zebulon Pike's expedition, for instance, found "a number of runaway negroes" as well as "some Frenchmen and Irishmen" along the Trinity River in June 1807.¹⁷

In these two towns, Spanish officials exerted a close scrutiny over slave refugees. In December 1807, *comandante general* Nemesio Salcedo commissioned a "general report on the black fugitive slaves" ("*Relación general de los negros esclavos fugitivos*") residing in Nacogdoches and Trinidad de Salcedo. The inquiry exposed their background experiences, their motives for escape as well as an assessment of their current situation, in order to ascertain the economic utility of the refugees in the settlements.¹⁸ As the number of fugitives had increased by the end of the decade, borderlands military and civilian officials were wary not to host burdensome settlers in eastern Texas, displaying concern that the arrival of slave refugees might economically destabilize the always-fragile settlements.¹⁹ In Nacogdoches though, by January 1808, all the enslaved freedom-seekers were employed for wages hovering around eight to ten *pesos* per month. Most of the asylum-seekers found work in agriculture and stock raising.²⁰ For instance, the enslaved freedom-seeker "Peray" worked on Indian trader William Barr's ranch.²¹ Additionally, some others were employed as domestic servants throughout the town (such as "Juan Luis" and "Margarita"), including by military

¹⁶ AGN, Estado, 37, n°28, "Nemesio Salcedo, sobre traslación de familias de la Luisiana a Texas, Chihuahua, 1 Jan. 1805"; Bradley Folsom, "Trinidad de Salcedo: A Forgotten Villa in Colonial Texas, 1806-1813", *East Texas Historical Journal* 52, no. 2 (2014), 49-78; Jean I. Epperson, *Lost Spanish Towns: Atascosito and Trinidad de Salcedo* (Woodville: Dogwood Press, 1996), 42-71; Ernesto de la Torre Villar, Ramiro Navarro de Anda, *Coahuila: Tierra Anchurosa de Indios, Mineros y Hacendados* (México: Sidermex, 1985), 313; Mattie Alice Austin Hatcher, *The Opening of Texas to Foreign Settlement, 1801-1821* (Austin: Texas University, 1927), 102.

¹⁷ Zebulon Montgomery Pike, *An account of expeditions to the sources of the Mississippi, and through the western parts of Louisiana, to the sources of the Arkansaw, Kans, La Platte, and Pierre Jaun rivers* (Philadelphia: C. & A. Conrad, 1810), 273; Josiah Conder, *The Modern Traveller: a description, geographical, historical and topographical of the various countries of the globe, in thirty volumes. v.26, Mexico (continued), Guatemala* (London: James Duncan, 1830), 116.

¹⁸ BA, reel 37, frames 465-466, "Cordero to Viana, 14 January 1808"; BA, reel 37, frames 495-496, "López Prieto to Cordero, 21 Jan. 1808"; BA, reel 37, frames 503-509, "Viana to Cordero, 22 Jan. 1808"; BA, reel 37, frames 643-644, "Cordero to Nemesio Salcedo, 9 Feb. 1808"; BA, reel 37, frames 820-831, "Nemesio Salcedo to Cordero, 8 March 1808".

¹⁹ Almaraz Jr., *Tragic Cavalier*, 47.

²⁰ BA, reel 39, frame 549, "López Prieto to Manuel Salcedo, 6 Dec. 1808".

²¹ Francis X. Galán, Joseph N. de León, "Comparative Freedom in the Borderlands: Fugitive Slaves in Texas and Mexico from the age of Enlightenment through the U.S. Civil War", in Milo Kearney, Anthony Knopp, Antonio Zavaleta, *Ongoing studies in Rio Grande Valley History*, (Brownsville: Texas Center for Border and Transnational Studies, University of Texas Brownsville and Texas Southmost College, 2011), v.10, 33.

personnel, such as officer José María Guadiana.²² Yet some of the new settlers also made a living through smuggling and petty theft. In February 1808, the young refugee “Luis” was detained in Nacogdoches for stealing some property belonging to *vecino* José Ignacio Ibarbo.²³ Apart from inquiring into the economic use of slave refugees, the agents of the Spanish empire in eastern Texas were instructed to closely scrutinize their moral and religious conduct as well. Officials in Nacogdoches and Trinidad de Salcedo sought to ensure that the escaped slaves genuinely respected their conversion to Roman Catholicism (if they had converted upon their arrival), married following the settled ceremony and respected pledges to live a marital life (*vida maridable*). Such promises were not always kept. It was soon established, for instance, that two escaped slaves in the *villa* of Trinidad publicly maintained an extra-marital relation (*amancebamiento*), to the great dismay of local officer Pedro López Prieto.²⁴

Resettlement represented another form of control by colonial agents over self-emancipated slaves. When judged economically or politically expedient, the Spanish side regularly relocated slave refugees from Louisiana deeper into the interior of Texas, officially out of a concern to protect them. In August 1806, Nemesio Salcedo argued that some freedom-seekers unable to find employment in eastern Texas “due to the bad qualities of said negroes” (referring here to injuries and diseases experienced during slavery) were to be transferred to other settlements.²⁵ Trinidad de Salcedo, for instance, regularly received re-settled fugitive slaves from the eastern fringes of Texas. The personal diary of commandant López Prieto mentioned that on 27 June 1808, “two deserters from the United States and a fugitive mulatto slave” had arrived from Nacogdoches.²⁶ A month earlier, *comandante general* Salcedo had ordered the transfer (completed during the fall) of twenty-seven escaped slaves from Nacogdoches to the *villa*. This decision stemmed from a concern to de-escalate border tensions by discouraging groups of US slave-hunters and Amerindians who had been dispatched to retrieve the fugitives.

Challenging or Asserting Asylum Policy: the Salcedo-Ugarte Controversy

In Spanish Texas, Salcedo’s free-soil policy soon received its first challenge, as the first groups of slaves began crossing the Sabine River. A posse led by tobacco planter Alexis Cloutier from Natchitoches that was pursuing nine fugitives arrived at Nacogdoches on 23 October 1804, and threatened the Spanish military commandant José Joaquín Ugarte that they would continue their search westward if necessary.²⁷ The military

²² BA, reel 37, frame 493, “Report of Guadiana, 21 Jan. 1808”; Harrison, “The failure of Spain in East Texas”, 213.

²³ BA, reel 37, frames 728-729, “Viana to Cordero, 20 Feb. 1808”; *ibid.* reel 37, frame 796, “Cordero to Viana, 3 March 1808”.

²⁴ BA, reel 39, frames 393-399, “Prieto to Manuel de Salcedo, 22 Nov. 1808”.

²⁵ BA, reel 34, frames 947-960, “Nemesio Salcedo to Cordero, 14 Aug. 1806”.

²⁶ Epperson, *Lost Spanish Towns*, 50, “Diary of López Prieto, 27 June 1808”.

²⁷ Dunbar Rowland, *Official Letter books of W.C.C. Claiborne, 1801-1816* (Jackson: State Department of Archives and History, 1917), v.2, 382-387.

commandant in Natchitoches urged his counterpart to act for a “good understanding” between both nations. A former Spanish governor in Louisiana (Casa Calvo) also suggested returning the fugitives following the Royal Order of 17 May 1790, in the hope that the restitution would prevent border conflicts.²⁸ Under pressure from diverse fronts, Ugarte on his own initiative ordered the arrest of the escaped slaves. After a first unsuccessful search, two inhabitants spotted the fugitives along the Attoyac River, and a second expedition formed by six soldiers was dispatched to arrest and deliver them to Cloutier.²⁹ Once in Natchitoches, some of the former absconders were confined in the town’s jail (in particular fugitives who had stolen property from their masters), as according to Claiborne, “their liberation would give alarm to the good Citizens”.³⁰ Ugarte’s improvised decision brought him into conflict with his superior, *comandante general* Nemesio Salcedo, who disapproved of the restitution. From Nacogdoches, Ugarte advocated ignoring the royal order of 1789, and added that the restitution of fugitive slaves from Louisiana prior to its purchase by the US in 1803 had been the custom. For Salcedo, by contrast, military commandants on the frontier were to keep hold of foreign escaped slaves until receiving a clear instruction from the Spanish King on the subject (for which he wrote to Viceroy Iturrigaray in January 1805, without success).³¹ Ugarte’s arguments did not convince Salcedo, and the following month, Dionisio Valle replaced him and received strict orders not to return foreign runaways.³²

Salcedo’s asylum policy stood firm during the following years. In January 1808, Salcedo (who was still waiting for orders from Spain and the Viceroy) instructed governor Antonio Cordero that the planned expulsion of undocumented foreigners from eastern Texas did not “include nor ought to include the negro slaves who present themselves in order to obtain their freedom”.³³ An exception to the rule came in 1806. Eight slaves absconded from Opelousas (western Louisiana) to Nacogdoches during the summer. Military commandant Francisco Viana initially denied restitution to their master, yet the prospect of further aggravating an already tense geopolitical situation eventually prompted the borderlands officials to order their delivery.³⁴

²⁸ AGN, PI, v.200, e.3, “Casa Calvo to Ugarte, 10 Nov. 1804”, “Ugarte to Elguezabal, 26 Dec. 1804”; BA, reel 32, frames 743-744; NARA (College Park, MD), RG 59 T-260, State Department Territorial Papers, Orleans Series, reel 5, “Turner to Ugarte, 15 Oct. 1804”; Harrison, “The Failure of Spain in East Texas”, 208; Herschtal, “Slave, Spaniards and Subversion in Early Louisiana”, 290.

²⁹ BA, reel 32, frames 707 and 786; RBBC, BA, v.20, 242-244; Harrison, “The Failure of Spain in East Texas”, 208-210; Herschtal, “Slave, Spaniards and Subversion in Early Louisiana”, 289-290; Galán and De León, “Comparative Freedom in the Borderlands”, 32. On Alexis Cloutier: H. Sophie Burton, F. Todd Smith, *Colonial Natchitoches: A Creole Community on the Louisiana-Texas Frontier* (College Station: Texas A&M University Press, 2008), 160.

³⁰ Clarence Edwin Carter, *The Territorial Papers of the United States* (Washington, DC: Government Printing Office, 1940), v.9, 335 and 388.

³¹ AGN, PI, v.200, e.3, “Memorandum of Nemesio Salcedo to Viceroy Iturrigaray, 23 Jan. 1805”; BA, reel 33, frames 361 and 538-539; Babcock, “Roots of Independence”, 249.

³² BA, reel 33, frames 8, 15 and 23-4; Harrison, “The Failure of Spain in East Texas”, 209-210.

³³ Rowland, *Official Letter Books*, v.4, 166-167.

³⁴ BA, reel 34, frames 777, 880 and 947; AGI, Estado, 35, n.91, “Cartas del Comandante General de Provincias Internas (nº21, undated 1806)”; SEDNA, Expediente 1191, “Correspondencia de d.

As Ugarte's unilateral initiative and this last example illustrate, whether or not foreign escaped slaves were to receive *amparo* (protection) remained closely tied to the evolving balance of power in the Texas-Louisiana borderlands during the first decade of the nineteenth century. Securing the border along the Sabine River and preserving the few settlements Spain had in eastern Texas stood as the primary concern of local colonial administrators. The protection provided to foreign fugitive slaves could jeopardize the territorial integrity of the Spanish empire in its northernmost province, particularly by encouraging illegal expeditions launched to retrieve the runaways. Under pressure, Ugarte prioritized the maintenance of sovereignty and peace over sheltering fugitive slaves.

Local Pressures, National Concerns

As petitions and diplomatic correspondence testify, the frequent escape of slaves from western Louisiana to eastern Texas generated rising resentment among US planters. As early as the autumn of 1804, settlers in Natchitoches accused Ugarte of inciting their slaves to flee.³⁵ The new proximity of free-soil territories for lower Mississippi's slaves, and a growing uncertainty regarding the slave trade's future in Louisiana (peaking with the federal ban on slave importation to the US in 1807), fueled this discomfort.³⁶ In August 1807, John Sibley (himself the owner of about thirty slaves in 1810) argued that the Spanish side was "encouraging [their] negroes to desert to Nacogdoches, and not only protecting them on their arrival, but protecting them in the enjoyment of the fruits of their theft and robberies from us".³⁷ Governor Claiborne often informed secretary of state James Madison about "the asylum afforded to fugitive slaves, in the province of Taxus [which] gives much uneasiness to the Planters of this Territory". In June 1808, settlers in Opelousas grew extremely upset about the escape of some slaves to Texas and were awaiting "with much impatience the interference of the General Government", according to Claiborne.³⁸ With the number of fugitive slaves increasing, planters in Louisiana oscillated between an adherence to legal solutions and the

Antonio Cordero, Gobernador de Texas, con el Gral. José J. Wilkinson (...) Año de 1806"; YU, Beinecke, Henry Raup Wagner Collection of Texas Manuscripts (WS MSS S-339), box 1 folder 22, "Expediente sobre ocurrencias de la frontera hasta la retirada a Nachitoches del ejército Americano, 1806"; YU, Beinecke, Jean-Louis Berlandier Papers (WA MSS S-300), box 15, v.1, "Wilkinson in the border with Texas"; SRE, LE 1075.

³⁵ Rowland, *Official Letter Books*, v.2, 385-386.

³⁶ John Craig Hammond, "They Are Very Much Interested in Obtaining an Unlimited Slavery": Rethinking the Expansion of Slavery in the Louisiana Purchase Territories, 1803-1805", *Journal of the Early Republic*, 23, n°3 (2003), 353-380; Ernest Obadele-Starks, *Freebooters and Smugglers: The Foreign Slave Trade in the United States after 1808* (Fayetteville: University of Arkansas Press, 2007).

³⁷ John Sibley, Penny S. Brandt (ed.), "A letter of Dr. John Sibley, Indian Agent", *Louisiana History: The Journal of the Louisiana Historical Association*, v.29, n°4 (Autumn 1988), 380.

³⁸ Rowland, *Official Letter Books*, v.4, 135-136 and 179-180, "Claiborne to Madison, 17 Oct. 1807"; Claiborne to Madison, 21 June 1808".

temptation of informal means to retrieve their “property”. Over time, however, the planters became increasingly assertive.

In early September 1807, three settlers from Natchitoches led by tobacco-planter François Rouquier petitioned the Spanish side with the assistance of parish judge John C. Carr for the recovery of some slaves who had escaped from their estates. The planters expressed confidence in reaching a legal agreement, though they also hinted at resorting to force should negotiations fail. As Salcedo refused to grant the request, officials on both sides of the Sabine River feared that “a force of 250 men” might storm eastern Texas searching for escaped slaves (although this remained merely a threat).³⁹ When petitioning the Spanish officials did not work, Louisiana planters turned to their own government. From the autumn of 1807 onwards, several planters from Natchitoches – most of them French-speaking Creole residents – directly petitioned the territorial government of Louisiana for this purpose. Some of the claimants had previously engaged in ineffective inter-personal negotiations with the military authorities of Nacogdoches. For instance, one of them, André Rambien, had first sent his son-in-law, Michel Chamard, to Nacogdoches to negotiate for the return of nineteen-year-old Louis, who had absconded from Natchitoches in July 1807. Dominique Davion had similarly commissioned his brother Jean-Baptiste to retrieve a thirty-five-year-old slave who had absconded in August 1806. The planters attempted to pressure the territorial government of Louisiana into exerting its influence to conclude an agreement with Spanish representatives in Texas, for either the delivery of the slaves or financial compensation. For instance, settler Marie-Louise Rouquier requested 1,000 *piastres* (the word used by most French-speaking colonists in Louisiana to designate a US dollar at the time) for thirty-five-year old Narcisse, a man who had deserted in September 1807, along with thirty *piastres* per month for the net economic loss due to his flight. Likewise, Jean-Baptiste Besson demanded the rendition of Marguerite (or “Margarita”) and Jean-Louis (or “Juan Luis”) who had absconded together during the summer of 1807, or alternatively, a grand total of 1,700 *piastres*. Yet no records exist suggesting that these petitions did indeed bear fruit. As state governments seemed unable or unwilling to conclude an agreement on the return of escaped slaves, slaveowners began contemplating other means of action. For example, those in western Louisiana favored the use of armed force to kidnap escaped slaves.⁴⁰

³⁹ AGI, Guadalajara, 398, n°27, “N. Salcedo to Ceballos, 12 Jan. 1808” and “N. Salcedo to Cordero, 28 Oct. 1807”; BA, reel 36, frames 843-845 and 897-899; *ibid.*, reel 37, frames 140 and 327; Harrison, “The Failure of Spain in East Texas”, 212-213, Villarreal, “Colonial Border Control”, 64. The settlers based their claim on article 20 of the “treaty of friendship, limits and navigation between Spain and the United States” (27 Oct. 1795), stating that inhabitants of both nations would “be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained”.

⁴⁰ NARA, RG 59 T-260, reel 9, “Claiborne to Madison, 14 March 1808, with in appendix: declarations of André Rambien, Dominique Davion, Jean-Baptiste Besson, James Bludworth, Marie-Louise Rouquier”; Rowland, *Official Letter Books*, v.4, 163-164. Some runaway slave ads provided direct incentives for invasion, promising higher rewards for fugitive slaves “if taken in the Spanish territory”: *Mississippi Herald and Natchez Repository*, 15 July 1807.

Some Euro-American settlers hired Native Americans (especially Caddoes, Choctaws and Coushattas) to abduct runaways in eastern Texas. Both groups maintained strong commercial and political ties, exactly as on the Spanish side of the Sabine River. For instance, in April 1808, three enslaved asylum-seekers living in Nacogdoches requested their relocation to Trinidad de Salcedo or San Antonio de Bexar, arguing that some “*indios*” commissioned by their owners with “large offers” might otherwise come to capture them. Whether their fear was grounded or not, the threat seemed plausible enough for Nemesio Salcedo to transfer the three petitioners to the *villa* of Trinidad.⁴¹ At times, planters also endeavored to abduct escaped slaves in Texas themselves by organizing armed expeditions. Although these borderland raids were rare, small detachments of slave hunters commissioned by western Louisiana residents occasionally roamed eastern Texas looking for fugitives. For instance, in March 1812, two men named Paterson and McLunamhan reached San Marcos de Neve, where they abducted two fugitives named Abraham and Bill.⁴² Furthermore, the threat of violent invasion was frequently used as a bargaining chip. Following the escape of about thirty slaves from Natchitoches in October 1808, planters contemplated sending 200 armed men to Trinidad de Salcedo, since they did not trust their state and federal governments to act for their interests: the change of sovereignty in 1803 had entailed yet greater uncertainties regarding their enslaved workforce.⁴³ National loyalty was at stake, as often stressed by the territorial government.⁴⁴ In addition to pressures exerted from below by angry planters from Louisiana, the Spanish agents in Texas faced threats of overt conflict from the Louisiana territorial government should the empire fail to revise its asylum policy on foreign escaped slaves. To Governor Claiborne, “a good understanding between our two Governments ought not and cannot be preserved” with Spain’s pro-asylum policy, on which he defiantly challenged governor Simón de Herrera: “if the Sword be drawn, let those be responsible, whose unfriendly conduct has rendered it indispensable”.⁴⁵

While in the end US planters got their way, it was only because of reasons related to the stability of the Spanish empire, as colonial records from the Archivo General de Indias show. Despite increasing tensions, the political authorities on both banks of the Sabine River always maintained an extensive correspondence on restitution. By the end of 1807, secretary of state James Madison approached the Spanish plenipotentiary minister Valentín de Foronda regarding the delivery of slave refugees in Spanish Texas. Foronda agreed to Madison’s request, provided that the agreement would provide for the restitution of slaves who had escaped from Spanish

⁴¹ BA, reel 38, frame 71.

⁴² BA, reel 50, frame 856; Hatcher, *The Opening of Texas*, 125.

⁴³ NARA, RG 59 T-260, reel 9, “Parish Judge of Natchitoches John C. Carr to Governor Claiborne, 21 Oct. 1808” and “Claiborne to Carr, 6 Nov. 1808”; Rowland, *Official Letter Books*, v.4, 244-245 and 258; Harrison, “The Failure of Spain in East Texas”, 212.

⁴⁴ Rowland, *Official Letter Books*, 4: 283; Herschtal, “Slave, Spaniards and Subversion in early Louisiana”, 285.

⁴⁵ Rowland, *Official Letter Books*, v.3, 383-386, “Claiborne to Herrera, 26 Aug. 1805”; *ibid.*, v.3, 393, “Herrera to Claiborne, 28 Aug. 1805”.

Florida to Georgia as a counterpart. Yet Carlos Martínez de Irujo, a former Spanish minister to the US, warned Foronda that such reciprocity would surely prove illusory in practice (an opinion shared by the *Secretaría de Estado* in the metropolis as well), given the tense relationship between Spain and the US, which caused these negotiations to fail.⁴⁶ Meanwhile in the borderlands, Nemesio Salcedo made clear to Claiborne in the early part of 1808 that he was not entirely opposed to restoring US fugitive slaves. However, he had a condition: in case of a ruling by the Spanish Crown favoring freedom for foreign runaways, Louisiana would have to send the slaves back to Texas – a condition that Claiborne found “wholly inadmissible”. As a result, their correspondence on the issue lapsed for some months.⁴⁷ Yet by November 1808, Claiborne had underlined to secretary of state Madison his belief that – given the current crisis of the Spanish monarchy after the King’s forced abdication – Spain’s agents in Texas would be inclined to ignore free-soil policies and take the initiative to deliver foreign escaped slaves out of a concern to maintain peaceful relations with the US.⁴⁸

Claiborne proved to be right, as Salcedo agreed on 18 November 1808 to restore fugitive slaves (without any royal backing), provided that their masters could document their property rights, and on the condition that the fugitives would not be injured when returning to Louisiana.⁴⁹ Military commandants in Nacogdoches and Trinidad de Salcedo soon received instructions regarding restitution: the idea was to transfer the freedom-seekers in several groups of fifteen individuals in order to prevent the possibility of a large collective revolt, while potential rebels were to be identified. In Nacogdoches, “Jacques” and “Julian” were described as the leaders of the local escaped slave community, while in Trinidad de Salcedo, the *mulato* “Remigio” was designated as the *caudillo* of “seventeen of the last fugitives”. Regardless, some asylum-seekers did resist restitution. In Trinidad de Salcedo, Jean-Louis and Marguerite absconded from the guards by riding a horse and a mare, crossing the Brazos River and following a southward route to La Bahía del Espíritu Santo.⁵⁰ Despite such spontaneous acts of resistance, officer López Prieto in Trinidad deported forty-one escaped slaves to Nacogdoches for their restitution to Louisiana between January and

⁴⁶ AGI, Guadalajara, 398, “Madison to Foronda, 20 Nov. 1807”, “Foronda to Casa Irujo, 21 Nov. 1807”, “Casa Irujo to Foronda, 21 Nov. 1807”, “Casa Irujo to Foronda, 25 Nov. 1807” [and “Copia de la minuta del Marques de Casa Irujo”], “Foronda to Madison, 25 Nov. 1807”, “Foronda to Ceballos, 27 Nov. 1807”, “Secretaría de Estado to Gobernador del Consejo de Indias, 21 May 1808, with appendix”.

⁴⁷ AGI, Guadalajara, 398, “N. Salcedo to Claiborne, 2 Jan. 1808”; Rowland, *Official Letter Books*, v.4, 162-163; Harrison, “The Failure of Spain in East Texas”, 215.

⁴⁸ NARA, RG 59 T-260, reel 9, “Claiborne to Madison, 27 May 1808” and “Claiborne to Madison, 6 Nov. 1808”.

⁴⁹ BA, reel 39, frames 489-494, 588-595, 677-684, 687-695, 750 and 758; Folsom, “Trinidad de Salcedo”, 55, Harrison, “The Failure of Spain in East Texas”, 215; Almaraz Jr., *Tragic Cavalier*, 28-29; Villarreal, “Colonial Border Control”, 68. Salcedo might have been convinced by Claiborne’s argument that enslaved runaways’ rendition was effective between Louisiana and Spanish Florida (Rowland, *Official Letter Books*, v.4, 254-255, “Claiborne to Salcedo, 22 Nov. 1808”).

⁵⁰ BA, reel 40, frame 266; *ibid.*, reel 42, frames 720 and 788; Almaraz Jr., *Tragic Cavalier*, 10.

February 1809, while fourteen others were jailed awaiting expulsion.⁵¹ Claiborne interpreted the decision as evidence of New Spain's "friendly disposition", and in May 1809, instructed parish judges across Louisiana to ensure that "an entire pardon of the offence of Desertion" was granted to the fugitives who "were lately deliver'd to their owners".⁵² As advised by secretary of state Madison in 1807, Louisiana's territorial Legislative Council and House of Representatives enforced a unilateral act providing for the return of escaped slaves by New Spain's authorities in an attempt to legally strengthen the agreement.⁵³

The accord between the Spanish side and Louisiana on escaped slaves was effective for some months.⁵⁴ Slaveowners in Louisiana (such as François Rouquier and a man named "Santiago Bloudant") began sending property deeds to Nacogdoches in attempts to recover – by virtue of the agreement – the slaves who had absconded from their plantations.⁵⁵ Yet, on 7 August 1809, Salcedo unexpectedly rescinded the restitution policy after receiving instructions from the *Junta Gubernativa* in Spain. Spanish Texas once again welcomed foreign slaves escaping from the US, though the restitution agreement continued to be brandished in discussions on enslaved asylum-seekers even after its repeal.⁵⁶ In November 1811, Claiborne attempted to revive it when requesting the delivery of two fugitive slaves, reminding the Spanish side of the "amicable arrangements" concluded some years earlier. Likewise, in February 1812, John C. Carr backed a woman's request for the return of the fugitives Jean-Louis and Marguerite, and argued that "in consequence of this order, the whole of the slaves with the exception of those of the unfortunate widow Besson were delivered to their masters", as both had escaped from the restitution caravan. In this particular case, a compromise was eventually found between both parties, even though the accord was not re-implemented. Through the mediation of Nacogdoches settler Pedro Samuel Davenport and in exchange for ten pesos, the couple was eventually brought back to Natchitoches, years after they had found refuge in eastern Texas.⁵⁷ While some degree of ambiguity still persisted about the fate of self-emancipated slaves from beyond the Sabine River (despite the withdrawal of the restitution agreement), internal runaways

⁵¹ BA, reel 40, frames 380-384. Influential slaveholders from Natchitoches benefited from the rendition, such as Michel Chamard, Ambroise Lecompte, Alexis Cloutier, Jean-Baptiste Lecompte and Louis Derbanne.

⁵² Rowland, *Official Letter Books*, v.4, 299, 336 and 350.

⁵³ BA, reel 40, frames 258-259, "Clayborne to Legislative Council and House of Representatives of the Territory of Louisiana. Acts governing recovery of slaves escaping from owners on border of Spanish territory, 21 Feb. 1809"; *ibid.*, reel 41, frame 759, "Nemesio Salcedo to Bonavia, 18 June 1809"; *ibid.*, reel 42, frame 198, "Bonavia to Manuel de Salcedo, 18 July 1809"; Galán and De León, "Comparative Freedom in the Borderlands", 33.

⁵⁴ BA, reel 41, frames 193, 885 and 909; *ibid.*, reel 42 frame 511; RBBC, BA, 20, 325-326.

⁵⁵ RBBC, BA, 20, 325-326; BA, reel 41, frame 193, "Nemesio Salcedo to Bonavia, 2 May 1809"; *ibid.*, reel 41, frames 909-918, "Manuel de Salcedo to Bonavia, 28 June 1809".

⁵⁶ AGI, Guadalajara, 429, n°12, "N. Salcedo to Garay, 5 Sep. 1809", "N. Salcedo to Bonavia, 5 Sep. 1809", BA, reel 42, frames 500-503, 737-739, 757, 838 and 946; Harrison, "The Failure of Spain in East Texas", 216; Luis García Navarro, "Las Provincias Internas en el Siglo XIX", *Anuario de Estudios Americanos*, 21 (1964), 295.

⁵⁷ BA, reel 49, frame 524; *ibid.*, reel 50, frame 281 and 306; Rowland, *Official Letter Books*, v.5, 388.

continued to be tracked in Texas. During the fall of 1809, an enslaved man who had absconded from a settler in San Antonio narrowly escaped from the troops dispatched to arrest him near Trinidad de Salcedo, where he was now suspected to be employed in Juan Megui's *rancho*.⁵⁸

Freedom for slave refugees settled in Texas remained highly contingent upon various factors during the last decade of Spanish (effective) rule over the province. Their fate depended almost entirely on the good will of local administrators and state governments at a local level, in the absence of a clear and consistent official policy on foreign fugitive slaves. Even though free soil was applied as official policy as a result of Nemesio Salcedo's initiative, the prospect of deportation back to western Louisiana still hung over their heads, either in the form of slaveowners' legal actions or illegal incursions, Amerindians acting as unofficial slave patrols for planters, or even Spanish military commandants' shifting attitudes on *amparo*.

Royalists, Revolutionaries and Freebooters: Self-Emancipated Slaves during the Mexican War for Independence

As the eighteenth century drew to a close, the institution of slavery in colonial New Spain was already undergoing a process of gradual and sustained demise. Following the conquest, African slaves had been intensively imported through the licensed port of Veracruz between roughly 1570 and 1650 to replace a dramatically depleted Native American population. Enslaved African Americans were employed in (urban) domestic service, in sugar and tobacco plantations in the eastern regions of Córdoba and Orizaba, as well as in silver and lead mines throughout the northern frontier, especially in Guanajuato and Zacatecas, but also to a lesser extent in Nuevo León and present-day Tamaulipas. The relative demographic recovery of the Native population from the mid-seventeenth century onwards sustained the (re)-emergence of alternative forms of coerced labor, while a free creole population of mixed European, indigenous and African origins developed, all of which made the introduction and trade in black slaves comparatively less profitable. Nonetheless, as Tatiana Seijas and Pablo Sierra have underlined, African slavery still constituted a prevalent form of coerced labor in the Viceroyalty during the second half of the seventeenth century (as was Asian slavery). Slavery's long demise in New Spain occurred during the course of the eighteenth century, though some slaveholding enclaves (such as the coastal areas surrounding Veracruz) seemed unaffected by the process. As domestic demand in New Spain plummeted, the volumes of slaves imported from the Atlantic world decreased, while the late colonial period saw relatively high rates of manumission.⁵⁹ By contrast

⁵⁸ BA, reel 43, frames 48-68, "López Prieto to Manuel de Salcedo, 6 Oct. 1809".

⁵⁹ On the demise of slavery in late colonial Mexico: Dennis N. Valdés, "The Decline of Slavery in Mexico", *The Americas*, v.44, n°2 (Oct. 1987), 167-194; Adriana Naveda Chávez-Hita, *Esclavos Negros en las Haciendas Azucareras de Córdoba, Veracruz, 1690-1830* (Xalapa: Universidad Veracruzana, Centro de Investigaciones Históricas, 1987); Patrick Carroll, *Blacks in Colonial Veracruz: Race, Ethnicity, and Regional Development* (Austin: University of Texas Press, 1991).

with central Mexico, slavery did not play a primordial economic and social role in the largely unsettled borderlands of Coahuila and Texas during the Spanish period. In the northeastern frontier of the Viceroyalty, slaves mostly worked as domestic servants (for instance in Saltillo and San Antonio). The relative availability of an indigenous captive workforce as well as high prices for black slaves largely inhibited the use of African bondspeople in the area, with some local exceptions such as in Nacogdoches.⁶⁰

As wars for national independence broke out in Spanish America, calls for the abolition of slavery and the slave trade permeated the Mexican revolutionary discourse as part of a larger combat against colonialism, imperialism and New Spain's *sociedad de castas*.⁶¹ The first decrees passed by the Mexican revolutionaries following Miguel Hidalgo y Costilla's *Grito de Dolores* (15 September 1810) reflected this agenda. Hidalgo himself provided for the abolition of slavery in his *Bando de Valladolid*, as enforced by mayor José María Anzorena. Before the end of the year, the insurgent leader issued a similar *bando* for Guadalajara (Jalisco), by which unconditional freedom was to be granted to the region's enslaved population in a delay of less than ten days. Masters unwilling to comply with the order were liable to capital punishment. The *Elementos de la Constitución* published by Ignacio López Rayón (1812) reiterated Hidalgo's prohibition of slavery and offered legal protection to all foreigners willing to favor "the freedom and independence of the Nation". José María Morelos, during the fall of 1813, reasserted the antislavery commitment of the radical pro-independence faction in his *Sentimientos de la Nación* as well as in a *bando* passed in Chilpancingo. Criticism of slavery arose from within the imperial structure as well. When the *Cortes* gathered at Cádiz, several representatives for New Spain advocated gradual abolition schemes. During the course of the crafting of the 1812 liberal constitution, José Miguel Guridi y Alcocer (deputy for Tlaxcala) and Miguel Ramos Arizpe (Coahuila) argued for a free-womb law and an immediate prohibition of slave trafficking.⁶² Slaves throughout the

Tatiana Seijas and Pablo Miguel Sierra Silva have argued that in central Mexico, the decline of slavery and the slave trade occurred later than Valdés has assumed (around 1640 or the end of Portugal's *asiento*), as both persisted well into the seventeenth century. Tatiana Seijas and Pablo Miguel Sierra Silva, "The Persistence of the Slave Market in Seventeenth-Century Central Mexico", *Slavery & Abolition*, 37:2 (2016), 307-333. On Asian slaves: Tatiana Seijas, *Asian Slaves in Colonial Mexico: From Chinos to Indians* (New York: Cambridge University Press, 2014).

⁶⁰ Carlos Manuel Valdés, Ildefonso Dávila, *Esclavos Negros en Saltillo, Siglos XVIII-XIX* (Saltillo: Ayuntamiento de Saltillo, 1989).

⁶¹ Eric Van Young, *The Other Rebellion: Popular Violence, Ideology, and the Mexican Struggle for Independence, 1810-1821* (Stanford: Stanford University Press, 2002); Jaime E. Rodríguez, "We are now the true Spaniards": *Sovereignty, Revolution, Independence and the Emergence of the Federal Republic of Mexico, 1808-1824* (Stanford: Stanford University Press, 2012).

⁶² Ernesto Lemoine, Horacio Labastida, Oscar Castañeda, *Documentos para la Historia del México Independiente, 1808-1938* (México: Porrúa, 2010), 74-75, "Primer bando de Hidalgo aboliendo la esclavitud publicado en la Ciudad de Valladolid por el intendente Anzorena, 19 de octubre de 1810"; *ibid.* 104-108, "Primer proyecto constitucional para el México independiente. Elementos de la Constitución por Ignacio López Rayón. Zinacantepec, 30 de abril de 1812"; *ibid.* 128-129, "Sentimiento de la Nación. Chilpancingo, 14 de septiembre de 1813"; *ibid.* 138-139, "Abolición de la esclavitud por José María Morelos, Chilpancingo, 5 de octubre de 1813"; Schwartz, *Across the Rio to Freedom*, 6-7; Manuel Ferrer Muñoz, *La Cuestión de la Esclavitud en el México Decimonónico: sus Repercusiones en las Etnias Indígenas* (México: Instituto de

Viceroyalty took advantage of the political and military conflicts that disrupted the established colonial order during the 1810s by striving for emancipation in multiple ways. Some joined royalist forces with the hope of being manumitted (just like the Black Loyalists during the American Revolution), while others fought alongside the insurgents with a similar purpose in mind. A third way consisted in escaping from enslavers and joining maroon communities for *de facto* freedom, especially in regions with long-lasting legacies of marronage, such as the coastal *Tierra Caliente*.⁶³ News of the Mexican war for independence and its eroding effects on slavery spread across the Gulf of Mexico. The slaveholders of the US South began to fear that it would further worsen relations between enslavers and enslaved people that were already strained by the Haitian liberationist model. Those in regions bordering New Spain grew especially concerned that Mexican revolutionaries might use free-soil policy as a political instrument, granting freedom to foreign escaped slaves in exchange for military service.⁶⁴

In addition, the unrest unfolding in New Spain (in particular in its northern fringes) encouraged freebooters and revolutionaries to invade the northeastern borderlands of the Viceroyalty from the US. Filibusters led by former US army lieutenant Augustus W. Magee and Mexican merchant José Bernardo Maximiliano Gutiérrez de la Lara left Natchitoches in August 1812, with the tacit backing of US officials.⁶⁵ Defeating royalist troops, they seized Nacogdoches and San Antonio, forming an independent polity in Texas in the name of the Revolution, before Spanish forces led by general José Joaquín de Arredondo swiftly cracked down on the rebels

Estudios Constitucionales Carlos Restrepo Piedrahita, 1998), 13-15; Jaime Olveda Legaspi, “La abolición de la esclavitud en México, 1810-1917”, *Signos históricos*, 29 (Jan.-Jun. 2013), 8-34; Jaime del Arenal Fenocho, “La Utopía de la Libertad: La Esclavitud en las Primeras Declaraciones Mexicanas de Derechos Humanos”, *Anuario Mexicano de Historia del Derecho*, n°6 (1994), 7-10; María Camila Díaz Casas “¿De esclavos a ciudadanos? Matices sobre la “integración” y “asimilación” de la población de origen africano en la sociedad nacional mexicana, 1810-1850”, in Juan Manuel de la Serna (coord.), *Negros y Morenos en Iberoamérica: Adaptación y Conflicto* (México: UNAM, 2015), 284-285; Antonio Tenorio Adame, “La esclavitud en el discurso de José Miguel Guridi y Alcocer”, in Eduardo Alejandro López Sánchez, José Luis Soberanes Fernández, *La Constitución de Cádiz de 1812 y su impacto en el Occidente Novohispano* (México: Universidad Nacional Autónoma de México, 2015), 401-422.

⁶³ *Gaceta del Gobierno de México*, 8 May 1812 and 8 Feb. 1814. On slavery’s abolition and fugitive slaves before and during independence wars in the state of Veracruz: Adriana Naveda Chávez-Hita, “El Nuevo Orden Constitucional y el fin de la Abolición de la Esclavitud en Córdoba, Veracruz, 1810-1825”, in Juan Manuel de la Serna (ed.), *De la Libertad y Abolición: Africanos y Afrodescendientes en Iberoamérica* (México: Centro de Estudios mexicanos y centroamericanos, 2010), 195-217; Magdalena Díaz Hernández, “Esclavos y la Imagen de la Justicia Paternalista del Rey y del Virrey en el Veracruz Colonial”, *Nuevo Mundo Mundos Nuevos* [accessed 23 June 2015].

⁶⁴ Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge and London: Harvard University Press, 2005), 109; Herschtal, “Slave, Spaniards and Subversion in early Louisiana”, 306.

⁶⁵ Raúl A. Ramos, *Beyond the Alamo: Forging Mexican Ethnicity in San Antonio, 1821-1861* (Chapel Hill: University of North Carolina Press, 2008), 39-41; Sean M. Kelley, *Los Brazos de Dios: a Plantation Society in the Texas Borderlands, 1821-1865* (Baton Rouge: Louisiana State University, 2010), 18. On (geo)political developments in the eastern *Provincias Internas* during the 1810s: García Navarro, “Las Provincias Internas en el Siglo XIX”.

and ousted them to Louisiana during the summer of 1813. However, other incursions into Texas followed Arredondo's re-conquest. Over the next three years, the province was invaded at least six times by privateers. In this uncertain and violent political context, self-emancipated slaves from the US South seldom contemplated settling in Texas, and those who did became embroiled in the wars for national independence, especially as royalist officers in New Spain's Northeast endeavored to use them as intelligence providers against pirates, smugglers and revolutionaries.⁶⁶

The US federal ban on slave importation (1807) gave a new impetus to slave smuggling activities between the US South and the Caribbean islands. As Spain's grip over northeastern New Spain loosened during the 1810s (its sovereignty over the region being practically fictional), a significant part of this illegal slave trade was conducted through the relatively ungoverned coast of Texas. Galveston Island represented a key smuggling hub for slaves transported from the Gulf into Louisiana and the US South, in a trade mostly controlled by the French filibusters Jean and Pierre Laffite.⁶⁷ In the aftermath of the Louisiana Purchase, the two brothers had ruled their own privateer "Kingdom" in Barataria Bay, south of New Orleans, where they mainly focused their efforts on slave smuggling. In November 1815, Spain officially commissioned Jean (until June 1816) to occupy Galveston Island and to spy on the activities of mercenaries and revolutionaries. Yet, once settled in a spot named "Campeche", Jean mostly engaged in piracy and smuggling, running these shady businesses in connivance with privateer and revolutionary Louis-Michel Aury (also occupying the island), a corsair who had fought alongside the revolutionaries during the royalist siege of Cartagena de Indias (New Granada) between August and December 1815.⁶⁸

Some enslaved people escaped from smugglers during the 1810s. By the end of the decade, about thirty people illegally introduced into East Texas reportedly absconded from James Bowie, heading west to the Colorado River, and eventually found an informal refuge among Comanches.⁶⁹ Likewise, three enslaved men absconded from the privateer camp on Galveston Island in May 1817. Sailing along the coast of Texas (without landing out of fear of the Karankawas), the three fugitives were found by Spanish troops near the mouth of the Rio Grande and conducted to the settlement of Refugio (Matamoros) for interrogation. A US-born doctor residing in

⁶⁶ Babcock, "Roots of Independence", 260; Davis, *Land*, 20; David Head, *Privateers of the Americas: Spanish American Privateering from the United States in the Early Republic* (Athens: University of Georgia Press, 2015), 98.

⁶⁷ Andrew J. Torget, *Seeds of Empire. Cotton, Slavery and the Transformation of the Texas Borderlands, 1800-1850* (Chapel Hill: University of North Carolina Press, 2015), 43.

⁶⁸ *Niles' Weekly Register*, 27 Dec. 1817, "Galvezton and Amelia, Official Papers of Galvezton, Mr. Chew, Collector at N. Orleans, to Mr. Crawford, Mr. Chew to Mr. Crawford, Memorial of Merchants of New Orleans, to Com. Patterson, of the 28th of July, 1817"; William C. Davis, *The Pirates Laffitte: the Treacherous World of the Corsairs of the Gulf* (Orlando, Austin, New York, San Diego, Toronto, London: Harcourt, 2005); Head, "Slave Smuggling by Foreign Privateers", 451-455.

⁶⁹ Frederick C. Chabot, *With the Makers of San Antonio: Genealogies of the Early Latin, Anglo-American and German Families, with Occasional Biographies* (San Antonio: Artes Gráficas, 1937), 245-246.

Camargo helped translate their statements. Lorca introduced himself as a Guinea-born enslaved man who had been abducted by corsairs along the Mexican coast between Veracruz and Campeche, forcibly brought to Galveston and exploited there as a log-house builder for three years. Ennalt, a thirty-year-old bondsman originally from St John's (in the British island of Antigua), had been detained on the island for six months where he was worked hunting and unloading boats, after pirates had abducted him in an attack on the Spanish vessel *Dandy* between Charleston and Havana. The last self-emancipated man, Juan, described himself as an Anguilla-born enslaved man "trained as a boat-cook". While simultaneously fearing that the three refugees might be spies sent to New Spain by the filibusters themselves, Spanish officials persistently required them to provide detailed accounts of activities on the island. The self-emancipated slaves described the military and logistic preparation of a large-scale raid on the Mexican coast, as well as a failed attempt by Aury to establish a filibuster base in Matagorda Bay, and his retreat following revolutionary Francisco Xavier Mina's failed expedition to Soto la Marina (New Santander) in April 1817. Both *comandante general* Arredondo and governor of Texas Antonio Martínez grew alarmed by the declarations, and ordered heightened vigilance over the filibusters. Despite their role as informants (in exchange for which they probably hoped to be liberated from slavery), the fate of the three escaped slaves remains unclear.⁷⁰ Others already in Texas since the first decade of the century – and who had avoided rendition – struggled to make a living. In 1819 (eleven years after his escape from slavery), the aforementioned asylum-seeker "Manuel" (or originally "Evangéliste") was smuggling commodities with local Wacos to make a living, along with many other African Americans.⁷¹

Notwithstanding this political turmoil, some slaves from the US absconded to New Spain. As Sean M. Kelley has contended, before Mexican independence, "because slavery was legal in both areas, slaves did not attach any particular significance to the border", but "some fled to Texas recognizing that it would be difficult for masters to pursue runaways into Spanish territory".⁷² Escaping from western Louisiana while his master had gone to hunt and negotiate a trade agreement with local Caddoes, Andrés introduced himself as a baptized Catholic at San Antonio, in an attempt to strengthen his claim for freedom. With this purpose in mind, Andrés collaborated with the Spanish officials, who nonetheless remained wary of his intentions. When asked about US filibusters who could pose a threat to the eastern borderlands of Texas, Andrés

⁷⁰ BA, reel 60, frames 971-82, "Roque de la Portilla to Arredondo, 9 May 1817"; *ibid.*, reel 61, frame 1, "Arredondo to Martínez, 16 May 1818"; *ibid.*, reel 61, frame 401, "On receipt of testimony of three negroes who escaped from Galveston, 21 July 1818". On privateering and piracy in the early nineteenth-century Gulf of Mexico: Frank L. Owsley Jr., Gene A. Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa and London: The University of Alabama Press, 1997), 164-180; Davis, *The Pirates Laffitte*. The story of Ennalt, Juan and Lorca can also be found in: Obadele-Starks, *Freebooters and Smugglers*, 66-67; Jean L. Epperson, "Testimony of Three Escaped Prisoners from Galveston in 1818", *Laffite Society Chronicles*, v.4, n°1 (1998), 6-7. On Arredondo: Bradley Folsom, *Arredondo: Last Spanish Ruler of Texas and Northeastern New Spain* (Norman: University of Oklahoma Press, 2017).

⁷¹ AGN, PI, v.187, e.12, f.291-297 (Monterrey, 27 Oct. 1819); TBL, Bolton, 45:24, "Pérez to Arredondo, 3 Dec. 1819".

⁷² Kelley, "Mexico in his Head", 710.

underlined that his enslaver had once hosted Gutiérrez de Lara and that, indeed, another invasion of Texas was likely imminent.⁷³ By the eve of Mexico's independence, adventurism in eastern Texas peaked with Mississippi-born filibuster James Long's two expeditions into Texas (June 1819-October 1821), attempts to form an independent government and endeavors to seize control over the slave smuggling trade in the Texas-Louisiana borderlands.⁷⁴ Once again, self-emancipated slaves like Bill Mecate, a young slave native from Georgia, sought to capitalize on their (uneasy) position as middlemen. Spanish forces in eastern Texas arrested Bill during the spring of 1820. Brought to Monterrey (Nuevo León) for interrogation, the man initially claimed to have escaped from Long himself (who was then preparing a second attack on Texas from Nacogdoches) after four years in his possession. Under the pressure of his interrogators, Bill's replies became imprecise and he finally confessed having absconded from an anonymous merchant from Natchez. Provided that his declaration was truthful, Bill's tactic of passing himself off as absconding from Long might suggest that, long before the Texas Revolution, slave refugees were well aware of their strategic value in the US-Mexico borderlands.⁷⁵

Yet the treatment of slave refugees often proved erratic: many of them were kept in detention, neither being formally freed nor being sent back to their original masters or re-enslaved. Jacob Kirkham, a small planter from Natchitoches, travelled to San Antonio in November 1820 with "the purpose of claiming four negroes who ran away" (Samuel, Richard, Tivi and Marian), including three who were his own property.⁷⁶ The four fugitives had previously been arrested during one of the expeditions launched by lieutenant colonel Ignacio Pérez against Long's men, and were thereafter transported to San Antonio for detention alongside foreign prisoners. In January 1821, governor Martínez received a letter from his counterpart in Louisiana requesting the rendition of the runaways to Kirkham. Martínez, despite his willingness to "conserve a good friendship" (*buena amistad*) between both states, replied negatively to the request: the slave refugees were soon to be transferred to Monterrey for interrogation, at the initiative of the *Comandante General* of the Eastern Internal Provinces.⁷⁷ During the siege of La Bahía in October 1821 by Spanish troops, which

⁷³ BA, reel 58, frames 97-105, "Depositions made by American Negro Andrés, 10 March 1817"; Torget, *Seeds of Empire*, 44.

⁷⁴ Obadele-Starks, *Freebooters and Smugglers*, 66-67; Kelley, *Los Brazos de Dios*, 18.

⁷⁵ UT(A), Briscoe, Charles Ramsdell Collection, Box 2Q238, "Negro Slaves in Spanish America, 1563-1820", "Fugitive slaves from the United States, captured in Texas by the expedition against Long, trial at Monterrey, 1820"; Obadele-Starks, *Freebooters and Smugglers*, 66-67.

⁷⁶ RBBC, NA, v.10, 212-213. On Austin's plans for colonization: Randolph Campbell, *An Empire for Slavery: the Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989), 10-34; Sarah K.M. Rodríguez, "'The Greatest Nation on Earth'. The Politics and Patriotism of the First Anglo American Immigrants to Mexican Texas, 1820-1824", *Pacific Historical Review*, v.86, n°1 (Feb. 2017), 50-83; Sean M. Kelley, "Plantation Frontiers: Race, Ethnicity and Family along the Brazos River of Texas, 1821-1886", PhD Diss. (Austin: University of Texas, 2000), 48-52; Davis, *Land*, 21-27; Kelley, *Los Brazos de Dios*, 18-19.

⁷⁷ UT(A), Briscoe, Charles Ramsdell Collection, Box 2Q238, Provincias Internas Transcripts, 251, "Villaré to Martínez, 12 Sep. 1820"; BA, reel 66, frames 497-501, "Conde del Venadito to

marked the end of Long's enterprise in Texas, another young enslaved man named John reached Pérez's lines, escaping from Long. Once back at San Antonio, Pérez kept the refugee in his own house, waiting for instructions on what treatment he should accord to John, while fifty-one prisoners from the siege were transferred to the interior because resources to maintain such a large detainee population were lacking. Ultimately, the fate of Richard, Marian, Tivi, and John remains uncertain (Samuel died in a hospital in Monterrey). Although it seems very unlikely that they were delivered to their enslavers, archival records do not provide evidence that they formally received freedom across the Sabine River.⁷⁸ But in spite of political and military instability and the ambiguity of the status awaiting them once reaching New Spain, enslaved people continued to look for an escape from servitude in the Texan borderlands. Slaveholders sometimes assumed that their enslaved workforce would abscond in a westward direction, such as the enslaver of Phil (a bondsman native from South Carolina) in Opelousas in March 1820. The independence of Mexico from Spain (1821) fueled the antislavery sentiment that had arisen during the 1810s. The newly founded nation's attraction for fugitives from the US South accordingly rose.⁷⁹

Self-Liberated Slaves in Early Independent Mexico (1821-1836)

*Slavery and Euro-American Colonization after the Plan de Iguala*⁸⁰

As Agustín de Iturbide's *Plan de Iguala* (1 March 1821) marked the definitive formation of an independent Mexican state, a national discourse emerged that was hostile to the continued existence of slavery in the new republic. With only about 3,000 slaves left in Mexico at the moment of independence, the institution had eroded to near economic and social insignificance, and its legal eradication seemed only a matter of time. Since preserving African slavery involved almost no practical advantage, given that other forms of free and unfree labor had largely replaced it, a general emancipation would hardly entail substantial economic readjustments for *hacendados* (large landholders), and its social and political effects could easily be contained.⁸¹ The *Plan de Iguala* pledged equality among Mexicans regardless of race, although it did not explicitly mention slavery. In its wake, a *comisión de esclavos* ("slaves committee") was formed at the *Junta Provisional Gubernativa* (the first provisional national government) under the aegis of lawyer Juan Francisco Azcarate y Lezama. In October 1821, the committee proposed to abolish slavery and slave trafficking in exchange for an indemnity to

Martínez, 30 Jan. 1821"; *ibid.*, reel 66, frame 790, "Martínez to Villaré, 26 Feb. 1821"; AGN, Operaciones de Guerra, v.778, e.61, "Martínez to Virrey, 16 Mar. 1821".

⁷⁸ SRE, LE 1055, f.34-38 "Martínez to López, 19 Oct. 1821"; Torget, *Seeds of Empire*, 46.

⁷⁹ *Louisiana Advertiser*, 31 March 1820.

⁸⁰ The expression "Euro-American" is used in: Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008), 2. By contrast with "Anglo-American", "Anglo" or "American", it accounts for the diversity of foreign colonizers in Mexican Texas by including non-Anglophone settlers.

⁸¹ Kelley, "Mexico in his Head", 709.

slaveholders, and to protect foreign slaves willing to reside in Mexico with a “law of asylum.”⁸²

In the end, this early abolitionist proposal was never implemented. However, antislavery sentiment continued to grow in Mexico throughout the 1820s, finding expression in newspaper editorials as well as in popular and political culture. In September 1825, the *Gaceta Diaria de México* included a short antislavery pamphlet (“*Reflexiones sobre la esclavitud*”), in which the author argued that “anyone that justifies such an obnoxious system deserves contempt from the philosopher, and vengeance from the black.”⁸³ The same year, Mexican writer José Joaquín Lizardi published a theatre play entitled *El negro sensible*. In this drama set in a sugar plantation somewhere in the Spanish Caribbean, Lizardi displayed the violence of slavery as an institution and implicitly legitimized slave resistance through the story of a “negro sensible” (a “sensitive negro”) named Catul, a man running away to reunite with his wife (Bunga) after their former master had separated them.⁸⁴ In the context of increasingly strained relations with the US, Mexican opposition to slavery represented a clear expression of the young nation’s moral superiority to its northern neighbor. The construction of a distinct sense of Mexicanness through antislavery rhetoric deliberately contrasted with the proslavery ideology of the US South. General José María Tornel y Mendivil, a staunch abolitionist, for instance, condemned the contradiction between the ideals of 1776 and the preservation of slavery in the US, calling it hypocritical.⁸⁵ Masters emancipated their slaves as an act of patriotism. Symbolic manumissions of slaves were carried out every year on September 15 in commemoration of Hidalgo’s *Grito de Dolores*, further consolidating the myth of the new nation’s indifference to color. In 1826, president Guadalupe Victoria promised to raise a fund aimed at manumitting the last slaves in Mexico. Tornel proposed an abolition bill in 1827, and the *Cámara de diputados* began discussing the abolition of slavery in January 1828 with no substantial disagreements on the subject, except on explicitly granting freedom to slaves from foreign lands who were merely passing through Mexico. With some regional exceptions, enslaved labor had declined in large parts of Mexico. Surveying some of Mexico City’s *cuárteles*, *regidor* Isidoro Olvera underlined that “there [we]re very few of these unfortunates in the Federal District.”⁸⁶ Making use of temporary extraordinary powers, president Vicente Guerrero ultimately banned slavery in Mexico on 15 September 1829 (with the promise to indemnify

⁸² Juan Francisco de Azcarate, *Dictamen de la Comisión de Esclavos* (México: Imprenta Imperial de Alejandro Valdés, 1821); AGN, Gobernación Sin Sección, c.11 e.15 (Dec. 1821); Salvador Méndez Reyes, “Hacia la Abolición de la Esclavitud en México: el Dictamen de la Comisión de Esclavos de 1821”, in de la Serna (ed.), *De la libertad y Abolición*, 179-193.

⁸³ *Gaceta Diaria de Mexico*, t.1, n°2, 16 Sep. 1825; *El fénix de la libertad*, 23 Jan. 1834.

⁸⁴ José Joaquín Lizardi, *El negro sensible* (México: Ontiveros, 1825); Catherine Raffi-Bérout, *En torno al teatro de Fernández de Lizardi* (Amsterdam, Atlanta: Rodopi, 1998), 152-164. *El negro sensible* was an adaptation of the manuscript of a play authored by Luciano Francisco Comella around 1770-1789, which text was prohibited by the Inquisition in 1809.

⁸⁵ José María Tornel y Mendivil, *Breve Reseña de los Acontecimientos mas notables de la Nación Mexicana, desde el Año de 1821 hasta Nuestros Días* (México: Cumplido, 1852).

⁸⁶ AHDF, Historia, v.2256, e.173, “Olvera to de la Cadena, 25 April 1828”.

slaveholders). The decree sparked some resistance among residents and *hacendados* of Córdoba and Jalapa (Veracruz), Campeche, Villa del Carmen and the department of Texas, which was eventually exempted from the decree in December.⁸⁷

Furthermore, Mexican state officials often expressed support for foreign African American immigration.⁸⁸ For example, Agustín Jerónimo de Iturbide (the former Emperor's son and Mexico's representative in Washington) and Vice-president Gómez Farías supported it in the hope of using the new settlers as a demographic and military buffer against Comanche attacks and US westward expansion, while the *Secretaría de Estado* promised land and instruments for cultivation to the newcomers.⁸⁹ Discretion was nonetheless recommended to the Mexican *Encargado de Negocios* (minister) in the US, Joaquín María del Castillo, when advertising Mexico's official support for black colonization, for fear of antagonizing the northern republic.⁹⁰ Mexican officials grew more willing to welcome US fugitive slaves as well. Senator Francisco Manuel Sánchez de Tagle (an ex-integrand of the *comisión de esclavos* in 1821) argued that by openly welcoming US fugitive slaves, Mexico would gain new subjects loyal to the republic and willing to help defend it against the US or Native Americans.⁹¹ Overall, the liberal press demonstrated a favorable disposition to their plight. For instance, *El Procurador del Pueblo*, a newspaper from Veracruz, criticized the US Fugitive Slave Act of 1793 and expressed sympathy towards escaped slaves using

⁸⁷ *El Sol*, 31 Jan. 1828; AGN, Gobernación Sin Sección, c.116 e.16, "Decreto de Vicente Guerrero a Bocanegra, 15 Sep. 1829"; AGN, Justicia y Negocios Eclesiásticos, v.48 e.34 f.306-307; TBL, Mexico Miscellany, 1822-1892, "Ángela Gorrindo de Díaz to Presidente de la República, sobre la libertad que se dará a dos esclavas de su propiedad, 22 Oct. 1829"; María Camila Díaz Casas, "¿De Esclavos a Ciudadanos? Matices sobre la "Integración" y "Asimilación" de la Población de Origen Africano en la Sociedad Nacional Mexicana, 1810-1850", in De la Serna (coord.), *Negros y Morenos en Iberoamérica*, 273-303; Raúl A. Ramos, *Beyond the Alamo: Forging Mexican Ethnicity in San Antonio, 1821-1861* (Chapel Hill: University of North Carolina Press, 2008), 117; Andrew J. Torget, *Seeds of Empire: Cotton, Slavery and the Transformation of the Texas Borderlands, 1800-1850* (Chapel Hill: University of North Carolina Press, 2015), 144; Schwartz, *Across the Rio to freedom*, 6-7 and 15-16; Kelley, "Mexico in his head", 714-715; Matthew Restall, *The Black Middle: Africans, Mayas, and Spaniards in Colonial Yucatan* (Stanford: Stanford University Press, 2009), 67-74.

⁸⁸ Exceptions to this tendency include for instance Francisco Pizarro Martínez, Mexico's consul at New Orleans, who saw black settlers as the antithesis of the "people of good morals and industry" that Mexico required, and black migration to Texas as a way for Euro-American planters to dispose of a large, cheap and coerced workforce: SRE, AEMEUA, 18/7, f.35-36, "Pizarro Martínez to Mier y Terán, 4 April 1831"; SRE, AEMEUA, 22/3, f.99-100, "Pizarro Martínez to Secretaría de Estado, 15 May 1833"; SRE, LE 1057, f.82, "Legación Mexicana en los E.U. de América to Secretaría de Relaciones Exteriores, 3 July 1833"; SRE, LE 1057, f.85-86, "Legación Mexicana en los E.U. de América to Secretaría de Relaciones Exteriores, 25 Sep. 1833".

⁸⁹ SRE, LE 1075, "Exposición de Víctor Blanco, 5 Dec. 1822" and "Blanco to López, 9 Dec. 1822"; SRE, LE 1057, f.73-74, "Agustín J. de Iturbide y Huarte to Secretaría de Relaciones Exteriores, 19 May 1833"; SRE, AEMEUA, 21/2, f.114, "Secretaría de Estado to Encargado de Negocios (de los E.U. Mexicanos), 20 Aug. 1833"; SRE, AEMEUA, 21/2, f.80-85, "Gómez Farías to Castillo, 26 Oct. 1833"; SRE, AEMEUA, 23/8, "Lombardo to Castillo, 17 Jan. 1834"; Cornell, "Citizens of nowhere", 357; Schwartz, *Across the Rio to Freedom*, 21-22; Nichols, *The Limits of Liberty*, 63-64.

⁹⁰ SRE, AEMEUA, 23/8, f.167, "Lombardo to Encargado de Negocios, 17 Jan. 1834".

⁹¹ Schwartz, *Across the Rio to Freedom*, 18-19.

the Underground Railroad to the northern states and Canada.⁹² The horizon would have thus been clear for slaves willing to abscond from the US South to northeastern Mexico, had it not been for one very influential development: the Euro-American colonization of Texas.

During his journey to Texas to retrieve four slaves who had absconded from his estate and a neighbor's plantation in western Louisiana, slaveholder Jacob Kirkham met a Connecticut-born pioneer named Moses Austin. Both men travelled together to San Antonio (along with a native of Virginia named James Forsythe), with distinct – yet to some extent related – objectives in mind. As he made clear in December 1820 when interrogated by the Spanish authorities, Austin's goal was not to secure runaways, but instead to obtain a large land grant for colonization and the cultivation of cotton and sugar. Governor Martínez, initially reluctant to contemplate Austin's scheme, soon admitted that all past plans to bring settlers to the Northeast had failed. A decade-long economic and demographic devastation of the province, the presence of hundreds of squatters illegally occupying land in Texas, and the threat posed by Native Americans to under-militarized settlements, all convinced Martínez of the benefits of foreign colonization as a means to secure the region for New Spain. The opening of the northeastern borderlands to foreign colonization (under the condition of political and religious loyalty) had already been attempted in Louisiana (from 1788 onwards), although with no substantial success.⁹³ Moses Austin, who had originally settled in Spanish Louisiana in 1797, was thus granted two hundred thousand acres of land for the settlement of 300 (Catholic) families on the Brazos and Colorado rivers. Yet the old man died in June 1821 while visiting Missouri (where he owned a mine) to recruit settlers. On his deathbed, Moses expressed his last will: his son Stephen was to pursue his project in Texas. A new phase in the (geo)political landscape of slavery and freedom in the US-Mexico borderlands began, one which dramatically shaped the experiences of US fugitive slaves across the border.

Stephen F. Austin's efforts to carry out his father's wishes succeeded, and the first settlers arrived by the end of 1821, many of them driven away from the US by the financial panic of 1819. Yet colonization underwent an early setback with the advent of an independent Mexican government, as prospective settlers began to worry that property rights in slaves, which lay at the very core of Austin's enterprise, would no longer be guaranteed. Over the following years, fierce discussions broke out in the Mexican Congress about whether or not to allow slavery in the northeastern colony, and under which terms foreign colonization should be allowed. For Mexican political leaders, Austin's plan was riddled with moral and practical dilemmas. While they

⁹² *El Procurador del Pueblo*, 12 June 1834 (“¿Cuando un pobre negro esclavo llega con su industria a huir de los estados en los cuales esta admitida por las improbas leyes la esclavitud, y que se salva en los departamentos septentrionales de los Estados-Unidos, en donde se goza de la libertad, puede ecsistir una ley divina o humana que permita a los hombres libres de proceder al arresto de sus semejantes por la miserable suma de 25, 30 o 40 pesos?”).

⁹³ Graham Davis, *Land! Irish Pioneers in Mexican and Revolutionary Texas* (College Station: Texas A&M University Press, 2002), 20-21.

regarded the northern frontier's colonization by US settlers as a potential geopolitical threat, Mexican officials also favored the prospect of a large-scale migration to Texas that would create a demographic and economic buffer against “*indios bárbaros*” and foreign adventurers. As the Spanish empire abandoned to Mexico a problem it had never solved (securing its northeastern border in Texas), Austin's project represented a unique opportunity to populate and develop the northeast part of the nation. However, it also clashed with rising antislavery voices. Despite the instability of early Mexican political leadership, Stephen F. Austin actively defended his colony, ensuring its survival and development, though at times facing unequivocal adversity.⁹⁴ From November 1823 onwards, a new *Congreso General Constituyente* formed to draft a federal constitution discussed a ban on the slave trade in Mexican territory. After heated debates, the decree issued on 13 July 1824 finally outlawed both the domestic and foreign slave trades, with a six-month exception for the Isthmus of Tehuantepec. Smugglers would be imprisoned for a year, and their cargo confiscated. Additionally, slaves “introduced” into Mexico were considered free simply by entering its territory.⁹⁵

Yet the ban's consequences were not entirely clear, due to the ambiguities underlying the term “introduction”. Did the decree apply only to slave traders? Or did it also include individuals travelling with their slaves? This ambivalence played in favor of foreign colonization in northeastern Mexico, and new colonists kept arriving along with their enslaved men and women. Subsequent legislation only added to these ambiguities. The federal colonization law of 18 August 1824 and the federal constitution enforced shortly thereafter both left the matter of slavery to the discretion of the individual states of the republic. This meant that despite amenability to the manumission of slaves, the immediate and unconditional abolition of the slave trade and the passing of free-womb laws, the outcomes of this Mexican progressiveness were decidedly mixed. In the Mexican Northeast for instance, while Tamaulipas *de facto* abolished slavery in 1825 by declaring all of its residents (including slaves) free and equal, Nuevo León simultaneously issued a free-womb law and prohibited slave introduction, without outlawing slavery altogether (see appendix 1).⁹⁶

It was in this climate of uncertainty about the future of slavery in Texas that Coahuila y Tejas's constitutional congress began to draft its state constitution in August 1824. The process was to last for almost three years. Two parties soon took shape. On the one hand, the Euro-Tejano faction of the state legislature (along with the *Coahuilenses* Viesca brothers) advocated the legal support of slavery in the new constitution. On the other, an antislavery faction led by Manuel Carrillo and Dionisio Elizondo from Coahuila sought to achieve full abolition. Yet by contrast with

⁹⁴ Campbell, *An Empire for Slavery*, 10-34; Ramos, *Beyond the Alamo*, 27-110; Torget, *Seeds of Empire*, ch.2-3.

⁹⁵ Joaquín Ramírez y Sesma, *Colección de Decretos, Ordenes y Circulares expedidas por los Gobiernos Nacionales de la Federación Mexicana, desde el año de 1821 hasta el de 1826* (México: Martín Rivera, 1827), 177.

⁹⁶ On state-by-state constitutional provisions: Jaime Olveda Legaspi, “La abolición de la esclavitud en México, 1810-1917”, *Signos históricos*, 29 (Jan.-Jun. 2013), 22-25, Díaz Casas, “¿De esclavos a ciudadanos?”, 292.

Tamaulipas, Coahuila y Tejas could not afford a general emancipation that would imply a large financial compensation to the slaveholding population of Texas. Nor could it free slaves unconditionally without provoking the wrath of its increasingly influential Euro-American planters. A middle ground between the two parties was therefore reached. The state constitution (11 March 1827) ruled that enslaved men and women already in Texas would retain this status until their death. However, all children born to enslaved parents would be free, and the introduction of slaves was prohibited, starting six months after the publication of the constitution (a.13). The constitution also underlined the “imprescriptible rights of liberty, security, property and equality” of the state’s inhabitants, including those in transit, although slaves were not explicitly mentioned in it (a.11). New settlers in Texas largely ignored the provision after its implementation and, at the initiative of San Felipe de Austin’s *ayuntamiento* (municipality), a decree permitting the introduction of indentured servants (5 March 1828) effectively nullified the constitutional prohibition. US slaves were brought to Texas under the disingenuous title of indentured laborers, with service contracts of up to ninety-nine years.⁹⁷

In the midst of these political developments, colonists and slaves kept arriving in Texas. Austin secured three more contracts after he met the terms of his initial contract in 1825, and his colony (developed around San Felipe de Austin) seemed the most attractive for prospective settlers. Other Euro-American colonies blossomed, economically connected to Atlantic capitalist markets through Louisiana. According to Graham Davis, between 1823 and 1835, no less than forty-one land contracts were signed between *empresarios* (most of them foreigners) and the Mexican state. Most of these entrepreneurs failed to develop their colonies, with some exceptions, such as Green DeWitt. DeWitt founded his colony in 1825 around the town of Gonzales, along the Guadalupe and Lavaca rivers. At the close of the 1820s, the foreign-born colonists had settled mostly east of the Colorado River in small slave societies, and had developed a fast-expanding plantation economy mostly producing cotton for foreign markets. By contrast, the *Tejano* and Mexican population of Texas lived mostly in the old settlements of San Antonio, Goliad (previously known as La Bahía) and Nacogdoches, with the exception of De León colony (around Victoria).

Extradition or free-soil policy?

From the beginning of his colony in Texas, where slaves came to compose a fourth of its 1.800 residents by 1825, Austin strove to institute laws regulating slavery and

⁹⁷ On slavery in early independent Mexico: Torget, *Seeds of Empire*, ch.2-3; Campbell, *An Empire for Slavery*, 10-34. On article 13 and its de facto nullification: J.P. Kimball (transl.), *Laws and Decrees of the state of Coahuila and Texas* (Houston: Telegraph Power Press, 1839), 78-79 and 314; David Woodman Jr., *Guide to Texas Emigrants* (Boston: M. Hawes, 1835), 25 and 145; William Hooker Fiske, *A visit to Texas, being the Journal of a traveller through those parts most interesting to American Settlers* (New York: Goodrich and Wiley, 1834), 10; Benjamin Lundy, *The War in Texas; a Review of Facts and Circumstances, Showing that this Contest is a Crusade Against Mexico* (Philadelphia: Merrihew and Gunn, 1837), 5.

fugitive slaves. Criminal regulations passed in January 1824 formalized proceedings for the arrest of escaped slaves from inside and outside Austin's colony. The settlement of US escaped slaves in Texas was clearly at odds with the development of such a slave society. As early as December 1824, Austin expressed concern to the legislature of Coahuila y Tejas about self-emancipated slaves arriving from Louisiana and beyond, and requested (in vain) formal instructions on how to react. Austin's view was clear: "if the runaway remains here, he is a nuisance to the Country – if his owner claims him and he is not given up it will destroy all harmony between the Citizens of that State [USA] and this".⁹⁸ In August 1825, Benjamin Rush Milam bitterly underlined "that the Stait of Louisianna have lost a grait maney slaives that have taken refuge in this Republick of Mexico", urging US minister in Mexico Joel R. Poinsett to conclude an extradition agreement with the Mexican government.⁹⁹ Dutch-born Texas representative at the Congress of Coahuila y Tejas Philip Hendrik Nering Bögel (who passed himself off under the moniker "Baron de Bastrop") also began pressing for extradition, apart from attempting to secure a legal sanction for slavery in Texas. Even US state secretary Henry Clay grew concerned by slaves escaping to "the adjacent territories of Mexico". In March 1825, when Clay sent Poinsett instructions for the negotiation of a treaty of "amity, commerce, navigation and neighborhood" with Mexico, he underlined the necessity of inserting a provision "for the regular apprehension and surrender [of fugitive slaves] to their respective proprietors, or their lawful agents".¹⁰⁰

By the end of September 1825, US and Mexican officials had reached an agreement regarding mutual restitution (article 33). The final treaty was concluded on 10 July 1826, with a period of eight months for its ratification by both parties. Yet despite an initial agreement on article 33, the Mexican House of Representatives' Foreign Relations Committee advised its rejection in April 1827 on both practical and ideological grounds. To begin with, the notion of Mexican slaves fleeing to the US was absurd, and therefore the clause of "mutual restitution" was of little real use to the young republic, while protecting US fugitive slaves would undermine foreign influence over Texas. In addition, the Committee underscored the need to protect the fugitive slave's "inalienable right" to freedom, while Mexican Secretary of State Sebastián Camacho stressed that restitution would represent a "violent collision with the feelings of the Mexican people". This sentiment was echoed outside the parliamentary arena in

⁹⁸ Eugene G. Barker, "The government of Austin's Colony, 1821-1831", *The Southwestern Historical Quarterly*, v.21 (January 1918), 229; Eugene Barker (ed.), *Annual Report of the American Historical Association for the Year 1919: The Austin Papers* (Washington, DC: Government Printing Office, 1924), v. 1/1, 996-1002, "Austin to Legislature of Coahuila y Texas, 22 Dec. 1824".

⁹⁹ George R. Nielsen, "Ben Milam and United States and Mexican Relations", *The Southwestern Historical Quarterly*, v.73/3 (Jan. 1970), 393-395; Jeffrey R. Kerr-Ritchie, *Freedom Seekers: Essays on Comparative Emancipation* (Baton Rouge: Louisiana State University Press, 2014), 23; Schwartz, *Across the Rio to Freedom*, 8-9.

¹⁰⁰ Eugene C. Barker (ed.), *Annual Report of the American Historical Association for the Year 1919*, v.2, part 2, *The Austin Papers* (Washington: Government Printing Office, 1924), 1088; James Franklin Hopkins, *The Papers of Henry Clay*, v.4 (Lexington: University of Kentucky, 1959), 166-177, "Clay to Poinsett, Washington, 26 March 1825".

Mariano Arévalo's *Dialog between a barber and his merchant*, which expressed indignation at slavery and openly criticized Poinsett's efforts to secure restitution.¹⁰¹ Delays in the ratification finally prompted both administrations to drop the treaty during the year 1827. After new negotiations, another treaty was concluded in the first weeks of 1828, again providing for the restitution of fugitive slaves. Yet again Mexican representatives expressed uneasiness with some articles, including the new article 33, on the ground that it directly contradicted the federal ban on the slave trade (1824). The House of Representatives once again rejected the article, compelling Poinsett to use "very strong language" to push the cause of restitution, which he considered essential "to the future understanding between the two nations". Nonetheless, the Mexican Senate eventually supported the deputies in their opposition, and the treaty failed once more to be ratified.¹⁰²

Poinsett's failure to secure a restitution agreement with Mexico did not discourage his successor Anthony Butler. On 5 April 1831, a treaty of "amity, commerce and navigation" formalized the mutual return of fugitive slaves, provided that they had reached Mexico less than a year before their extradition (original article 34). Once more, the implied reciprocity was fictional: slavery had already been *formally* abolished in Mexico (except in Texas) and escape attempts across the border were entirely one-directional; and once again, Mexican representatives (at the *Cámara de diputados*) soon objected to restitution and eventually rejected article 34 (though by a majority of only one vote) in October 1831. By contrast with previous negotiations however, the Senate's *Comisión de Relaciones Exteriores* insisted on including the article to prevent border tensions, fearing private slaving raids from the US to Mexico, as well as out of respect for private property. Yet the *Cámara de diputados* sustained its decision against the Senate by a constitutionally-required majority of more than two thirds of its members. By the end of the year, Butler grudgingly agreed to omit article 34 as it was delaying and jeopardizing the treaty's ratification (effective in April 1832). To president Andrew Jackson, he nevertheless defiantly underscored that:

"the rejection impairs no right nor will it interpose any restraint in the employment of all such means as may become necessary for enforcing these rights should the evil resulting from the loss of slaves to our Citizens by them

¹⁰¹ Mariano Arévalo, *Diálogo entre un Barbero y su Marchante* (México: Imprenta de Galván, 1828), 5 ("¿no es este aquel pueblo que vio con horror la esclavitud, el mismo a cuyo nombre se pretende exigir de nosotros que devolvamos los esclavos que busquen asilo entre nosotros, y que se cree con derecho para disponer de mas de un millón de infelices como si fuesen bestias de carga, y sobre los que ninguno puede tener dominio?").

¹⁰² UT(A), Benson, Despatches from US ministers in Mexico (microfilm), reel 4, "US Legation in Mexico to Clay, 18 March 1828"; William R. Manning, *Early diplomatic relations between the United States and Mexico* (Baltimore: Johns Hopkins University Press, 1916), 227-231 and 240-245; Schwartz, *Across the Rio to Freedom*, 10-14; Carlos Bosch García, *Problemas Diplomáticos del México Independiente* (México: Fondo de Cultura Económica, 1947), 30 and 282-294; Carlos Bosch García, *Historia de las Relaciones entre México y los Estados Unidos: 1819-1848* (México: Secretaría de Relaciones Exteriores, 1985), 31-36.

seeking refuge in the Mexican Territory ever grow into such magnitude as to require the interposition of the Government”.¹⁰³

US abolitionists retrospectively condemned the federal government's attempts to extract restitution from Mexico. Gerrit Smith for instance termed it a “heaven-defying crime”.¹⁰⁴ David Lee Child, editor of the *Anti-Slavery Herald*, stressed in 1843 – as controversies on Texas were raging – that Mexico had been “bullied into a surrender of one of the clearest and dearest rights of a sovereign and independent people, by threats of violating that right by force and invasion”. During the US-Mexican War (1846-1848) that followed the US annexation of Texas in 1845, Loring Moody from the Massachusetts Anti-Slavery Society vehemently criticized the US government's pressure on Mexico “to act the part of watchdogs to the plantations of the South-Western slave-holding states”.¹⁰⁵ Similarly, just after the conflict, the jurist William Jay of the American Antislavery Society published an essay exposing the war's pro-slavery origins. It was the failure to secure the Mexicans' agreement on restitution, Jay claimed, that had reinvigorated “the efforts of slaveholders to possess themselves of Texas.”¹⁰⁶

In addition to the fact that negotiations on extradition repeatedly resulted in deadlock, Mexican free-soil policy towards foreign escaped slaves acquired momentum in the wake of the 1824 federalist constitution. While the slave trade ban passed in July 1824 *formally* provided for the freedom of smuggled slaves, some states chose to enforce provisions freeing self-liberated slaves from outside their jurisdictions. For instance, in 1825, both the states of Tamaulipas and Occidente granted “unalienable rights of freedom, safety, property and equality” to all of their citizens, as well as to outsiders “in quality of transient” (theoretically protecting runaways from outside the

¹⁰³ SRE, AEMEUA, 23/5, f.25-29, “Comisión de Relaciones, 2 Dec. 1831” and f.18-22, “Comisión de Relaciones, 14 Dec. 1831”; UT(A), Briscoe, Anthony Butler Papers (2B179 and 2B180), “Butler to Van Buren, 26 May 1831”, “Butler to Livingston” (25 Oct. 1831 and 15 Dec. 1831); UT(A), Benson, Despatches from US ministers in Mexico, reel 6, “Hall of the Committee of Senate, 21 Oct. 1831”, “Butler to Livingston” (22 July 1831, 23 Nov. 1831, 6 Dec. 1831 and 24 Dec. 1831), “Butler to Jackson” (25 May 1831 and 23 Dec. 1831); Manning, *Early Diplomatic Relations*, 251; William R. Manning, *Diplomatic Correspondence of the United States. Inter-American Affairs, 1831-1860*, v.8 (Mexico, 1831-1848) (Washington, DC: Carnegie Endowment for International Peace, 1937), 269; David M. Hunter, *Treaties and other International Acts of the United States of America* (Washington D.C., U.S. G.P.O., 1931-1948), v.3, 633-634 and 638-639; Carlos Bosch García, *Documentos de la Relación de México con los Estados Unidos* (México: UNAM, 1983), v.2, 70-72; Schwartz, *Across the Rio to Freedom*, 7-18; Irene Zea Prado, *Gestión Diplomática de Anthony Butler en México, 1829-1836* (México: Secretaría de Relaciones Exteriores, 1982), 31.

¹⁰⁴ Gerrit Smith, *Substance of the Speech made by Gerrit Smith, in the Capital of the state of New York, March 11th and 12th, 1850* (Syracuse: V.W. Smith and Co. Printers, 1850), 23 (SJMASC).

¹⁰⁵ David Lee Child, *Texas Revolution: republished with Additions from the Northampton (Massachusetts) Gazette, to which is added a letter from Washington on the Annexation of Texas, and the late outrage in California* (Washington, DC: J. and G.S. Gideon Printers, 1843), 67-68 (SJMASC); Loring Moody, *Facts for the People: showing the Relations of the United States Government to Slavery* (Boston: Anti-Slavery Office, 1847), 33-34.

¹⁰⁶ William Jay, *Review of the Causes and Consequences of the Mexican war* (Boston, Philadelphia, New York: Benjamin B. Mussey and Co.; Uriah Hunt and Co.; M.W. Dodd, 1849), 15 (SJMASC).

two states). Likewise, in August 1827, San Luis Potosí's governor Ildefonso Díaz de León explicitly guaranteed freedom to any escaped slave from adjacent states from 16 September 1827 onwards, while also abolishing slavery within his jurisdiction as a tribute to Hidalgo's *Grito de Dolores*. San Luis Potosí's sanctuary policy was rooted in a liberal and anti-imperialist tradition that had emerged during the Mexican wars for independence. Protection provided to escaped slaves was unconditional and tied to inalienable rights inspired by progressive ideals: unlike the late colonial period, freedom granted to runaways was detached from the observance of Catholicism. As a result, slaves from neighboring states such as Coahuila y Tejas and Nuevo León escaped to San Luis Potosí in an attempt to secure formal freedom. For instance, in January 1828, Cosme Cervantes and Francisco Nuñez, two slaves fleeing from Santa Rosa de Múzquiz (Coahuila), addressed the *comisión de peticiones* (petition committee) of San Luis Potosí's state legislature. The two men solicited *amparo* from what they termed the "great Mexican Republic". Introducing themselves as part of a "disgraced class", Cosme and Francisco successfully requested *cartas de libertad* (freedom papers) from the state legislature. Likewise, seventeen-year-old José Ubaldo Díaz, gravely abused by his master Melchor Sánchez Navarro "despite [his] young age", was also granted liberty.¹⁰⁷ Simultaneously, debates on the extent of the application of Mexican free-soil policy began to permeate US-Mexico diplomatic correspondence. In April 1828, the Mexican war vessel *Bravo* arrested a Spanish schooner (navigating under a false US flag) off the Cuban coast near Sagua la Grande on the charge of piracy and smuggling, and conducted it to the nearby port of Key West (Florida). Among the "commodities" seized from the vessels was an enslaved woman. She was thereafter detained by the customhouse of Key West, before her sale at auction. The *Bravo*'s captain, Alejandro Thompson, dissented, deeming her now free by Mexican law (the 1824 ban on slave trade), for which he unsuccessfully requested her return.¹⁰⁸

Such free-soil policy at a local level prefigured the development of federal free-soil policy; the latter slowly emerged from the second half of the 1820s, reaching full fruition in the 1830s. This was to be seen in the Mexican state's response to a request from Louisiana's Senate and House of Representatives for the restitution of escaped slaves. Although the Mexican consul in New Orleans, Francisco Pizarro Martínez, favored acquiescing to Louisiana's request – citing the growing frequency of escape attempts and the danger of further straining relations with the US – the new liberal

¹⁰⁷ YU, SML, Mexico Collection, reel 13, box 51, folder 874; *ibid.* box 52, folder 898; Manuel Muro, *Historia de San Luis Potosí, desde 1810 hasta nuestros días*, tomo I (San Luis Potosí: Esquivel y Cía., 1910) 460-467; Centro de Estudios de Historia de México, XLIX-2 serie 1-1, caja 17, "San Luis Potosí, agosto 31 de 1827, José Eulogio de Esnaurrizar, Gobernador [...] se dará libertad a los esclavos que residan en el Estado de San Luis Potosí". On legislation for Tamaulipas and Occidente: Olveda Legaspi, "La abolición de la esclavitud en México", 22-25, Díaz Casas, "¿De esclavos a ciudadanos?", 292. On self-emancipated slaves escaping from the Sánchez Navarro family in the 1820s: UT(A), Benson, Sánchez Navarro Collection, part II (1805-1825), 3424, "F. Vidaurri to J.M. Sánchez Navarro, 26 May 1822".

¹⁰⁸ SRE, AEMEUA, 15/1, f.98 "Thompson to Pickney, 29 April 1828"; f.101-102 "Pickney to Thompson, and viceversa, 3 May 1828"; f.105-106 "Richard Fitzpatrick, Notary Public Monroe County, Key West, Deposition of Alejandro Thompson, 30 April 1828".

government formed in early 1833 declined.¹⁰⁹ Instead, it asserted its staunch commitment to free soil, and all subsequent efforts by Louisiana representatives, such as Edward Douglass White, to conclude an accord failed.¹¹⁰

Formal and informal settlement(s)

From 1821 onwards, US planters migrating westward in the hope of making a fortune through cotton brought to Texas an ever-increasing number of slaves. As the Mexican government grew wary of Euro-American immigration after the release of general Mier y Terán's alarmist report on Coahuila y Tejas in 1828, a new colonization law (6 April 1830) outlawed the further introduction into Texas of US settlers and slaves. Yet by May 1834 (when this formal prohibition was dropped), the total number of US migrants and slaves in Texas had nearly doubled, with slaves composing a tenth of nearly 20.000 inhabitants. Two years later, bondspeople numbered at least 5.000, while the general population was estimated at about 30.000 individuals.¹¹¹ US migration to Texas was part of a larger trend. From the 1790s onwards, thousands of planters left the Atlantic seaboard for territorial Mississippi (1798) and territorial Louisiana (1803), drawn by the possibilities for the production of sugar, corn, indigo and, most importantly, cotton (the production of which boomed after the invention of the gin). As a result, Louisiana and Mississippi's combined population (including slaves) more than tripled between 1810 and 1830, reaching slightly less than 350.000 inhabitants (a number ten times higher than the population of Texas at the time).¹¹² Because of this long southward and westward extension of slavery, and because slaves in the US South and Texas grew increasingly aware of Mexico's rising antislavery stance, the ranks of fugitive slaves looking for freedom in Mexico swelled. For instance, abolitionist

¹⁰⁹ *Acts passed at the first session of the tenth legislature of the state of Louisiana* (New Orleans: John Gibson State Printer, 1831), 78-79; SRE, AEMEUA, 20/9, f.51, "Pizarro Martínez to Encargado de Negocios, 7 April 1832"; *The Arkansas Gazette*, 14 March 1832. On Pizarro Martínez's complaints on the increase of white settlers and "people of color" illegally entering Texas: SRE, AEMEUA, 18/7, f.18, "Pizarro Martínez to José María Tornel, 10 Feb. 1831"; SRE, AEMEUA, 22/14, f.34-35, "Pizarro Martínez to Encargado de Negocios, 24 Feb. 1834"; and on a projected deportation of Jamaican maroons to Texas in 1833: SRE, LE 1057, f.70, "Pizarro Martínez to Secretario de Estado y del Despacho de Relaciones, 16 May 1833"; SRE, AEMEUA, 22/3, f.101, "Pizarro Martínez to Encargado de Negocios, 20 May 1833".

¹¹⁰ American Memory (Library of Congress), *A Century of Lawmaking for a New Nation: US Congressional Documents and Debates, 1774-1875, Journal of the House of Representatives of the United States, 1833-1834, Wednesday, March 5, 1834*, 385; American State Papers, House of Representatives, 23rd Congress, 1st Session, Public Lands, v.6, 950 [accessed 6 June 2017]; Cornell, "Citizens of nowhere", 353 and 356-357.

¹¹¹ For an extensive economic, demographic, natural and topographical contemporary account of early 1830s Texas, see: Mary Austin Holley, *Texas: Observations, historical, geographical and descriptive. In a series of letters written during a visit to Austin's Colony, with a view to a permanent settlement in that country, in the Autumn of 1831* (Baltimore: Armstrong and Plaskitt, 1833), 133-140. On the process described above: Davis, *Land*, 112; Alwyn Barr, "Freedom and Slavery in the Republic: African American Experiences in the Republic of Texas", in Kenneth W. Howell, Charles Swanlund, *Single Star of the West, The Republic of Texas, 1836-1845* (Denton: University of North Texas Press, 2017), 423-436.

¹¹² Third and Fifth U.S. Federal Census, Population Schedule, Louisiana (1810 and 1830).

Benjamin Lundy recalled that all the slaves belonging to a Francis Berry from Virginia, who had settled at Gonzales (Texas), had absconded “to the Spaniards”, and that for this reason the planter did not wish to acquire others.¹¹³ When escaping from the US South and the Euro-American colonies in Texas, runaways used two main strategies to achieve freedom. First, they looked for *informal* (or *de facto*) freedom by settling in Mexico without seeking the recognition of the Mexican state. Second, they sought formal (or *de jure*) freedom through Mexico’s acknowledgment of their legal status as “free”.¹¹⁴ This second option was the most popular.

Some enslaved freedom-seekers settled deep in the Mexican interior in the hope of escaping deportation by Mexican officials, abduction by slave-hunters and attacks by Native Americans. In 1825, a man named “Jack Yaczon” escaped from Opelousas (Louisiana) to Monterrey (Nuevo León). A year later, Maryland-born slave-trader and Jack’s master Alexander Robb dispatched an associate to lobby Monterrey’s *alcalde segundo* Nicanor Martínez to return Jack, an enterprise that seemingly succeeded, despite the legal defense provided for Jack as *apoderado* by local resident José de Garay. Another slave named “Andrés Dortola” fled to Mexico in 1823. Instead of settling in Texas, the man continued his escape until reaching Guadalajara (Jalisco), where he requested freedom: since he had converted to Catholicism, Andrés expected to be protected by the *Real Cédula* passed in 1750 that guaranteed freedom to foreign Catholic slaves.¹¹⁵

Yet most bondspople fleeing to Mexico settled in its immediate territorial and maritime borderlands. Runaways regularly reached civilian settlements or military posts looking for formally recognized freedom. As during the late colonial period, Nacogdoches represented the main gateway to freedom for runaways, though the freedom they acquired in eastern Texas was extremely precarious. According to a local folktale, “a handsome young gentleman in good style” reached the town in 1827. The distinguished traveler introduced himself as “Claud[e] Riviere”, from Baton Rouge, “the son of a wealthy sugar planter, seeking investments here”, while in fact he was an escaped slave. He joined a local ball, and became “the leader, popular partner for the beauties of the ball-room”. Soon enough though, Tennessee-born Rezin P. Bowie, James Bowie’s brother (both of them were famous land speculators and slave smugglers), “walked across the floor to Riviere, and touched him on the shoulder”, and promptly carried Claude back as a slave to Louisiana.¹¹⁶

¹¹³ Harold Schoen, “The Free Negro in the Republic of Texas, I”, *The Southwestern Historical Quarterly*, v.39/4 (1936), 298.

¹¹⁴ The terms “*de facto*” and “*de jure*” are borrowed from: Bram Hoonhout, “The West Indian Web: Improvising Colonial Survival in Essequibo and Demerara, 1750-1800”, PhD Diss. (Florence: European University Institute, 2017), 117.

¹¹⁵ AGN, Gobernación Sin Sección, c.58, e.12, f.28-29, “Solicitud de Andrés Dortola a Sección de Gobierno, 8 Feb. 1823”; Nichols, *The Limits of Liberty*, 64; AHM, Capital del Estado, Colección Correspondencia, v.17, e.67, f.1, “Poder a favor de Diego de Lachica, 5 Jan. 1826”; *ibid.*, v.137, e.16, f.10, “Reclamo por ser esclavo, 1826”. On Robb: Bryan Prince, *A Shadow on the Household: One Enslaved Family’s Incredible Struggle for Freedom* (Toronto: McClelland & Stewart, 2010), 24-25.

¹¹⁶ RBBC, NA, v.45, 339-341.

Along with Nacogdoches, escaped slaves viewed San Antonio as an increasingly attractive beacon of freedom before 1836. The *Indianola Bulletin* reminisced in 1854 that fugitive slaves occasionally “found their way to that city of blood, chivalry and greasers”, where “the population was numerous, isolated and disposed to protect them”.¹¹⁷ Free blacks were already a common sight among its multiracial population by the mid-1820s (especially in the southern *barrios* of Laredo and Sur, two likely places of settlement for runaways).¹¹⁸ While the *ayuntamiento* often took a proslavery approach, the federal government’s representatives in San Antonio seemed more sympathetic to the plight of slaves (whether fugitives or not). For example, in January 1823, governor José Felix Trespalcacios granted freedom to thirty-year-old slave Phil as a reward for denouncing his master’s attempt to steal cattle.¹¹⁹

Furthermore, fugitive slaves could and did embark on commercial vessels sailing to Mexican ports, either clandestinely or as crew, such as the man found in Matamoros (Tamaulipas) hidden aboard the *Juxpeña* arriving from New Orleans in 1834.¹²⁰ By the early 1830s, the growing port city on the Rio Grande delta hosted an expanding population of free blacks (natives mostly of Louisiana and Haiti) and US fugitive slaves, a by-product of the liberalization of its maritime trade with New Orleans during the 1820s. Matamoros was attractive for its relative commercial prosperity, in addition to being more sheltered from Comanche incursions than other towns on the upper river.¹²¹ Along the Caribbean coast, Tampico, Veracruz and Minatitlán increasingly welcomed US runaways as a result of an increased maritime interconnection with US southern ports after 1821. Veracruz’s strong connection to the Black Atlantic dated back to the early colonial period, as slaves introduced in New Spain transited through the port. In the 1820s, foreign travelers frequently evoked the presence of African Americans (free or otherwise) in Veracruz, where “crowds of Negro porters [were] in constant motion, discharging and carrying the cargoes of boats to the Custom-house within the gates, where a noisy concourse of cart-men [were] scrambling and quarrelling for the chance of employment”.¹²² Further south, in January

¹¹⁷ *The Indianola Bulletin*, 26 April 1854, “Reminiscences of Western Texas – no. XII. First abolition movements in Texas – Adventures among runaway slaves in San Antonio, 1833”.

¹¹⁸ Jesús F. de la Teja, John Wheat, “Bexar, Profile of a Tejano Community, 1820-1832”, *The Southwestern Historical Quarterly*, v.89, n°1 (July 1985), 7-34.

¹¹⁹ BA, reel 73, frame 994, “Trespalcacios’ affidavit of the emancipation of American negro Phil, 8 Jan. 1823”; Ramos, *Beyond the Alamo*, 92 and 116-123.

¹²⁰ SRE, AEMEUA, 22/14, f.144-146, “Pizarro Martínez to Encargado de Negocios, 8 Dec. 1834” and “Pizarro Martínez to Secretario de Estado y del Despacho de Relaciones, 6 Dec. 1834”; SRE, AEMEUA, 25/1, f.11, “Pizarro Martínez to Encargado de Negocios, 15 Jan. 1835”.

¹²¹ Stanley C. Green, *The Mexican Republic: the First Decade, 1823-1837* (Pittsburgh: University of Pittsburgh, 1987), 119; Vito Alessio Robles, *Coahuila y Texas, desde la Consumación de la Independencia hasta el Tratado de Paz de Guadalupe Hidalgo* (México: Porrúa, 1979), v.1, 242; Gilberto Miguel Hinojosa, *A Borderlands Town in Transition, Laredo, 1755-1870* (College Station: Texas A&M University Press, 1983); Omar Valerio-Jiménez, “Although we were the last soldiers: Citizenship, Ideology and Tejano Unionism”, in Jesús F. de la Teja (ed.), *Lone Star Unionism, Dissent and Resistance* (Norman: University of Oklahoma Press, 2016), 129-132.

¹²² William Bullock, *Six Months Residence and Travels in Mexico* (London: J. Murray, 1824), 493; Henry George Ward, *Mexico in 1827* (London: Henry Colburn, 1828), 29; Josiah Conder, *Mexico*

1831, Mexican authorities at Minatitlán freed three slaves arriving from the US with their master Charles C. River. One of them, Elia Green, was a laundress and dressmaker. Another, a man named Anthony Collins, was sent to work on maize *milpas* (crop-growing areas) in the hills surrounding the town, likely with the third liberated slave, eighteen-year-old Isaac.¹²³

Yet even after slavery definitively ceased to exist in Mexico, not all fugitive slaves presented themselves to Mexican civilian and military settlements: instead of negotiating their status as formally free refugees with the Mexican authorities, some runaways attempted to gain freedom informally by remaining out of the reach of the federal state. For instance, some sought shelter with settlers in Texas, even in Euro-American colonies, where some planters hired them in the interest of acquiring cheap labor. This is suggested by Lundy, for instance, who told of a planter from Louisiana who attempted in August 1834 to retrieve some of his slaves from Texas, where a planter named Nathaniel Robbins was keeping them.¹²⁴ Likewise, in January 1829, a slaveowner from Nacogdoches lost one of his slaves who “took the Brazos Road”. Yet instead of heading to San Antonio, or even beyond the Rio Grande, the fugitive sought protection in Austin’s Colony, where he received the assistance of a certain John Williams.¹²⁵ Additionally, some fugitive slaves looked for refuge among Native Americans, in particular among the Comanches who had *de facto* sovereignty over vast areas extending from the Rio Grande to the Colorado River. As underscored by Sean M. Kelley, the naturalist and physician Gideon Lincecum noted the presence of numerous self-emancipated slaves in the *Comanchería* during the early 1830s. Tawélash groups, along the Red River, also welcomed runaways.¹²⁶

Finally, escaped slaves in Mexican Texas often deliberately remained in forests and swamps. As an example of the borderland maroons described by Sylviane Diouf, Dilue Rose Harris reminisced that in 1834, an escaped “African negro” was wandering along the Navidad River at the fringes of local plantations.¹²⁷ Likewise, while travelling through Texas during the winter of 1834-1835, traveler Andrew Parker met a slave “chained in a baggage wagon, for the purpose of carrying him home to his master”. The

and Guatemala (London: James Duncan, 1830), v.1, 212; George Francis Lyon, *Journal of a Residence and Tour in the Republic of Mexico in the year 1826* (London: J. Murray, 1828), v.2, 214 and 225.

¹²³ AGN, Movimiento Marítimo, Fondo Pasaportes, v.32, f.84-86.

¹²⁴ Schoen, “The Free Negro in the Republic of Texas, I”, 297.

¹²⁵ Kelley, “Mexico in his Head”, 712-713.

¹²⁶ Kenneth W. Porter, “Negroes and Indians on the Texas Frontier, 1831-1876”, *Journal of Negro History*, v.41/3 (July 1956), 191-197; Kelley, “Mexico in his Head”, 712.

¹²⁷ Dilue Harris, “The Reminiscences of Mrs. Dilve Harris. I”, *The Quarterly of the Texas State Historical Association*, v.4/2 (Oct. 1900), 105-108. The legendary character of the “Wild Man of the Navidad” (also known as “Wild Woman” or “Jimbo”) who, for about fifteen years, lived along the same river is most likely the same person: *Texas Wesleyan Banner*, 22 Feb. 1851 “Wild Woman Caught”; *Texas Monument*, 5 March 1851; *The Texian Advocate*, 7 Aug. 1851. On “borderland maroons” (fugitives settled at the fringes of plantations and farms): Sylviane Diouf, *Slavery’s Exiles: the Story of the American Maroons* (New York and London: New York University Press, 2014), 72-96.

fugitive had “run away from [him] three months previous, and had all that time lived in the woods, and obtained his food by hunting”.¹²⁸ Such wilderness marronage still represented a realistic solution for fugitive slaves before 1836. Most of the new planters had settled with their slaves along the fertile banks of the Colorado and Brazos rivers, the original location of Austin’s colony. Population density outside of this plantation-centered region remained fairly low and lands peripheral to it had not yet been cleared for cotton, sugar and tobacco production. The social, political and environmental hegemony of Euro-American settlers was still limited to their immediate surroundings before the plantation economy and slavery dramatically expanded in post-independence Texas.¹²⁹

Precarious and contextual freedom(s)

Mexican civilian and military officials in Texas did not receive clear instructions on how to treat escaped slaves, except for the ambiguous federal slave trade ban of 1824 and article 11 of the 1827 state constitution. As such, they often had to make to their own decisions. In September 1827, Encarnación Chirino, *alcalde* at Nacogdoches, solicited orders from José Antonio Saucedo, Bexar department’s *Jefe Político* (political chief), on how to deal with a slave and two army deserters from Louisiana who had just reached the town. Waiting for instructions, Chirino decided to shelter the runaway in exchange for his work. Coahuila y Tejas’ state government forwarded Chirino’s request to the federal government in vain, and whether or not the slave was returned to Louisiana remains unknown. In May 1829, Juan Ignacio Ibarbo, Chirino’s successor, similarly requested instructions from Bexar department’s *Jefe Político* Ramón Múzquiz. Ibarbo reiterated his demand for some months, yet not receiving any reply, he eventually chose to deliver the runaways to their identified masters.¹³⁰ Requests for formal instructions originating from Coahuila y Tejas’ government went up to the federal *Consejo de Gobierno*, but all were left unanswered.¹³¹ Thus, when three US escaped slaves reached Nacogdoches in January 1832, Chirino (once more *alcalde*) again expressed his confusion. The master of one of the escapees, an enslaved woman, had journeyed to the town intending to retrieve her, but the department’s *Jefatura*

¹²⁸ Andrew A. Parker, *Trip to the West and Texas* (Concord: W. White; Boston: B.M. Mussey, 1836), 242.

¹²⁹ On landscape and slave flight: Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge and London: Harvard University Press, 2013).

¹³⁰ RBBC, NA, volume 21, 19 (17 Sep. 1827); AGECE, FJPB, c.5 e.60, “Saucedo to Gobernador del Estado de Coahuila y Texas, 12 Oct. 1827”; BA, reel 108, frame 946, “Viesca to Jefe Político del Departamento de Bexar, 3 Nov. 1827”; RBBC, NA, v.21, 204-205 (12 May 1829); BA, reel 122, frames 384-395 “Ibarbo to Múzquiz, 12 May 1829”; *ibid.*, reel 125, frames 270-273, “Ibarbo to Múzquiz, 31 Aug. 1829”; RBBC, NA, v.12, 134 (17 Sep. 1829); *ibid.*, v.12, 147 (26 Nov. 1829); AGECE, FJPB, c.11, e.62 “Múzquiz to Gobernador del Estado de Coahuila y Texas, 22 June 1829”. On Ramón Múzquiz: Andrés Reséndez, “Ramón Múzquiz: the ultimate insider”, in Jesús F. De la Teja (ed.), *Tejano Leadership in Mexican Revolutionary Texas* (College Station: Texas A&M University Press, 2010), 128-145.

¹³¹ AGECE, FSXIX, c.5 f.9 e.2, “Letona, Gobierno del Estado de Coahuila y Texas, a Consejo de Gobierno, 19 May 1831”.

Politica instructed Chirino not to deliver the woman before receiving orders from Saltillo. They came in March 1832: the three runaways were to be returned, unless they and their enslavers had settled in Coahuila y Tejas after 11 September 1827 (six months after the publication of the state constitution of 1827).¹³²

The treatment of self-liberated slaves by civilian and military officials proved inconsistent, since it was usually based on a personal interpretation of the laws. As Tawakoni and Waco natives attacked San Antonio in August 1830, Mexican military forces swiftly retaliated. The First Permanent Company of Tamaulipas soon launched a large punitive expedition. By mid-September 1830, the party reached a Tawakoni settlement on the San Gabriel River. The company killed eight Tawakonis during the ensuing assault, and a slave originally from Austin's Colony was seized along with four Native American children and sent to Monterrey. While the slave was being transferred to Lavaca, General commandant and inspector of the Eastern Internal Provinces Manuel de Mier y Terán instructed commandant Antonio Elosua "to locate his owner" using newspaper advertisements, likely reasoning that the fugitive could not benefit from Mexico's asylum policy due to Texas's exemption from the abolition of slavery.¹³³ Likewise, a self-emancipated slave named Adam who had escaped from the Brazos in April 1829 was eventually arrested a year and a half later by corporal Eusebio Ansunez and soldier Romualdo Pérez near Bexar. Thereafter, the town's *alcalde* informed settler Thomas Barnett that Adam would be transferred back to Austin's Colony, and requested a financial reward be sent to Ansunez and Pérez for the arrest.¹³⁴ Even slave refugees fleeing deeper into Texas had no firm guarantee of being granted freedom. In February 1828, Manuel absconded from the property of Haium Frayle, a resident of San Felipe de Austin. The enslaved asylum-seeker took refuge in the *hacienda* of Palmira, near the *villa* of Gigedo in the northeast of Coahuila. Instead of benefiting from the protection of local municipal authorities, Manuel was arrested and detained in the nearby town of Guerrero (Coahuila). *Alcalde* Luis San Miguel consulted his counterpart in San Antonio, who was actively looking for the slave, regarding the man's rendition to his master, while Manuel's arrester received twenty pesos as a reward.¹³⁵

Restitution occurred especially when willingness to maintain friendly relationships with the US government and the Euro-American colonists prevailed over

¹³² AGECE, FJPB, c.22, e.29, "Múzquiz to Gobernador de Coahuila y Texas, 3 March 1832"; BA, reel 147, frame 438, "Chirino to Múzquiz, 17 Jan. 1832"; *ibid.* reel 147, frames 756-62, "Múzquiz to Letona, 30 Jan. 1832"; *ibid.* reel 148, frame 362, "from Leona Vicario to Jefe político del Departamento de Bexar, 3 March 1832"; *ibid.* reel 148, frame 885, "Jefe Político de Bexar to Leona Vicario, 24 March 1832".

¹³³ Malcolm McLean, *Papers concerning Robertson's Colony* (Arlington: University of Texas at Arlington, 1974-1993), v.5, 59-60 and 65-67; *ibid.*, v.4, 483-484 and 498-523. On the expedition: Foster Todd Smith, *From Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786-1859* (Lincoln and London: University of Nebraska Press, 2005), 141-142. Runaway slave ads emerged in the early 1830s in Mexican Texas. See for instance: *Mexican Citizen*, 21 April 1831.

¹³⁴ *Texas Gazette*, 6 Feb. 1830; BA, reel 135, frames 88-90, "Barnett to Arciniega, 7 Oct. 1830".

¹³⁵ BA, reel 115, frame 177, "Luis San Miguel to Alcalde de Bexar, 17 July 1828".

the Mexican state's need to assert its exclusive sovereignty over the province. Decision-making on fugitive slaves was to a large extent shaped by diverging visions of foreign settlement in Texas, considered alternatively as a threat or an opportunity for Mexico. Officials who viewed the Euro-American colonization in a positive light (as a source of economic development and safety against Native Americans) showed more eagerness to deliver escaped slaves to their Euro-American masters. In September 1831, a runaway reached Fort Tenoxtitlán (along the old *Camino Real* between San Antonio and Nacogdoches), one of the two posts (with Lavaca) where free black immigrants were *officially* supposed to settle, and sought the protection of *Tejano* lieutenant colonel José Francisco Ruíz, a former Indian commissioner. Tenoxtitlán had been established in 1830 as part of an attempt to "Mexicanize" Texas following Mier y Terán's alarming report (1828), and to protect civilian settlements from Native Americans. No translator was present at the fort and communication between Ruíz and the fugitive was not easy. Ruíz wrote to Samuel May Williams (secretary at San Felipe de Austin's *ayuntamiento*) that "according to what [he] [had] been able to understand", the slave was claiming to have escaped from the US. Yet Ruíz was skeptical about this account: he thought instead that the asylum-seeker had "run away from some inhabitant of this department" and was attempting to evade restitution by strategically claiming to have absconded from beyond the Sabine River. The officer therefore decided to send the runaway to Austin's Colony, where he maintained friendly contacts: to him, this *ad hoc* restitution was a show of goodwill to conserve amicable relations between the planters and the Mexican state in Texas.¹³⁶

While some officials like Ruíz actively pursued and delivered enslaved freedom-seekers to their masters, others nonetheless sheltered them even at the risk of heated conflicts with planters. In August 1831, two escaped slaves from Louisiana solicited the protection of Virginia-born John Davis Bradburn, the military commandant for Mexico at the fort of Anahuac, on the northeast side of Galveston bay, on Trinity River's delta. Bradburn welcomed the two men and enlisted them in the ranks. In exchange, the refugees were employed as brick-makers and construction workers, building part of the fortress and some houses for the officers. When their owner William M. Logan personally requested their restitution, Bradburn relied upon a personal interpretation of an ambiguous set of laws, and refused to comply. The officer assumed that Texas's exemption from the abolition of slavery applied *exclusively* to the Euro-American colonies of Texas, not to Texas as a whole (an interpretation advocated by the planters). The Euro-American population on the Trinity River quickly viewed Bradburn's refusal to deliver the two men as a serious *casus belli*. Retrospectively, Bradburn underscored that protecting the two men had become "a circumstance that kept damaging [him] a lot and attracting [him] the hate of the colonists".

¹³⁶ McLean, *Papers concerning Robertson's Colony*, v.6, 414; Ramos, *Beyond the Alamo*, 121-122. On Tenoxtitlán and Lavaca as places of settlement: SRE, AEMEUA, 18/7, f.39, "Pizarro Martínez to Mier y Terán, 4 April 1831"; SRE, AEMEUA, 20/9, f.16, "Pizarro Martínez to Encargado de Negocios, 2 Feb. 1832"; *Marine Journal*, 2 Feb. 1832.

A mob of resentful planters soon surrounded Anahuac pressing for the return of the slaves to Logan. *Comandante General de los Estados Internos de Oriente* Mier y Terán advised Bradburn to argue that claims on runaways should be addressed directly to the Mexican government through US ministers in Mexico, not to local officers like him. The general commandant thereby sought to deflect pressure from Euro-American settlers in Texas and the US to the federal level in the hope of *locally* safeguarding peace and sovereignty on the republic's northern fringes. However, this response did not please local planters, and the discrepancy of interpretations between Bradburn and the mob quickly escalated into an open conflict. Settlers rose in rebellion against the military authorities of Anahuac, after some men who had plotted to illegally retrieve the two slaves were detained. Against the backdrop of increasingly frequent regionalist rebellions in 1830s Mexico, this particular controversy soon culminated in a pledge of allegiance to Santa Anna by the planters, in support of federalism and local autonomy against a perceived trend towards centralization under conservative president Anastasio Bustamante. With slavery at its very roots, the resulting months-long conflict (remembered as the "Anahuac disturbances") further divided the Mexican state and the Euro-American colonists in Texas, Margaret S. Henson even describing Anahuac as "the cradle of the Texas Revolution".¹³⁷

Mexico's lack of legal and moral support for institutionalized slavery on its northeastern periphery constituted a constant source of annoyance for slaveholders in Texas. The intervention of state officials into the realm of slavery conflicted with the new colonists' sense of liberty, deeply embedded in attributes and performances of whiteness, masculinity and household mastery. It also clashed with a common preference by US settlers for minimal interference by central governments.¹³⁸ While the Mexican state increasingly strove to reassert its authority over Texas and rejected

¹³⁷ YU, Beinecke, Henry Raup Wagner Collection of Texas Manuscripts, Box 3, folder 86, "Bradburn to Comandante General, Estados Internos de Oriente, Anahuac, Texas, 2 Feb. 1832"; *ibid.*, Box 3, folder 91, "Bradburn, Report to the Comandante General, Estados Internos de Oriente, Report of events in Anahuac, 1832"; Winnie Allen, Katherine Elliott (and al.), *The Papers of Mirabeau Buonaparte Lamar* (Austin and New York: The Pemberton Press, 1968), v.1, 91; YU, Beinecke, Thomas W. Streeter Collection of Texas Manuscripts, Box 1, folder 19, "Austin to Múzquiz, 26 June 1832"; YU, Beinecke, "Communications forwarded from San Felipe de Austin relative to late events in Texas" (MS - Zc52832co); SRE, AEMEUA, 20/9, "Pizarro Martínez a Encargado de Negocios, 14 June 1832"; Margaret S. Henson, *Juan Davis Bradburn: a Reappraisal of the Mexican Commander of Anahuac* (College Station: Texas A&M University Press, 1982); Paul D. Lack, "Slavery and the Texas Revolution", *Southwestern Historical Quarterly*, 89 (Oct. 1985), 184; Nichols, *The Limits of Liberty*, 61-62. On federalist uprisings in the 1830s: David J. Weber, *The Mexican Frontier, 1821-1846* (Albuquerque: University of New Mexico Press, 1982), 245-253; Timothy Anna, *Forging Mexico, 1821-1835* (Lincoln: University of Nebraska Press, 2001), 34-41.

¹³⁸ William Harris Wharton, one of the leaders of the Texas Revolution, directly linked the intervention of the Mexican government in slavery-related matters and the conflict of 1835-1836, arguing that "with a sickly philanthropy worthy of the abolitionists of these United States, they have, contrary to justice, and to law, intermeddled with our slave population, and have even impotently threatened in the war now pending, to emancipate them, and induce them to turn their arms against their masters". William H. Wharton, *Texas. A brief Account of the Origin, Progress and Present State of the Colonial Settlement of Texas; together with an Exposition of the Causes which have induced the existing War with Mexico* (1836), IV/1st.

extradition, legal strategies gradually lost popularity among Euro-American slaveholders. In a climate of rising defiance, inaugurated by the Fredonian revolution led by *empresario* Haden Edwards in eastern Texas (1826), they began to illegally retrieve their “property”, especially by commissioning “slave-hunters” such as Joseph and Job Bass.¹³⁹

In April 1832, Peter and his son Tom escaped from the plantation of Alexander Thompson on the Brazos River to San Antonio, where they requested *amparo* (protection) from the town’s civil court. The two men had been brought to Texas as slaves in March 1831, along with six other enslaved people, after “agreeing” to a service contract of 70 years legalized by a notary in New Orleans. In March 1832, in relation to another case, the state authorities had affirmed the freedom of slaves who had been introduced into Texas after 11 September 1827 (six months after the publication of the 1827 state constitution). As such, Peter and Tom were indeed eligible for such protection. Nonetheless, despite their status as “*amparados*”, they were not yet formally considered as free men. As the court was financially unable to maintain the refugees, it temporarily sent them to John William Smith’s house to be employed as domestic servants in exchange for food and a small salary. Yet during a night of May 1832, Smith “maliciously” delivered them (for a bounty) to several *norteamericanos* led by Henry Stevenson Brown. According to a contemporary, the renowned slave-hunter “understood the Spanish language and was well acquainted in and around San Antonio”. A settler on the Red River had also commissioned Brown’s crew to retrieve five of his slaves in San Antonio, where they had “received countenance and protection from the authorities and population generally”. One of the mercenaries, Basil Durbin, found out that while “one of the negroes was making shingles on the Medina [River], the others were employed about the city”. Brown’s men came down from their camp “in the hills above the city” and abducted the man working on the Medina “after a brief struggle”. Later on, the mercenaries kidnapped “another [runaway] hauling wood between the powder house and town” after a fierce conflict. A third runaway was arrested while the first two abducted men were “hurried off to Gonzales”.

This filibustering expedition infuriated most of San Antonio’s *Tejanos*. *Jefe Político* Ramón Múzquiz termed it “atrocious”: the affair “[was] so serious as to [have provoked] the attention of the people of the City regarding the outrage that [had been] committed against the legally constituted laws and authorities”. Military expeditions were launched to arrest the kidnappers. Lieutenant Pedro Rodríguez was sent to the former Spanish mission of San José y San Miguel de Aguayo, some miles south of San Antonio, where some of the raiders were thought to have escaped. The troops found and fired at Basil Durbin, before jailing him at San Antonio. His accomplices had seemingly sought refuge in Gonzales, on the Guadalupe River in DeWitt Colony. Múzquiz therefore instructed captain Gaspar Flores to head to Gonzales, where he would arrest Brown’s crew at whatever cost (“up to the point of being dead men in case they are obstinate”). Commanding a force of thirty-two men, Flores reached Gonzales

¹³⁹ UT(A), Briscoe, Joseph and Job Bass Papers, 1828-1831, Box 2E549.

and began negotiating with *comisario* Ezekiel Williams and *empresario* Green DeWitt for the arrest of the raiders and the recovery of the abducted slave refugees. However, the search proved to be unsuccessful. The self-liberated men had seemingly been sent away from Gonzales. Only one of the mercenaries, Benjamin Duncan, was arrested and transferred to San Antonio's *calabozo*, where he waited "to have his case more fully investigated". Captain Flores soon became aware of the complacency of the new municipality of Gonzales (controlled by Euro-American settlers) towards Brown and his men. Despite pledges of good will, it demonstrated no intention to actively look for the abducted slave refugees. Williams and DeWitt argued in favor of Duncan, who according to them, "[had] conducted himself in this Colony honestly". Both men told Flores that they had seen Brown heading to Austin's Colony just before the Mexican officer's arrival at Gonzales and argued that Peter and Tom had expressed willingness to return to Thompson. In San Antonio, however, this version of events was contradicted by the testimony of *mulato* Jon (who himself had narrowly escaped abduction), who asserted that the raiders were very likely still lurking in DeWitt Colony, although no further evidence could be found.

The state of Coahuila y Tejas ordered the prosecution of John William Smith, intending to make the case into a show of firmness against the increasingly rebellious Euro-American population. Yet all the prisoners connected to the case were bailed out and, in the midst of Múzquiz's vain attempts to arrest the other culprits, *comisario* Williams even openly acknowledged having participated in Peter and Tom's forced return to Alexander Thompson. The *ayuntamientos* of Gonzales, San Felipe de Austin, Brazoria and Nacogdoches eventually terminated their (pretense of) cooperation, to the point of not even replying to letters sent from San Antonio on the issue. The state authorities finally dropped the case in August 1833, concerned that, under the "current political circumstances", any further prosecution would affect the "tranquility of the department" and trigger serious conflicts between the Mexican state and the Euro-American settlers, as in Anahuac. Although a criminal case against two participants in the expedition was held dormant on the shelves of *licenciado* José María Aguirre in Saltillo, no further attempt to prosecute the raiders was made.¹⁴⁰ Peter and Tom's case

¹⁴⁰ BA, reel 150, frame 203, "De la Garza to Múzquiz, 23 May 1832"; *ibid.*, reel 150, frames 218-222, "Múzquiz to Alcaldes of Goliad and Austin, 24 May 1832"; *ibid.*, reel 150, frame 249, "Elozua to Treviño, 26 May 1832"; *ibid.*, reel 150, frames 262-271; *ibid.*, reel 150, frame 339, "Williams and De Witt to Múzquiz, 30 May 1832"; *ibid.*, reel 150, frame 452-456, "Múzquiz to De la Garza, 1 June 1832"; *ibid.*, reel 150, frames 608-614, "Múzquiz to Alcalde of Austin, 6 June 1832" and "Múzquiz to Chief of Police of Gonzales, 6 June 1832"; *ibid.*, reel 150, frames 719-725, "Williams to Múzquiz, 12 June 1832" and "Arciniega to Múzquiz, 12 June 1832"; *ibid.*, reel 151, frames 355-356, "Chisman's affidavit of Brown's delivery of two negroes to Thompson, 4 July 1832"; *ibid.*, reel 151, frames 769-771, "Ruíz to De la Garza, 21 July 1832"; *ibid.*, reel 152, frame 250, "Santiago del Valle to Jefe Político del departamento de Béjar, 3 August 1832"; *ibid.*, reel 152, frame 489, "Williams to Múzquiz, 10 Aug. 1832"; *ibid.*, reel 156, frames 416-422, "Seguín to Jefe Político interino del departamento de Béjar, 17 May 1833"; *ibid.*, reel 156, frames 493-495, "Jiménez to Seguín, 23 May 1833"; *ibid.*, reel 157, frame 773, "Ayuntamiento's acknowledgment of decrees, Bexar, 4 Aug. 1833"; TBL, Bolton, 46:9, "Secretaría de Fomento [...] Texas, correspondencia relativa a la introducción de esclavos"; AGECE, FJPB, c.22, e.55 "Múzquiz to Gobernador de Coahuila y Texas, 3 June 1832"; AGECE, FJPB, c.22, e.56 "Múzquiz to Gobernador de Coahuila y Texas, 4 June 1832";

illustrates the adoption of more aggressive tactics by slaveholders to retrieve self-emancipated slaves. The Mexican state's powerlessness to convict the mercenaries, along with the complicity of proslavery municipal authorities influenced by Euro-American planters, points to just how wantonly slaveholders acted during the years leading up to the Texas Revolution. Tensions regarding runaways in the Louisiana-Texas borderlands also took more global expressions. In March 1834, rumors that the US intended to occupy Texas as far as the Nueces River in retaliation for the escape of criminals, deserters and slaves across the border began alarming the Mexican government, a concern shared for instance by French consul at New Orleans Martin-François-Armand Saillard.¹⁴¹

In addition to fugitive slaves, (Mexican and American) free blacks in Texas were frequent collateral victims of slaving raids. In October 1823, an official at Nacogdoches reported that "some Englishmen" had crossed the border and captured a "mulatto" who had been living in the town for four years and "was known here as free", on the false charge of being a runaway.¹⁴² Five years later, three enslaved men who had absconded from Petites Coquilles and New Orleans (Jim Wilkins, John, and Nathan Richardson), accompanied by a free black named Andrew Roche, were arrested near the Neches River (Texas) while "on board of a yawl" and were imprisoned in Lafayette Parish.¹⁴³ In this context, fugitive slaves in the borderlands faced an almost constant threat of re-enslavement, especially given the occasional collusion between some local agents and slaveholders. In January 1831, Manuel de los Santos Coy, *alcalde* at Nacogdoches, wrote to colonel José de las Piedras regarding instructions issued to local indigenous communities by Tennessee-born colonel Peter Ellis Bean (Mexico's appointed agent for Native Americans in eastern Texas) to extra-legally return to him any fugitive slave "found in the countryside". Two runaways had already been returned to their master following these instructions. Bean first denied the accusations, before arguing that such restitutions had already been practiced elsewhere in the borderlands.¹⁴⁴ Unsurprisingly, then, freedom for slave refugees in Nacogdoches proved fragile. In October 1831, San Antonio's *alcalde* requested information from Coy regarding the legal status of a black man named "Anderson", who had resided for two years in Nacogdoches before settling in San Antonio. Coy replied that, although "it is

AGEC, FJPB, c.23, e.74, "Jiménez to Gobernador de Coahuila y Texas, 18 May 1833"; YU, Beinecke, LAGP, Box 4, "Notes for the apuntes 1833-1849"; *Journal of the House of Representatives of the State of Texas, Sixth Legislature* (Austin: Marshall & Oldham, 1855), 165; *State Gazette*, 16 August 1856; Torget, *Seeds of Empire*, 160; Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (Cambridge: Cambridge University Press, 2004), 162; Nichols, *The Limits of Liberty*, 59-61.

¹⁴¹ SRE, AEMEUA, 23/8, f.36, "Lombardo to Joaquín María del Castillo, 1 March 1834"; SRE, LE 1057, f.109; MAE(C), CP, Texas, v.1 (1833-1839), 127 CP/1, "Consulat de France, Mémoire de 1833".

¹⁴² BA, reel 75, frame 675, "Seguín to García, 12 Oct. 1823"; RBBC, BA, Supplement v.8, 341.

¹⁴³ *New Orleans Argus*, 14 Oct. 1828.

¹⁴⁴ RBBC, NA, v.52, 36-38, "Santos to Piedras, 13 Jan. 1831" and "Piedras to Santos, 13 Jan. 1831"; Jack Johnson, *Indian Agent: Peter Ellis Bean in Mexican Texas* (College Station: Texas A&M University Press, 2005), 149; Torget, *Seeds of Empire*, 97-98. In July 1826, Bean had suggested to Austin to classify slaves as indentured laborers (an idea followed after the 1827 constitution for Coahuila y Tejas was published), thus circumventing any future ban on slavery.

sure that until now no one claimed him”, he believed Anderson had arrived in Texas “fleeing from the United States of the North”. After two relatively safe years at Nacogdoches, “Anderson” suddenly had to flee along with another runaway (who was arrested at San Felipe de Austin after failing to present evidence of his freedom). Though the exact motives for his second flight remain unclear, Anderson’s story shows the precariousness of self-emancipated slaves’ freedom in Texas, of which Mathieu (or “Matthew”) Thomas’s case below offers another striking illustration.¹⁴⁵

Mathieu Thomas, born a slave in 1780, arrived east of Nacogdoches (near San Augustine) in 1824 from the US South along with his master Robert Callier. In 1826, members of the “Yokum Gang” – a group of thieves and slave-stealers active in the Louisiana-Texas borderlands – murdered Callier because he had rejected Matthew Yokum’s demand to marry his daughter Susan. In February 1828, Susan Callier sold her deceased father’s slaves Mathieu, Sally (aged forty) and Luisa (aged two) to settler Elijah Lloyd at Nacogdoches for 1,000 pesos. Yet soon afterwards, Lloyd was convicted of murder and imprisoned. He promised Mathieu Thomas unconditional freedom in exchange for his help in escaping from the municipal jail of Nacogdoches, to which Mathieu consented. Lloyd fled from the Mexican authorities riding a horse to Louisiana (where he subsequently died), leaving the promise unfulfilled. Fearing that Lloyd’s heir(s) would attempt to nullify the informal agreement between the two men, Mathieu Thomas ran away to Nacogdoches in May 1830, seeking the *amparo* of local administrators.

In his petition to *alcalde* Vicente Córdova, Mathieu Thomas sought to appeal to antislavery ideals and justified assisting his master’s escape as “the only means of liberating [him]self from the slavery to which [he] was reduced by account of [his] color, and to which death is preferable”. Thomas based his request on a state decree issued on 15 September 1827 providing for the emancipation of slaves whose deceased master had no natural heirs (“*herederos forzosos*”). State authorities in Saltillo nonetheless rejected it in October 1830, arguing that such an article only applied to masters “naturally dead”, not to ones who had disappeared. Despite this verdict, Mathieu Thomas obtained freedom papers from colonel de las Piedras in June 1831 and worked as a domestic servant in exchange for his protection. As the private and the public realms overlapped on *amparo*, Mathieu Thomas lost his protector and prospects of freedom with De las Piedras’s fall from grace and eviction in August 1832. Fearing re-enslavement, he headed to San Antonio where he eventually settled, unaware that his difficulties were not over yet.

In October 1832, Elijah Lloyd’s unique heir and nephew, a native of Tennessee named William M. Lloyd (in Texas since 1828), arrived claiming Mathieu Thomas as his “property”, presenting evidence of the transaction made at Nacogdoches in 1828. San Antonio’s *alcalde*, José Antonio de la Garza, expressed his confusion, since Mathieu Thomas had previously showed him his *carta de libertad*. With two

¹⁴⁵ BA, reel 145, frame 851, “Manuel de los Santos Coy to alcalde de Bexar, 8 Nov. 1831”.

conflicting documents in his hands, de la Garza flipped the burden of proof by requiring Lloyd to prove that Mathieu Thomas was effectively his slave. A month later, Lloyd returned from Nacogdoches and San Felipe de Austin after collecting several testimonies supporting his cause. However, he failed to convince José A. de la Garza. Despite the fact that Lloyd could have qualified as a natural heir as defined by the law, Mathieu Thomas was eventually freed from custody. He met Lundy for the second time some months later, now a free man.¹⁴⁶

Conclusion

As this chapter has demonstrated, although the principle and practice of *unconditional* free-soil policy took root during the years leading up to the Texas Revolution, freedom for runaways in northeastern New Spain/Mexico before 1836 remained deeply *conditional* upon local decision-making, unstable balances of power and the prevalence of grassroots administration in the borderlands. Flight represented a risk-laden decision, with often unpredictable consequences for enslaved absconders such as Mathieu Thomas. The shared story of Spanish and Mexican administrators and escaped slaves from the US South and the new colonies in Texas was first and foremost a tale of convergence (or divergence) of interests between both sets of actors. The fate of runaways was always dependent on the responses of officials to larger borderlands dynamics and geopolitical developments. Local civilian and military administrators regularly ignored, dismissed or disobeyed complex (and sometimes contradictory) instructions on free soil, or simply devised their own policies on the settlement of foreign fugitive slaves when clear orders from above were wanting. By contrast with the religion-based asylum policy that characterized the late colonial period, the ideal and practice of unconditional free soil for foreign self-liberated slaves, inspired by the liberal doctrine of transcendental human rights, emerged during the first decade of Mexico's independence. In the midst of a gradual abolition of slavery and the slave trade (with the ambiguous exception of Texas), Mexican governments repeatedly refused to return US slave refugees from 1825 onwards. Independent Mexico's growing intransigency over slavery, including an increasingly consistent enforcement of free soil, eventually prompted many Euro-American planters to take (illegal) action themselves. As a result, the threat of abduction by armed raiders constantly jeopardized slave refugees' bids for freedom in northeastern Mexico, especially from the early 1830s onwards. While the massive expansion of slavery generated by the Euro-American colonization of Texas progressively strained the relationship between

¹⁴⁶ BA, reel 153, frame 738, "De la Garza to alcalde of Nacogdoches, 25 Oct. 1832"; *ibid.*, reel 154, frame 70, "Investigation of Elias Loid's claim for runaway slaves, 20 Oct. 1832"; RBBC, NA, v.16, 395-399, "Petition of Matthew Thomas, 15 May 1830"; AGECE, FJPB, v.10, e.5, "Nacogdoches, José Ignacio Ybarbo, alcalde del pueblo de Nacogdoches, informa al secretario del Supremo Tribunal de Justicia, haberle enviado la información sumaria formada contra el negro Mathe y el Americano Juan A. Robert, acusados de haber auxiliado al criminal Elias Loy en su fuga del calabozo" (Jan. 1829); *Laws and decrees of the state of Coahuila and Texas* (Houston: Telegraph Power Press, 1839), 79 (Decree n°19, article 5, 15 Sep. 1827). In his request, Mathieu Thomas mistakenly based his argument on "the law n°18 of the 19th of September, 1827".

the Mexican state and the new colonists, the independence of Texas in 1836 reinforced Mexico's emerging antislavery commitment, and shaped an even more binary political landscape of slavery and freedom in the borderlands.

