Universiteit
Leiden
The Netherlands

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

Mareite, T.J.F.

Citation
Mareite, T. J. F. (2020, February 13). *Conditional freedom : free soil and fugitive slaves from the US South to Mexico's Northeast, 1803-1861*. Retrieved from https://hdl.handle.net/1887/85166

Version:	Publisher's Version
License:	Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden
Downloaded from:	https://hdl.handle.net/1887/85166

Note: To cite this publication please use the final published version (if applicable).

Cover Page

Universiteit Leiden

The handle http://hdl.handle.net/1887/85166 holds various files of this Leiden University dissertation.

Author: Mareite T.J.F.
Title: Conditional freedom : free soil and fugitive slaves from the US South to Mexico's Northeast, 1803-1861
Issue Date: 2020-02-13

CONCLUSION
"Mexico will assuredly be overrun by the slaves from the Southern States": The Making of Free Soil, The Unmaking of the Second Slavery

At the outset of this study, the following research question was posed: what was the nature of slave flight in the Mexican borderlands, and how and why did Mexico develop into a site of "conditional freedom" for slave refugees from the American South? First, *Conditional Freedom* has demonstrated that flight and freedom across the Mexican border was largely conditional upon enslaved people's background experiences, resources, strategies and networks. Mastering social and geographical skills, forging networks of support before, during and after flight and devising bold escape strategies were all crucial to successfully escaping to Mexico. They were accessible mostly to young, skilled and male enslaved people. Second, Mexico's development as a space of formal freedom (on paper) was fraught with a series of external challenges and internal debates. This complex, contradictory and disputed making of free-soil policy in Mexico accounts for the conditional freedom that, in practice, most fugitive slaves experienced across the Mexican border. These are the succinct answers to the questions posed above. This concluding chapter seeks to further reflect on these issues. The first section will yield some critical insights into the non-linear and contested making of free soil in Mexico during the nineteenth century, emphasizing how the development of Mexico as free-soil territory was anything but inexorable, before setting out the main conclusions and contributions of *Conditional Freedom*. By way of closing, the second section will delve into how the long-lasting tension between free soil and bondage came to an end. Returning to some of the main insights of ch.1 and 2, it succinctly addresses the demise of the Second Slavery in the US-Mexico borderlands during the 1860s through the prism of slave flight to Mexico.

The Making of Free Soil

By the eve of the US Civil War, slaveholders in the US South seemed to be surrounded by free-soil areas, with Canada, the British Caribbean, Haiti and Mexico all supporting an "imagined community of transnational abolitionism", as Edward B. Rugemer once put it.[1] For enslaved people from the US South using their "geopolitical literacy", the variety of destinations in which to obtain formal freedom had significantly expanded since the geographical and political front of free soil had first emerged in late-eighteenth century Pennsylvania.[2] This expansion of opportunities is illustrated by the

[1] Edward B. Rugemer, *The Problem of Emancipation: the Caribbean Roots of the American Civil War* (Baton Rouge: Louisiana State University Press, 2009), 12.
[2] Phillip Troutman, "Grapevine in the Slave Market: African American Geopolitical Literacy and the 1841 *Creole* Revolt", in Walter Johnson (ed.), *The Chattel Principle: Internal Slave Trades in the Americas* (New Haven: Yale University Press, 2004), 203-233; Richard S. Newman, "'Lucky to be born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Anti-Slavery Borderland", *Slavery & Abolition*, 32:3 (2011), 413-430.

response of the enslaver Jonathan Harris to the escape of George, a thirty-five-year-old "mulatto boy" employed as a "brick-layer by trade". George escaped from Jonathan Harris's estate in Opelousas (Louisiana) in August 1859. His enslaver had absolutely no clue as to where George was headed, except that he would strive to reach a free-soil territory by "mak[ing] his way to the underground railroad to reach the North or Canada or to go West across Texas, for Mexico".[3]

After the Louisiana Purchase, the fame of Mexico's Northeast as a haven for refugees from slavery considerably widened. Following the Texas Revolution, especially, self-emancipated slaves mostly from Texas, Louisiana and Mississippi crossed the border in increasing numbers, despite the rise to power of proslavery social, legal and political interests west of the Mississippi valley. However, the real and imagined association between Mexico and the cause of antislavery among enslaved people, abolitionists and slaveholders throughout the US, fostered by the entrenchment of slavery's abolition and free-soil principles in the independent republic from the 1820s onwards, should not obscure its tortuous trajectory from a society with slaves to a space of unconditional freedom (on paper) for all enslaved people. Although Mexico banned the slave trade in 1824 and abolished its own slavery in 1829 – with the controversial exception of Texas – a completely unified and consistent asylum policy for enslaved freedom-seekers took far longer to emerge. Slave emancipation and free soil did not fully overlap. By contrast with teleological narratives on the emergence of Mexico's free-soil policy, *Conditional Freedom* has shown that there was no historical inevitability in Mexico's formation as a space of formal – although in practice conditional – freedom for foreign enslaved people, nor in its emergence as an antithesis to the American "peculiar institution".

Mexican Texas (1821-1836) offered a prime ground for the observation of free soil's incomplete realization, the persistence of grey areas and the ensuing liminality of self-emancipated enslaved people's status before the Texas Revolution. This liminality is illustrated by the case of Peter and Tom, two self-emancipated slaves who absconded to San Antonio de Bexar's Civil Court during the spring of 1832. They were regarded by *Jefe Político* Ramón Múzquiz as "*en clase de depósito*" (as a deposit). Thus, despite being formally "*amparados*" (protected) by the Mexican state's local agents, their transition from slavery to freedom was still incomplete.[4] Before their abduction by Euro-American mercenaries Peter and Tom's liminal condition as *amparados,* while not yet fully free, stemmed from the fact that free soil, though gaining momentum after Mexico's independence, remained a contentious issue among Mexican officials before the Texas Revolution. Proponents of its strict enforcement viewed it as an expedient way to curb the westward progress of the Second Slavery and a Euro-American colonization that increasingly encroached upon Mexican sovereignty. The architect of the 6 April 1830 restrictive law on immigration, *comandante general*

[3] *The Opelousas Patriot*, 3 Sep. 1859.
[4] See ch.3 for detailed case. For the specific terminology discussed here: AGEC, FJPB, c.22, e.55 "Múzquiz a Gobernador de Coahuila y Texas, 3 June 1832"; AGEC, FJPB, c.22, e.56 "Múzquiz a Gobernador de Coahuila y Texas, 4 June 1832".

Manuel de Mier y Terán, for instance, proposed in 1831 to consider all black people entering Texas from now on as free by means of an explicit declaration to be published in municipalities throughout Texas as well as in New Orleans. Supporting free soil as the official policy for all newcomers, Mier y Terán nevertheless did not dare to challenge the legal existence of the slaveholding enclaves that had already formed in Texas. Moreover, the *comandante general* advocated the settlement of free African Americans from the US in Coatzacoalcos (Veracruz) as well as in Lavaca and Tenoxtitlán (Texas), so as to raise a much-needed workforce for the production of cotton. By doing so, he hoped to replicate the bonanza experienced along the Brazos and Colorado rivers, this time for Mexico's exclusive benefit. However, Mier y Terán's main concern was to establish these settlements sufficiently far from slaveholding areas, judging that enslaved people might otherwise attempt to abscond from the adjacent Euro-American colonies and further strain the relationship between the Mexican state and foreign slaveholders, with the US potentially intervening as their ally.[5]

Preoccupied by similar considerations, some officials in the borderlands adopted a more conciliatory approach by denying asylum to enslaved freedom-seekers and returning them to Euro-American settlers in Texas and the US South, as official correspondence from the *Secretaría de Fomento* substantiates. Many advocated the closing of Mexican soil to fugitive slaves (often despite their own aversion to slavery) as a way to curb the "Americanization" of Texas. An example of this is Jorge Fisher (Đorđe Ribar), born in Hungary to Serbian parents, who was naturalized as a Mexican in 1829 and later became collector of customs at Anahuac (Texas). Fisher suggested establishing a new military fort on the eastern border of Texas to "prohibit the introduction of negro fugitive slaves from Louisiana into our territory" along with illegal settlers and criminals. Likewise, Francisco Pizarro Martínez, Mexico's consul in New Orleans, favored a ban on the introduction of all black people into the department of Texas. In his view, it was impossible to distinguish free African Americans from enslaved people who were routinely smuggled from Louisiana as indentured servants. Mier y Terán, Fisher and Pizarro Martínez highlight the wide spectrum of positions adopted by Mexican officials on slave refugees – and black people more generally – before 1836. They show the extent to which debates over slave flight, free soil and the progress of the Second Slavery west of the Mississippi River had become inextricably entangled at the eve of the Texas Revolution. They also show how freedom for American black people in Mexico remained conditional upon the visions of nation builders in New Spain and Mexico throughout the nineteenth century, as they constantly weighed the benefits of asylum policies (mainly the colonization of

[5] TBL, Bolton, 46:26, "Reflexiones que hago sobre cada articulo de la ley de 6 de abril de este año [...], Mier y Terán, 6 June 1830"; Bolton, 46:8, "Mier y Terán to Gobernador de Coahuila y Texas, 6 March 1831"; "Mier y Terán to Ministro de Relaciones Interiores y Exteriores, 23 Oct. 1830"; "Mier y Terán to Secretario de Relaciones Interiores y Esteriores, 22 June 1831".

frontier areas along with economic and moral gains) against their practical disadvantages (increased geopolitical tensions), as *Conditional Freedom* has revealed.[6]

The Texas Revolution (1835-1836) pushed Mexico to embrace the cause of free soil against its aggressively expanding slaveholding neighbor, as argued in chapter 4. Reasserting its nation-wide abolition of slavery in April 1837, the federation became staunchly committed to the enforcement of an unconditional free-soil policy for foreign self-emancipated blacks. Yet this transition was far from inexorable. For instance, in the wake of the Texas Revolution, representatives for *hacendados* from Orizaba and Córdoba (Veracruz) petitioned the *Secretaría de Fomento* for the transfer to their estates of formerly enslaved people who had taken refuge in the Mexican army during the military campaign in Texas. While claiming to protect slave refugees from Texan slaveholders, their main motivation was rather to solve the problem of labor shortages on Veracruz's cotton, coffee, tobacco, cacao, vanilla, indigo and sugarcane estates. According to the proposal, the laborers were to contract a debt to the *hacienda* (transferable to the whole family in case of death), and would have to work for at least ten years to reimburse it. They could not leave the estate – temporarily or permanently – and they had to have their patron's permission to hold "reunion, games, dances". The landowners were eventually denied permission. Nonetheless, this petition suggests that a quite different (free-soil) policy regarding enslaved freedom-seekers could have emerged in Mexico after 1836. It also reflects the very real coercive and exploitative work relationships, such as debt bondage, that many former bondspeople faced in Mexico's Northeast.[7]

Because the legal right of recapture never extended beyond US national borders, and Mexican officials and citizens for the most part sought to protect self-emancipated slaves, Mexican territory came close to fully becoming a space of *formal* freedom for foreign refugees from slavery before 1861. The *longue durée* perspective of *Conditional Freedom* has made it possible to trace how, from an asylum policy initially grounded on religious foundations, a new perspective arose which linked the secularized notion of free soil to the nation-state. This happened during the interval between the wars for independence and the 1860s.[8] Mexico's politics of refuge relied,

[6] TBL, Bolton, 46:24, "Fisher to A. Cerecero, 10 Feb. 1830" and Bolton, 47:9, "Fisher to M. Muro, 13 April 1832"; Bolton, 46:9, "Secretaría de Fomento [...] año de 1831, Texas, correspondencia relativa a la introducción de esclavos a aquel territorio". On Fisher's mandate at Anahuac: Ernest Obadele-Starks, *Freebooters and Smugglers: the Foreign Slave Trade in the United States after 1808* (Fayetteville: University of Arkansas Press, 2007), 77-78.

[7] TBL, Bolton, 46:15, "Hacendados de Orizaba and Córdoba to Secretaría de Fomento, soliciting that slaves who after the conclusion of the war in Texas will become free be destined to their estates, 16 April 1836". On the *hacienda* system in nineteenth-century Mexico: John Tutino, *From Insurrection to Revolution in Mexico: Social Bases for Agrarian Violence, 1750-1940* (Princeton: Princeton University Press, 1986); Timo H. Schaefer, *Liberalism as Utopia: the Rise and Fall of Legal Rule in Post-Colonial Mexico, 1820-1900* (Cambridge: Cambridge University Press, 2017), 97-128.

[8] This secularization of asylum policies in early nineteenth-century Mexico, as analyzed in *Conditional Freedom* (especially in ch.3), can be framed within a larger transition with regard to sanctuary policies as being increasingly guaranteed by state authorities over religious

most of the time, however, on the use of discretion by local officials, who turned a blind eye to the presence within their communities of escaped slaves who often did not comply with legal requirements for lawful residency. Although US agents in Mexico did treat enslaved freedom-seekers as "citizens of nowhere", as Sarah Cornell has shown, the Mexican state's recognition and protection of fugitive slaves as denizens, if not full citizens, far outweighed the interventions of US diplomats regarding self-emancipated bondspeople's lives in Mexico. Local residents, militias and governments sought to ensure – with success – the freedom of the vast majority of enslaved refuge-seekers across the border by thwarting or simply preventing invasions by foreign mercenaries. Despite the persistent fear of abduction, a fugitive slave enjoyed far more prospects of remaining free by settling across the Rio Grande than by remaining in slaveholding Texas, as Kyle Ainsworth has argued. The spectacular nature of abduction cases (gaining ground during the 1850s) must not mislead historians into concluding that access to and enjoyment of formal freedom in Mexico's Northeast was merely an illusion. In this respect, crossing the US-Mexican border did make a significant difference for fugitives. *Conditional Freedom* thus supports the argument recently made by James D. Nichols, by contrast to Cornell's slightly overstated emphasis on the precariousness of freedom for fugitive slaves from the US South in Mexico.[9]

However, notwithstanding the entrenchment of formal freedom on paper, freedom-seekers in Mexico never came to be completely shielded from re-enslavement. *Conditional Freedom* thereby argues that for most of the period between 1803 and 1861, the level of personal security that Mexico's Northeast offered to self-emancipated bondspeople oscillated somewhere between the US North's (*semi-formal freedom*) and Canada's (*formal freedom*), due to two main factors. First, the decreasing trust of southern slaveholders in the outcome of diplomatic negotiations and legal actions for the rendition of self-liberated slaves fostered the rise of violent raids into Mexican territory. The porosity of national boundaries that facilitated enslaved people's flight also helped mercenaries storming Mexican settlements to abduct and re-enslave them. Second, the transition towards formal freedom clashed with the liminality of some escaped bondspeople's status on Mexican soil between the Texas Revolution and the US-Mexican War. After 1836, Mexican and US officials debated potential exceptions to free-soil policy with regard to so-called sojourning slaves, enslaved seamen and self-liberated slaves who had committed criminal acts in the US.

---

authorities during the early modern period and the Age of Revolution across the Atlantic world: Philip Marfleet, "Understanding 'Sanctuary': Faith and Traditions of Asylum", *Journal of Refugee Studies*, v.24, n°3 (2011), 440-455; Phil Orchard, "The Dawn of International Refugee Protection: States, Tacit Cooperation and Non-Extradition", *Journal of Refugee Studies*, v.30, n°2 (2016), 282-300.

[9] Kyle Ainsworth, "Advertising Maranda: Runaway Slaves in Texas, 1835-1865" in Damian A. Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University of Florida Press, 2018), 197-230; James D. Nichols, *The Limits of Liberty: Mobility and the Making of the Eastern U.S.-Mexico Border* (Lincoln: University of Nebraska Press, 2018); 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.

Formal freedom for refugees from slavery could always become a dead letter in practice, depending on choices made by foreign mercenaries, Mexico's local officials and distant bureaucrats. In sum, as *Conditional Freedom* has shown, after the Texas Revolution, Mexico came close to constituting a model free-soil territory, not only on paper but also in practice. However, the real or imagined threat of abduction by slaveholders as well as US and Mexican mercenaries, combined with the inconsistencies of Mexico's free-soil policy, imposed serious limitations on the promise of formal freedom.

Conditional Freedom has presented a panorama of the specific personal characteristics, skills and strategies that shaped enslaved people's prospects of attaining and securing freedom from the US South to Mexico, against the backdrop of clashing nation-building processes and labor regimes. By doing so, it has contributed to scholarly discussions on how enslaved people across the Americas accessed and crafted "fractional freedoms" during slavery and "degrees of freedom" after emancipation.[10] This study has demonstrated the contrast between the rise of unconditional freedom on paper and the persistence of conditional freedom in practice in Mexico. It has shed light on the range of experiences of self-emancipated slaves between informal and formal freedom and has nuanced our understanding of free soil in North America in the age of the Second Slavery. Furthermore, fugitive slaves, more than any other group of people living in the US-Mexico borderlands, revealed the increasing tension between the Second Slavery and free-soil territories as rival political geographies in the Age of Revolution. Ada Ferrer has recently elucidated the entangled processes of the end of slavery in Haiti and its continuation in Cuba, showing the connection between free soil and the Second Slavery in the nineteenth century. *Conditional Freedom* has added to this, yielding new insights on this entanglement. It has shown that freedom for slave refugees in Mexico's Northeast remained conditional upon the growth of slavery in the US South, while the progress of the Second Slavery west of the Mississippi valley was undermined by Mexico's free-soil policy. Slaveholders encroached upon Mexican territory to illegally retrieve their fugitive "property", while Mexico's free-soil policy preyed upon the minds of both enslavers and enslaved throughout the US South.[11]

The Unmaking of the Second Slavery

Through these entanglements, resistance to the Second Slavery in the US Southwest became synonymous with slave flight to Mexico after the US-Mexican War. As chapter 4 has shown, the promise of formal freedom across the Mexican border undermined

[10] Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy and Legal Mobilization in Colonial Lima, 1600-1700* (Cambridge: Cambridge University Press, 2016); Rebecca J. Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge, MA: Harvard University Press, 2005).
[11] Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (Cambridge: Cambridge University Press, 2014).

slavery in the US. First, the proximity of Mexican free soil discouraged settlers from further colonizing the southwestern frontier with enslaved people. Slaveholders who traveled with enslaved people to Mexico ran the risk of losing capital.[12] Second, and more fundamentally, Southwesterners, with Texans at the forefront, flaunted Mexican authority through filibustering and slaving raids. In doing so, they denounced the US federal government's failure, in their view, to crack down on self-emancipated slaves absconding to Mexico and to resolve the tension between slavery and free soil. These attacks on the political credibility of the US in relation to slave flight were one of the symptoms of the radicalization of the US South's proslavery party during the 1850s, as they were made in the context of calls for the annexation of Cuba, the reopening of the slave trade and debates regarding apprenticeship laws as disguised schemes for the introduction of African Americans as *de facto* slaves.[13]

When the first shots of the US Civil War were fired and a French Intervention in Mexico (1861-1867) seemed imminent, the Mexico City *Mexican Extraordinary* (a British newspaper that four years earlier had expressed dissatisfaction at free black immigration into Mexico) wrote about the position enslaved people would take in a war. According to the newspaper, enslaved people would "seek liberty by revolts and flights" and their "natural asylum will be Mexico, on account of its convenience and the consideration and sympathy here enjoyed by the negro race". Its editor argued that, with its "climate and soil [being] both favorable", "Mexico will assuredly be overrun by the slaves from the Southern States". He added: "they will naturally fall upon the low lands of Tamaulipas, Vera Cruz, Oajaca, Tehuantepec, Nuevo León and Coahuila", the tropical regions of Mexico, and "they will control the districts they at first settle in, and carry their aggressions upon others that attempt to coerce them".[14] Enslaved people from the US Southwest did abscond across the Mexican border during the Secession War. However, they never came close to "overrunning" Mexico – which had declared political neutrality in the conflict between the Confederate South and the Union – as dreaded by the *Mexican Extraordinary*. Warfare and nearby free soil empowered enslaved people in the borderlands willing to make an escape to freedom. Union troops never invaded Texas (except for a short-lived occupation of Galveston).

[12] The case "Thompson v. Berry 26 Tex 263", at the Texas Supreme Court, evidences how free soil and its threat deterred the settlement of slaveholders and further progress by the Second Slavery into Mexico. In 1831, a woman named Milly Billy moved from Arkansas to Mexican Texas with an unknown number of enslaved people, but out of fear that they would be considered free in Coahuila y Tejas, she removed them to Louisiana some months later where they were seized as "contraband". Charles M. Robards, A.M. Jackson (ed.), *Reports of cases argued and decided in the Supreme Court of the State of Texas, during Austin session 1861; Galveston, Tyler and Austin sessions 1862; Galveston and part of Tyler sessions 1863, v. 26* (St. Louis: The Gilbert Book Company, 1881), 211-216.

[13] Obadele-Starks, *Freebooters and Smugglers*, 109-167; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge and London: Harvard University Press, 2013), 392-420.

[14] *Mexican Extraordinary*, 6 Aug. 1857, 30 July 1858; *The Pine and Palm*, 17 Aug. 1861. The 1857 controversy with *Le Trait d'Union*, *El Monitor* and *El Siglo XIX* on black immigration is analyzed in Rosalie Schwartz, *Across the Rio to Freedom: US Negroes in Mexico* (El Paso: Texas Western Press, 1975), 40-42; and Cornell, "Citizens of Nowhere", 372-373.

However, as Andrew Torget has shown, the Confederate army draft jeopardized the supervision of the enslaved population as well as the booming train trade in cotton with Mexico's *villas del norte* that bypassed the Union's blockade of Galveston (from October 1862 onwards). This provided new opportunities for enslaved people to abscond south of the border. Following Lincoln's Emancipation Proclamation on 22 September 1862 – promising freedom to any escaped slave who would reach Union lines after 1 January 1863 – resistance by enslaved people in the US-Mexico borderlands peaked.[15] Many escaped slaves sought to reach the Union troops, who during the year of 1862 had made a decisive foray into the Mississippi Valley. Around Galveston, others sought to flee oversea to the Union war vessels that were enforcing the coastal blockade, echoing the actions of antebellum maritime self-emancipated slaves seeking to reach Mexican shores.[16] Finally, some absconded to the Mexican border, such as the twenty-nine-year-old enslaved man Henry, who fled from the suburbs of Austin in June 1863 after he "made his brags that he won't serve a white man and that he [was] going to Mexico".[17]

Like Henry, enslaved people absconding to Mexico shared many characteristics with other fugitive slaves in North America. However, *Conditional Freedom* has shown that they were unique in many other respects. In the US-Mexico borderlands, slave flight was an overwhelmingly male enterprise (even more so than across the rest of the US South), and despite the prevalence of individual escape attempts, collective flight (especially in small groups of 2 to 5 runaways) was relatively more common than in the US South as a whole. Moreover, the omnipresent figure of the "uprooted" fugitive slave, a bondsperson whose ties with relatives had been broken by the interregional slave trade, also represented a salient specificity of the US-Mexico border area.[18] *Conditional Freedom* has asserted that enslaved people escaped from the US South to Mexico for a wide range of reasons (especially due to separation from relatives, the extreme violence of slavery in the borderlands as well as broken compromises with enslavers), not the least being that they increasingly had "Mexico in [their] heads", as Sean M. Kelley has argued.[19] However, *Conditional Freedom* has also shown that the small minority of the enslaved population who had itinerant jobs, interstate mobility and skills were more likely to conceive and be capable of absconding to the Mexican border. As Ian Read and Karl Zimmerman have pointed out for runaway slaves in nineteenth-century Brazil, slave flight was frequently the result of a "lucky

[15] TCA, Texas Probate Records, Minute Book C, 527 (Dec. 1864); Andrew J. Torget, "The Problem of Slave Flight in Civil War Texas", in Jesús de la Teja (ed.), *Lone Star Unionism, Dissent and Resistance* (Norman: University of Oklahoma Press, 2016), 37-59; W. Caleb McDaniel, "Involuntary Removals: 'Refugeed Slaves' in Confederate Texas", in De la Teja (ed.), *Lone Star Unionism, Dissent and Resistance*, 60-83; Sean M. Kelley, *Los Brazos de Dios: a Plantation Society in the Texas-Mexico Borderlands, 1821-1865* (Baton Rouge: Louisiana State University Press, 2010), 162-188.
[16] Torget, "The Problem of Slave Flight", 53-54.
[17] *The State Gazette*, 3 June 1863.
[18] John Hope Franklin, Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (Oxford and New York: Oxford University Press, 1999), 209-233.
[19] Sean M. Kelley, "Mexico in his Head: Slavery and the Texas-Mexican Border, 1810-1860", *Journal of Social History*, 37:3 (2004), 709-723.

configuration of position and skills within a sharply gendered and hierarchical society".[20] In sum, while the prospect of slave flight to Mexico could appeal to enslaved people for a wide range of reasons, the concrete opportunity to do so was less widely available. Indeed, this testifies to the increasingly hermetic nature of the Second Slavery in the US South. This tension was no different during the US Civil War. In the midst of the conflict, enslaved people's capacity to successfully make a bid for freedom from the US South to Mexico was conditioned by political, demographic, socioeconomic and environmental structures that predominantly favored the escape of young skilled men.

Conditional Freedom has challenged the indiscriminate use of the metaphor of an "Underground Railroad" as applied by some scholars to slave flight to the Mexican border, since networks of support over the nineteenth century were mostly *ad hoc*, fragile and ambivalent.[21] However, by navigating in-between conflicting nation-states, self-emancipated bondspeople were able to draw support from diverse communities inhabiting the borderlands whose interests and values at times aligned with theirs. During the 1860s, slave refugees built upon strategies, networks of assistance, skills, routes and patterns of escape that had been cultivated during earlier decades. Forging casual alliances with third parties, escaped slaves secured the assistance of Mexican laborers, capitalizing upon a long record of interracial coexistence and sympathy. A fifteen-year-old enslaved man named Bob provides an example. He "[spoke] sufficiently well to make himself understood in that language [Spanish]" and left San Antonio with a Mexican peon in February 1863, "in company with some of the trains going into Mexico with cotton".[22] Skills and contacts thus shaped Bob's flight. Fleeing slaves stole horses, guns and money from their masters, turning the instruments of the Second Slavery's expansion to their advantage when escaping to Mexico's free soil. They knew from their predecessors that attaining freedom was, to a great extent, conditional upon mastering bold and inventive material and spatial strategies.[23]

Slave flight to Mexico during the US Civil War contributed to the fall of slavery at a time when its collision with free-soil territories was reaching a pinnacle. Across the Mexican border, refugees from slavery joined other self-emancipated blacks who had formed communities in northeastern Mexico. By the start of the war, a Texas newspaper's correspondent in Monterrey described how "a good supply of runaway darkies here, over 50", resided in the city. They shared their space with a growing number of exiled Southerners, as Monterrey became a focus of Confederate exodus

[20] Ian Reed, Karl Zimmerman, "Freedom for too few: Slave Runaways in the Brazilian Empire", *Journal of Social History*, 48:2 (2014), 417.
[21] Mekala Shadd-Sartor Audain, "Mexican Canaan: Fugitive Slaves and Free Blacks on the American Frontier, 1804-1867", PhD Diss. (Graduate School-New Brunswick Rutgers, The State University of New Jersey, 2014), 2; Ainsworth, "Advertising Maranda", in Pargas (ed.), *Fugitive Slaves and Spaces of Freedom in North America,* 211.
[22] *San Antonio Herald*, 14 Feb. 1863.
[23] *San Antonio News*, 9 July 1864; *The Ranchero*, 17 Dec. 1864; *The San Antonio Weekly Herald*, 14 Jan. 1865.

both during and after the conflict.[24] Patterns of flight persisted during the Civil War, as the case of so-called "sojourning" slaves shows. Some enslaved people absconded from Confederate masters who they were accompanying in their flight to Mexico from the advance of the Union troops, using their presence on Mexican soil to secure their emancipation.[25] Eliza McHatton and her husband, for instance, were slave masters fleeing from the Union's foray into Louisiana, and travelling westward to Texas and, later, Piedras Negras. Four enslaved people, Delia, Humphrey, Martha and Zell, went with them. When they were returning to San Antonio during the spring of 1864, Delia "disappeared the morning [they] left Piedras Negras… [she] had drifted down to Mier and was living there". At the end of the Civil War, as the McHattons escaped to Matamoros hoping to embark for Cuba, one of the last strongholds of the Second Slavery, Humphrey "raced straight to the Mexican authorities" anxious to secure freedom for Martha, Zell and himself. While "Humphrey departed with his new-made Mexican friends", the leniency (or outright sympathy) of many of the Empire's agents in the *villas del norte* towards exiled Confederate explains how the McHattons were able to keep Martha as their property in Matamoros before sailing to Cuba.[26]

Figure 4: Matamoros during the US Civil War and the French Intervention
Source: Bonwill, C.E.H., Artist, Loading Wagons on the Calle de Cesar, Matamoras, for Piedras Negras, from sketch by our special artist, C.E.H. Bonwill, Matamoras, Mexico, 1864. Photograph. https://www.loc.gov/item/97518764/.

[24] *Galveston Weekly News*, 10 Sep. 1861; Todd W. Wahlstrom, *The Southern Exodus to Mexico: Migration Across the Borderlands after the American Civil War* (Lincoln and London: University of Nebraska Press, 2015), xiii.
[25] *New York Herald*, 20 Nov. 1862, "Four hundred wagonloads of negroes"; Wahlstrom, *The Southern Exodus to Mexico*, 39.
[26] Eliza Chinn McHatton-Ripley, *From Flag to Flag: a Woman's Adventures and Experiences in the South during the War, in Mexico, and in Cuba* (New York: D. Appleton, 1896), 112, 119 and 123-124; Matthew Pratt Guterl, *American Mediterranean: Southern Slaveholders in the Age of Emancipation* (Cambridge: Harvard University Press, 2008), 89-90; Wahlstrom, *The Southern Exodus to Mexico,* 40-41.

The enslaved had a wide spectrum of tactics from which they could choose, depending on their own characteristics and opportunities. Similarly, masters in the US South relied on a broad variety of regular and irregular forms of repression that, for decades, had been employed to curb slave flight. As described by Ronnie Tyler and James D. Nichols, invasions by mercenaries into Mexican territory persisted during the 1860s. For instance, on 18 November 1861, about fifty Southern filibusters stormed the small frontier settlement of La Resurrección (present-day Ciudad Acuña) to claim a fugitive slave under the pretext of chasing "Indians". Two days earlier, the town had suffered a devastating attack by Native Americans. While coming to the rescue of La Resurrección alongside more than 170 armed volunteers from central Coahuila, commandant Vicente Garza met on the road about fifty families who had packed their belongings on carts and left the area.[27] Meanwhile in Texas, the lynching of real or presumed accomplices to self-liberated slaves absconding to Mexico continued.[28] At the other end of this spectrum, alongside extending the mandate of slave patrols, Confederate authorities sought to secure the rendition of fugitive slaves from Mexico's northern officials. [29] Unsurprisingly, the Lerdo de Tejada-Corwin extradition agreement, signed between the US and Mexico in June 1862, did not include escaped slaves. Confederate Southerners, who were not bound by the treaty, nonetheless directly negotiated with borderlands officials as they had done before the war. In early 1863, military and civil commandant of Tamaulipas Albino López and Brigadier-General Hamilton P. Bee drafted an extradition agreement (although not a binding international treaty, since Mexico did not recognize the Confederacy and Mexican states could not formalize accords with foreign powers on their own initiative). In this draft, fugitive slaves were included under the vague category of "stolen property" to be mutually returned. However, López eventually chose to abide by the 1857 Constitution's free-soil provision, which explicitly exempted people "in a state of slavery" from the convention.

Like most of his predecessors on Mexico's northeastern borderlands, from Nemesio Salcedo to Santiago Vidaurri, López had thus been tempted to evade the official free-soil policies for foreign self-emancipated slaves that stemmed from Mexico City. They did so for the sake of maintaining friendly relations and preserving commerce across the border (apart from, in the present case, safeguarding a precious source of tax revenue).[30] In December 1864, the Confederates likewise made an agreement with the Franco-Austrian Imperial authorities led by General Tomás Mejía (that had taken control of the northeastern border) regarding the principle of mutual restitution of deserters and criminals. This accord was eased by ideological proximity

[27] SRE, LE-1595, f.159-161 and LE-1594, Manuel Rejón to Secretario de Gobierno del Estado, 22 Nov. 1861 (1873, Invasiones de los Indios Bárbaros de los Estados Unidos de América a México, Estudio de las Reclamaciones por la Comisión Pesquisidora de la Frontera del Norte); Tyler, "Fugitive Slaves in Mexico" 11; Nichols, *The Limits of Liberty*, 217-220.
[28] *The Galveston News, Tri-Weekly*, 7 Feb. 1864; *Flake's Daily Journal*, 15 Nov. 1865.
[29] Torget, "The Problem of Slave Flight", 42.
[30] Robert N. Scott (ed.), *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* (Washington: Gov. Print. Off., 1886), series 1, v.15, 975-978, 992-998 and 1006-7; Tyler, "Fugitive Slaves in Mexico", 11.

between Emperor Ferdinand Maximilian Joseph's Mexico and the Confederate South. Although fugitive slaves were once again excluded from this formal arrangement, some were nonetheless informally extradited from Mexico to the Confederacy, as a spirit of borderlands cooperation prevailed, stemming from the mutual profits derived from bootlegging cotton. Claiming that "runaway negroes will find that they have not got among abolitionists after crossing the Bravo" [Rio Grande], the apologists of the "peculiar institution" rejoiced, not knowing that its days in the US Southwest were numbered. On 19 June 1865, slavery ceased to exist in Texas, when US army officer Gordon Granger officially proclaimed its abolition at Galveston.[31]

Well after the demise of American slavery, however, the impact of the Mexican border in sealing spaces of freedom and bondage continued to be felt. African Americans scattered by the clash between the Second Slavery and free soil in the US-Mexico borderlands – either as former self-liberated enslaved people or as one of their relatives – continued to search for missing family members. In 1885, a man named Stephen Collins was still searching for his uncle Robert Brown (or "Coleman"). Robert had "belonged to Dr. Brown in Gonzales" (Texas), from where he "went to Mexico in 1864". When last heard of, during the late 1870s, the former slave was still living south of the Rio Grande. Even as late as the eve of the twentieth century, slave refugees were still trying to pick up the pieces of slave communities destroyed by the institution of slavery, as the story of the former fugitive slave Thomas Sheals shows. Sheals sought to reunite with some of his relatives as late as 1892. He had once absconded from Industry, Texas, by "[taking] a horse and mule and [going] to Mexico", leaving behind his wife Amanda. Now living in Stockton, California, he was "anxious" to find her.[32]

[31] *The Galveston News (Tri Weekly),* 30 Nov. 1864; *The Houston Tri-Weekly Telegrap*h, 27 Jan. 1865; George W. Davis, Joseph W. Kirkley and Leslie J. Perry (ed.), *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* (Washington: Gov. Print. Off., 1896), series 1, v.48 (part.1), 1311-1312 and 1329-1330; Thomas Schoonover, "Confederate Diplomacy and the Texas-Mexican Border, 1861-1865", *East Texas Historical Journal*, v.11, issue 1 (1973), 33-39; Guterl, *American Mediterranean*, 57; Torget, "The Problem of Slave Flight", 53.

[32] *The Southwestern Christian Advocate*, 28 May 1885; *The Freeman*, 30 April 1892. *Last Seen: Finding Family After Slavery* [accessed 4 Oct. 2018].