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FUGITIVE SLAVES IN MEXICO

by

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On a muggy February afternoon in 1855, a Texan described a Negro slave's escape:

we caught him once, but he got away. . . . I had my six shooter handy . . . every barrel missed fire . . . shot at him three times with rifles, but he'd got too far off. . . . My dog got close to him once, but he had a dog himself, and just as my dog got within about a yard of him, his dog turned and fit my dog. . . . We run him close, though, I tell you. Run him out of his coat, and his boots, and a pistol. . . . He got into them bayous, and kept swimming from one side to another. If he's got across the river . . . the Mexicans'd take care of him.¹

Mexico provided a haven for Negroes who risked their lives to run away.

Most citizens accepted the loss of their slaves as a hazard of keeping Negroes in Texas. Such indifference was the object of attack by newspaper editors and politicians, hoping to rouse the populace. Debating the Compromise of 1850, Senator Sam Houston of Texas pointed out that Texas was, in many ways, similar to a border state such as Maryland or Kentucky. Mexico was nearer to Texas than Canada was to the slave states, he said, and slaves often found refuge south of the Rio Grande. Yet Texans did not complain as loudly as the residents of the deep southern states, although the loss from Texas masters was great.²

Mexico, in fact, sheltered thousands of Negro fugitives by 1851. From the era of Bartolomé de las Casas, humanitarian-minded Spanish

¹ Frederick Law Olmsted, *A Journey Though Texas; or, a Saddle-Trip on the South-western Frontier* (New York 1857), pp. 256-257.

² *Congressional Globe, Appendix*, XXII, Pt. 2 (1849-1850), p. 1548.

Americans attempted to free slaves of whatever race, and the heir of this liberal tradition, Mexican President Guadalupe Victoria, finally abolished legal servitude in 1829. Other leading Mexicans endorsed this policy; John Horse, himself a former slave, expressed gratitude because the "Mexicans spread out their arms to us." As early as 1831, the poet, lawyer, and senator, Francisco Manuel Sánchez de Tagle, recommended that fugitive Negroes be placed on the frontier both to give them a home and to protect Mexico against Anglo-American filibusters. Three years later, Colonel Juan N. Almonte, acting as an agent of the government, promised Benjamin Lundy, the Northern abolitionist, that he could colonize ex-slaves in Tamaulipas. The Mexican authorities confirmed Almonte's commitment in 1836 when they refused to allow Captains H. W. Karnes and Henry Teal to reclaim runaway Negroes. Texas colonists fled into Louisiana prior to the Battle of San Jacinto, allowing some alert slaves to escape into Mexico during the ensuing confusion. Following Houston's victory, however, the provisional government sent the officers to Matamoros to return the fugitives. Aware of the mission, the Negroes concealed themselves and the authorities protected them. The Texans were arrested on their arrival and returned empty-handed.³

Following this incident, the number of runaways increased, slackening only with the coming of the Mexican War. In 1837 a group of fugitives killed Sheriff Claiborne Stinnett of Gonzales County and escaped into Mexico. In 1842 Texas soldiers recognized several runaways in northern Mexico. Although Houston himself lost two of his "best slaves," he accepted the loss gracefully, declaring that they undoubtedly would "civilize and refine" all with whom they came in contact, since their companionship in Texas had been "remarkably good."⁴

In addition, mass plots—successful and unsuccessful—were common. Slave owners often exaggerated whatever evidence of an escape attempt they had, nevertheless, both whites and Mexicans doubtless induced many of the servants to flee. After securing a few firearms and several of the best mounts in Bastrop, for example, twenty-five blacks started for the Rio Grande. Seventeen were later captured, but whites feared that the remaining eight reached Mexico. Eleven Negroes left Houston under similar circum-

³ Lester G. Bugbee, "Slavery in Early Texas," *Political Science Quarterly*, XIII (1898), 389-412, 648-668; Kenneth W. Porter, "The Seminole in Mexico, 1850-1861," *Hispanic American Historical Review*, XXXI (Feb., 1951), 11-12; *Diccionario Porrúa de Historia y Geografía de México* (México, 1964), p. 1311; Thomas Earle (comp.), *The Life, Travels and Opinions of Benjamin Lundy* (Philadelphia, 1847), p. 129; R. M. Potter, "Escape of Karnes and Teal from Matamoros," *Quarterly of the Texas State Historical Association*, IV (Oct., 1900), 73-78.

⁴ Charles A. Gulick (ed.), *The Papers of Mirabeau Buanaparte Lamar* (Austin, 1922), II, 519, III, 261-362, 391, 412-414; James T. DeShields, *Border Wars of Texas* (Tioga, Texas, 1912), p. 193; Thomas J. Green, *Journal of the Texian Expedition Against Mier* (New York, 1845), pp. 122-124; Amelia W. Williams and Eugene C. Barker (eds.), *The Writings of Sam Houston* (Austin, 1941), VI, 80.

stances. Another group of runaways tried to steal horses from a camp meeting for the journey south. In central Texas, authorities broke up a gang which reportedly helped Negroes escape to Mexico, where they apparently were sold as indentured servants.⁵

The sparsely settled frontier seemed to render escape relatively simple, but in fact, the route to Mexico was difficult and hazardous. The trip required courage: the semi-desert conditions proved too great an obstacle for many. Some Negroes fought against armed slave-hunting parties, such as one led by Noah Smithwick, a well-known Texas pioneer. Others had to combat loyal slaves who tried to prevent their fellow blacks from running away. If the Negroes did escape into the semi-desert regions, further hardships awaited. Few slaves knew the route to Mexico. They often got lost and had to risk their freedom to ask directions. Julius Fröbel told of a horrible scene he and his party discovered while traveling near the Devil's River, in west Texas. They found what had been a fugitive slave camp, littered with what appeared to be the bones of a man. They guessed that the Negroes had become lost, ran out of food, and one of the party was killed to nourish the others in their attempt to find freedom. Even if the former slaves knew the direction to Mexico, they might be captured by the nomadic Comanches or Apaches, who roamed the semi-desert regions of the state. Captain Randolph B. Marcy saw two Negro girls who had spent months in the hands of the Comanches. The Indians had mutilated the girls, more out of curiosity than torture. Interested to know if the girls were as black inside as they were on the surface of their skin, the Comanches had peeled off layers of skin, leaving the girls terribly scarred.⁶

The increasing numbers of slaves who found refuge in Mexico caused the planters in Texas to consider various recourses. In 1847 Washington D. Miller, secretary to Sam Houston, wrote President James K. Polk, requesting that the President initiate action on a measure to require the extradition of runaway slaves. Much public attention was drawn to the problem when the Seminole Indian chief, Wild Cat, journeyed to Mexico to examine the possibilities of locating a colony there. Wild Cat, John Horse, the leader of former slaves who lived with the Seminole, and other tribal leaders negotiated with the representatives of the state of Coahuila and quickly

⁵ *Telegraph and Texas Register* (Houston), Jan. 15, 1845, Dec. 28, 1846; *The Texas Monument* (La Grange), Oct. 16, 1850, Sept. 26, Oct. 17, 1854; *Texas State Gazette* (Austin), Dec. 14, 1850, Nov. 13, 1852, June 24, Oct. 7, 1854; *Galveston Weekly News*, May 6, 1851; *Texas State Times* (Austin), Oct. 7, 14, Nov. 18, 1854, Sept. 8, 1855.

⁶ *The Northern Standard* (Clarksville), Sept. 18, 1852; *The Texas Presbyterian* (Huntsville), Apr. 24, 1852; Noah Smithwick, *The Evolution of a State, or Recollections of Old Texas Days* (Austin, 1900), pp. 324-327; Interviews with William (Bud) Wilson and Dolly July, Brackettville, Texas, 1943 (from the Seminole-Negro Interviews of Kenneth W. Porter, University of Oregon, Eugene, and used by his permission); Julius Fröbel, *Seven Years Travel in Central America, Northern Mexico, and the Far West of the United States* (London, 1859), p. 422; Randolph Barnes Marcy, *Thirty Years of Army Life on the Border* (New York, 1866), pp. 30-31, 55-56.

reached an agreement. The Indians and Negroes would be allowed to settle in Coahuila in return for service in the militia. The Mexicans simply worked the newcomers into their overall plan for military colonies that were to be located along the frontier. Wild Cat's group caused slaveholders to fear that all the blacks would rush to join the new colony in Mexico, and the plan was widely denounced in the Texas press.⁷

Perhaps as a result of Miller's plea, President Polk initiated an "extradition convention" with Mexico which bore no fruit. Two years later, the Texas legislature also requested that the United States conclude an agreement with the Mexican authorities. Secretary of State John M. Clayton of Delaware continued the convention under President Zachary Taylor, for he thought that the Texas plantation economy depended completely upon slave labor. After several months of negotiation with the Mexican Minister to Washington, Luis de la Rosa, however, he received the reply which soon became standard: no foreign government would be allowed to touch a slave who had sought refuge in Mexico. Thus the extradition proceedings were discontinued.⁸

With international agreement now impossible, the government tried other ineffective measures to give the planters a respite. Army officials, on November 12, 1850, ordered Brevet Lieutenant Colonel Joseph Morris, commanding Fort Duncan on the Rio Grande, to arrest any runaway Negroes attempting to cross near his post.⁹ But there obviously were too few troops in the area to patrol the far-flung frontier adequately.

The public became more aware of the problem and its potential dangers in 1849-50 when the Seminole Indian Chief Wild Cat immigrated to Coahuila with an estimated 150 to 800 Indians and fugitive Negroes. Either because he could not coexist with the Creeks in the Indian Territory or because he wanted to establish an empire away from rival chiefs, Wild Cat left his reservation in the winter of 1849. Slaves belonging to the Creeks—even some claimed by Marcellus DuVal, the Seminole Sub-Agent—traveled with him. Rumors of Wild Cat's plans had little effect on Governor Peter H. Bell of Texas, but slave owners shuddered as exaggerated newspaper

⁷ Miller to Polk, Washington City, Apr. 12, 1847, copy in Washington D. Miller Papers (Archives, Texas State Library, Austin); Porter, "Seminole in Mexico," pp. 6-8, 10-13; Olmsted, *Journey Through Texas*, pp. 324-325; *The Texas Monument*, Oct. 16, 1850; *The Western Texas* (San Antonio), Aug. 24, Sept. 7, 1854; *New Orleans Bee*, Sept. 25, 1854.

⁸ Hunter Miller, *Treaties and Other International Acts of the United States of America* (Washington, 1948), VIII, 655; H. P. N. Gammel (comp.), *The Laws of Texas, 1822-1897* (Austin, 1898), III, 468-469; Clayton to de la Rosa, Feb. 12, 1850, in Notes to Foreign Legations in the United States from the Department of State, 1834-1906; Mexico (Diplomatic Correspondence, Record Group No. 59, National Archives, Washington).

⁹ Major George Deas to Lieut. Col. W. J. Hardee, San Antonio, Dec. 20, 1850, copy in the Col. M. L. Crimmins Collection (Archives, University of Texas Library).

accounts aroused fears that every Negro in the state would try to join the Seminole.¹⁰

When DuVal petitioned for help, Governor Bell finally acted to alleviate the pressure on the planters. Bell appointed Warren Adams, a notorious filibuster, to recover the slaves. An experienced "Negro-thief," Adams proved efficient at capturing helpless runaways, although the Mexican authorities usually knew of his presence and warned the blacks. His reputation swelled immensely when he captured John Horse, the acknowledged leader of the Seminole Negroes near Santa Rosa, forcing the refugees to maintain a constant guard.¹¹

Others searched for a quicker, more conclusive solution. Taking advantage of the filibuster disturbances on the lower Rio Grande, John S. "Rip" Ford, doctor, lawyer, journalist, Mexican War veteran, and Texas Ranger, joined the forces of José María Jesús Carvajal, a widely known revolutionary. Although Carvajal was interested only in controlling the commerce crossing the river, Ford wanted to capture fugitives in Mexico and—if possible—help him establish an independent state in the area.¹²

In a calmer attempt to end the slave exodus, Texans offered as high as \$600 for a runaway, with the amount of the reward sometimes depending on the nearness of the Negro to the Rio Grande when captured. At various places throughout the state, slave owners met to establish an association which would offer a reward of from \$200 to \$500 for any fugitive. Newspapermen from around the state supported the program. The editor of *The Texas Monument* considered the matter of "deep and vital interest" to slaveholders, yet, despite such enthusiasm, little was accomplished.¹³

Ford, certainly no ordinary filibuster, acquired even more influence, thus becoming the outspoken leader of the movement to return fugitive slaves to their masters. Conscientiously believing that he was right, Ford boasted that eventually "Heaven would bless the enterprise with success." A genuine imperialist and patriot, he looked "upon the movement as a political necessity—a duty we owe to Texas and the South," and felt that the problem could be solved by annexing the area between the Rio Grande and the Sierra Madres, a mountain range in northern Mexico. After Carvajal

¹⁰ Grant Foreman, *The Five Civilized Tribes* (Norman, 1934), pp. 255-266; Porter, "Seminole in Mexico," pp. 2-4; *Fort Smith Herald*, July 20, Nov. 8, Dec. 6, 1850; *The Texas Monument*, Aug. 7, Oct. 16, Dec. 4, 1850; *Democratic Telegraph and Texas Register*, Aug. 21, 1850; *The Texas Republican* (Marshall), Aug. 24, 1850; *Texas State Gazette*, Nov. 16, Dec. 21, 1850; *The Texas Presbyterian*, Nov. 1, 1851.

¹¹ Proclamation of Gov. Bell, Austin, Sept. 17, 1851, in *Governors' Letters* (Archives, Texas State Library); Porter, "Seminole in Mexico," pp. 8-9.

¹² Ford, *Rip Ford's Texas*, pp. xxvii, 196-197; *The Southwestern American* (Austin), Nov. 17, 1852; *Texas State Times*, Oct. 14, 1854; Ernest Shearer, "The Carvajal Disturbances," *Southwestern Historical Quarterly*, LV (Oct., 1951), 205-209.

¹³ *The Texas Monument*, Dec. 11, 1850, Jan. 29, 1851, Sept. 19, 1854; *Telegraph and Texas Register*, Jan. 21, 1853; *Texas State Gazette*, July 22, Sept. 16, 1854; *Bastrop Advertiser*, May 27, 1854; *Western Texan*, Aug. 24, 1854; *The Standard* (Clarksville), Nov. 11, 1854.

failed to capture Matamoros, Ford returned to Austin to recruit additional men. Upon his arrival in the capital, he was elected to the legislature to fill the unexpired term of the late State Senator Edward Burleson, Sr. Soon he had purchased the *South-Western American* and resumed his journalism career.¹⁴

In his first editorial, Ford expressed the opinions which dominated his activity for the next four years. After stating that the actions of the Mexican government threatened the status of slavery in Texas, he explained that one of the "primary articles" of agreement between himself and Carvajal was to allow planters to reclaim their runaways. In Mexico, he said, "slaves are treated with respect and with more consideration than either Americans or Europeans," and he predicted that the future of slavery in Texas was unalterably associated with the Mexican regulations allowing or prohibiting the return of fugitives.¹⁵

Ford soon roused the slave owners to action. Since the Texas Revolution, he pointed out, thousands of Negroes had fled into Mexico, and 4,000 of them were residing now in the northern states between the Rio Grande and the Sierra Madres. Generally the healthiest, most intelligent Negroes ran away, he claimed, meaning that slaves worth \$3,200,000 were in Mexico just waiting to be captured. Ever aware of such a loss, slaveholders avidly searched for a solution.¹⁶

Together with the continual slave disturbances and Wild Cat's raids on the frontier, the influence of an able editor and politician such as Ford soon produced results. Although Secretary of State William L. Marcy had authorized James Gadsden to negotiate an extradition treaty in 1854, slave owners felt that the federal government was doing nothing to stop the exodus, much less to return those safely across the border. With nowhere to turn but to themselves, they took the matter into their own hands. They now had able and respected leaders rather than the usual desperadoes and filibusters. At San Antonio, Seguin, La Grange, Bastrop, and Gonzales, the planters met to formulate plans to restrain their Negroes.¹⁷

The Texans also offered a resolution at the New Orleans Commercial Convention in January, 1855, to protect the commercial interests of the state by demanding that the government negotiate an extradition treaty with Mexico. Such action could not come too quickly for the slave owners, because, in that same year, Frederick Law Olmsted observed that "runaways

¹⁴ Quote in Ford to Edward Burleson, Jr., Feb. 15, 1856, in the Edward Burleson, Jr., Papers (Archives, University of Texas Library); Ford, *Rip Ford's Texas*, pp. 206-208; Shearer, "Carvajal Disturbances," pp. 221-222.

¹⁵ *The Southwestern American*, Nov. 17, 1852.

¹⁶ *Texas State Times*, June 2, 1855; Ford, *Rip Ford's Texas*, pp. 196, 214.

¹⁷ *Texas State Times*, Oct. 14, 1854, June 2, July 28, Aug. 4, 25, Sept. 8, 1855; *Texas State Gazette*, Sept. 16, 1854, June 2, 9, 23, 1855; *San Antonio Herald*, June 12, 1855; *The Texas Monument*, Sept. 19, Oct. 14, 1854; *The Standard*, Nov. 11, 1854.

were *constantly* arriving” in Piedras Negras, across the border from Eagle Pass.¹⁸

Before long the slaveholders realized that not all the Mexicans were abolitionists and that some understood the practical necessity of an extradition treaty. Colonel Emilio Langberg, the Sub-Inspector of the Northern Frontier of Mexico, found the Negroes “very burdensome” and “more troublesome than useful.” In addition, they added to the disturbances, and citizens of Tamaulipas petitioned for an extradition treaty to cleanse the border no man’s land.¹⁹

Supported and encouraged by such opinions, the Texans considered more aggressive plans. Because of the “absence of suitable legislation,” representatives to a San Antonio convention proposed that an association be formed to offer a \$200 to \$500 reward for fugitives. The editors of the *Bastrop Advertiser* claimed that they knew of “men and means, influence, and character, who . . . [would] give material aid to any amount, to men who . . . [would] pledge themselves willing to pursue and capture our runaways, *even in the heart of Mexico*.”²⁰ “Let men goaded by frequent losses,” declared “Rip” Ford, “once shoulder their rifles and make a forward movement in the direction of the Rio Grande and nothing short of success . . . [would] satisfy them.” Insisting that they would be doing only what their government had neglected to do for them, he emphasized that public sentiment demanded that something be done immediately. The editors of the *Texas State Gazette* reported that \$20,000 already had been collected and speculated that 500 to 1,000 men would answer to the call.²¹

With Mexico in turmoil, several Texans decided to attempt a solution. At a Bastrop meeting the slaveholders decided to deal directly with General Santiago Vidaurri, who only recently had completed the takeover of Nuevo León y Coahuila. Ford and Colonel Bennett Riddells, an American who lived in Chihuahua and sometimes served as the United States consul there, were sent to work out a reciprocal agreement with Vidaurri whereby both slaves and peons would be extradicted. Before they could complete their mission, however, other slave owners, meeting in San Antonio, had contacted Colonel Langberg. They inquired if he could help them recover their fugitives. They further asked how many he could return and at what price. Where would the Negroes be delivered, and, finally, how did he want payment? Although the Texans expressed the desire to maintain

¹⁸ *New Orleans Daily Crescent*, Jan. 15, 1855; *Charleston Daily Courier*, Jan. 19, 1855. Quote in Olmsted, *Journey Through Texas*, p. 324.

¹⁹ Quote in Langberg to the citizens of San Antonio, Aug. 30, 1855, in *El Siglo Diez y Nueve*, Nov. 12, 1855; See also *Organo Oficial del Supremo Gobierno del Estado Libre de Nuevo León* (Monterrey), Feb. 19, 1852.

²⁰ Quotes in *Texas State Gazette*, Sept. 16, 1854; June 2, 1855; see also *The Texas Monument*, Sept. 19, 1854; Olmsted, *Journey Through Texas*, pp. 331-334.

²¹ *Texas State Times*, June 2, 28, 1855; *Texas State Gazette*, June 23, 1855.

friendly relations between the two countries, the tone of the letter was hostile, concluding with a threat of prompt action if the problem were not negotiated. Colonel Langberg approved of the idea but lacked the authority to conclude the agreement, so he relayed the proposal to Governor Vidaurri.²²

Because of the traditional hostility to Negro slavery, these planters did not expect cooperation from the Mexican authorities, and prepared for an invasion of Coahuila. In the summer of 1855, Governor Elisha M. Pease appointed Captain James Hughes Callahan of the Texas Rangers to patrol and protect the frontier near San Antonio against Indian raids. The slaveholders apparently approached Callahan and successfully secured his service for their mission. He was ready, therefore, to move quickly into Mexico when Governor Vidaurri vetoed the suggested agreement, insisting that any such arrangement should be handled by the respective state governments, not by private citizens. After Vidaurri warned Colonel Langberg to expect an invasion and to "repel force with force," an overwhelming array of Mexicans and Indians met the Rangers soon after they crossed the Rio Grande.²³ Following a brief skirmish, Callahan retreated to Piedras Negras, and finally withdrew completely.

This invasion caused a most serious diplomatic clash. Both Vidaurri and Brevet Major General Persifor F. Smith, Commander of the Department of Texas, rushed troops to the area to prevent a second invasion.²⁴ But at least one objective was achieved momentarily. The fear that they would be pursued even into Mexico temporarily ended dreams of freedom for many slaves.

The true purpose of Callahan's invasion has been the subject of controversy ever since it occurred. Some historians feel that he entered Mexico in "hot pursuit" of Lipan Apaches who had raided along the Texas frontier, just as he said.²⁵ Certainly this was the contention of the planters and Governor Pease, and most Texans believed them. But Vidaurri and Langberg concluded that the invasion fulfilled the threat made by the slaveholders in earlier negotiations, and there is substantial evidence supporting this position. Supposedly Callahan did not decide to enter Mexico until he realized that he could not trap the marauding Indians in Texas. Yet it is clear that he planned to cross the Rio Grande a month before he actually did. Referring on August 31, 1855, to a trip that he had mentioned "some

²² Ford, *Rip Ford's Texas*, p. 215; San Antonio citizens to Langberg, Aug. 25, 1855; Langberg to the Sec. of War, Aug. 31, 1855; Langberg to the San Antonio citizens, Aug. 30, 1855, all in *Boletín Oficial* (Monterrey), Oct. 24, 1855.

²³ Ernest Shearer, "The Callahan Expedition, 1855," *Southwestern Historical Quarterly*, LIV (April, 1951), 431-432; Callahan to Pease, Oct. 13, 1855, in *Texas State Gazette*, Oct. 20, 1855; Galindo to Langberg, Sept. 11, 1855, in *Boletín Oficial*, Oct. 24, 1855.

²⁴ S. D. Mullowny to Marcy, Oct. 23, 1855, in Despatches from United States Consuls in Monterrey, Mexico, 1849-1906 (General Records of the Department of State, Record Group No. 59, National Archives); *Daily National Intelligencer* (Washington, D. C.), Nov. 13, 1855.

²⁵ See citations in Shearer, "Callahan Expedition," pp. 442-450.

time ago," Callahan ordered his quartermaster, Edward Burleson, Jr., to have provisions at Camp Enchanted Rock as soon as possible. He explained that although he was committed to go to the Rio Grande, he was now moving northward in order to "keep the matter as much of a secret as possible."²⁶

Even General Smith, who encouraged the formation of such a company to prevent Indian raids, doubted Callahan's announced purpose. On October 10 he reported to Adjutant General Samuel Cooper that, although Callahan did not cross into Mexico until October 1 and 2, and did not ride into ambush in Mexico until the third, an officer had informed Smith of the entire episode on the first. Smith concluded that "this news was at Laredo a week or more before the affair happened, and shows that the design existed beforehand with the volunteers." After gathering further evidence, Smith reported on the fourteenth that while he did not think that Callahan pursued Lipans into Mexico, it was only after Callahan crossed the border that his design became clear.²⁷

The Callahan expedition was neither a legal nor a lasting settlement of the runaway problem, but the public quickly lost interest, probably believing that nothing would be done. Ford complained to Burleson that "I have said and written so much on the subject I begin to think people don't believe me."²⁸ The invasion did not slow the fugitives' flight very long, for Senator Houston still considered the issue vital in November, 1855. Others were excited by such incidents as the uprising in Colorado County when some 200 slaves plotted to arm themselves, kill their masters, and flee to Mexico. But no longer did General Smith see the "better class of citizens . . . many of the best citizens of . . . the country," participating in the activities as they had in the incidents surrounding Callahan's foray.²⁹

The federal government, constantly on guard against possible border disturbances, attempted to negotiate a treaty for the extradition of runaways in 1857, only to be rebuffed once again. Finally, after the Mexicans "resolutely refused" even to consider a reciprocity clause which would provide for the return of peons as well, the United States Minister to Mexico, John Forsyth, ended the negotiations, because he felt that any other type of treaty would be unfair to Texans. The state achieved the first legislation of any significance in 1858. Following another recommendation to the

²⁶ Callahan to Burleson, Aug. 31, 1855, in Burleson Papers.

²⁷ *House Ex. Doc. No. 1, Pt. 2, 32nd Cong., 2nd Sess.*, pp. 111, 113-114; *Texas State Times*, Oct. 6, Nov. 11, 1855; Ronnie C. Tyler, "The Callahan Expedition of 1855: Indians or Negroes?" *Southwestern Historical Quarterly*, LXX (April, 1967), 574-585.

²⁸ Ford to Burleson, Feb. 15, 1856, in Burleson Papers.

²⁹ *Dallas Herald*, Sept. 27, 1856, Feb. 2, 1859; *San Antonio Herald*, Mar. 9, 1859; *Southern Intelligencer* (Austin), Apr. 27, May 18, 21, 1859; Williams and Barker (eds.), *Writings of Sam Houston*, VI, 214; *Texas State Times*, Sept. 27, 1856; *The Standard*, Sept. 27, Oct. 11, Nov. 1, 29, 1856; quote in *House Ex. Doc. No. 1, Pt. 2, 32nd Cong., 2nd Sess.*, pp. 117-118.

federal government that it reach agreement with Mexico concerning fugitives, an "Act to Encourage the Reclamation of Slaves, Escaping Beyond the Limits of the Slave Territories of the United States" became law. It stipulated that anyone returning a runaway to his owner or to the Travis County Sheriff from a non-slave area would receive one-third of the value of the slave from the State Treasury. The sheriff would advertise for the owner, then, if none appeared, sell the slaves at auction. This legislation, however, achieved very limited success.³⁰

Still enough slaves escaped into Mexico that Houston used the issue in an effort to muster support for his Mexican protectorate plan in 1859. Because free territories bordered the state, he insisted that Texans must be more diligent to maintain their traditional institutions. He reminded a Nacogdoches audience, in one of the most famous speeches of his career, that large numbers of slaves fled south where their masters could not reclaim them. But slavery would spread "wherever . . . profitable," he reasoned, implying that Mexico was an excellent area for the system.³¹

Others were more interested in the fugitives themselves. Filibusters such as Samuel A. Lockridge and William R. Henry proposed another invasion of Mexico, but quick action by General David Twiggs prevented another violation of Vidaurri's domain. Some plantation owners demanded that the Union annex Cuba and reopen the African slave trade if the next Congress did not authorize Texas to conclude an extradition treaty with Mexico, but more sensible citizens denounced that plan as unconstitutional.³² Clearly the situation again was tense.

In an apparent attempt to stabilize conditions along the Rio Grande, Governor Vidaurri, who before had forestalled the recovery of fugitives, offered that same year to negotiate an extradition treaty with Texas, which would include the long-disputed article. Governor Hardin R. Runnels of Texas could not conclude the agreement, of course, and the petition eventually was forwarded to Washington. There, in the hands of the astute Mexican Minister, Matias Romero, the suggestion lost its most objectionable feature—the recovery of slaves. Only five weeks before he sent Secretary of State William H. Seward the proposal, Romero had noted in his diary that Mexico never would consent to a treaty what provided for

³⁰ William R. Manning (ed.), *Diplomatic Correspondence of the United States* (Washington, 1937), IX, 888-890; Gammel (comp.) *Laws of Texas*, IV, 1074-1075; *Texas State Gazette*, Feb. 19, 1859; *Journal of the Senate of Texas*, 1857-58 (Austin, 1857), pp. 196, 611, 613-614, 671.

³¹ Williams and Barker (eds.), *Writings of Sam Houston*, VII, 360-361, 383-384.

³² *Dallas Herald*, Feb. 2, 1859; *San Antonio Daily Herald*, Mar. 9, 1859; *Boletín Oficial*, June 29, 1859; Patricio Milmo to Lewis Cass, Monterrey, June 30, 1859, in Despatches from U. S. Consuls at Monterrey; Dorman H. Winfrey and James M. Day (eds.), *The Indian Papers of Texas and the Southwest, 1825-1916* (Austin, 1966), V, 319-320.

the extradition of ex-slaves. Neither he nor the Mexican government would relent on the issue.³³

This was not the end of Mexico's request for an extradition treaty, however, for negotiations continued even after Texas joined the Confederacy. Seward forwarded the petition to the United States Minister in Mexico, Thomas Corwin of Ohio, whom he fully authorized to conclude an agreement. Corwin met Sebastián Lerdo de Tejada, commissioner for President Benito Juárez's administration and concluded a pact for the extradition of criminals. Article six of the treaty specifically forbade the return of runaway slaves. Once this mutually distasteful provision had been removed, agreement was simple. Both nations had ratified the treaty by June 20, 1862.³⁴

Confederate authorities, upset by the Corwin treaty, still hoped to regain prestige and pacify the Rio Grande border by negotiating a pact of their own. When the new governor of Tamaulipas, Albino López, demonstrated his friendliness by secretly exchanging fugitive slaves for peons, the Texans quickly acted to conclude a formal agreement.³⁵ After consultation, José A. Quintero, the Confederate agent in Monterrey, and Brigadier General Hamilton P. Bee, the Commander of the Western District of Texas, suggested to Governor López that they arrange the return of fugitive Negroes. Agreement was impossible, however, for López remained bound by the Mexican constitution of 1857, which prohibited such a treaty.³⁶

The Confederates earlier had lost perhaps their best opportunity for an extradition treaty when relations deteriorated with Governor Vidaurri. A Southern captain led approximately fifty volunteers into Coahuila in pursuit of a Negro runaway in late 1861. After other filibusters operating from Brownsville to Eagle Pass reminded Vidaurri of the 1855 burning of Piedras Negras, Quintero predicted "serious difficulties" unless peace were restored to the border. The maintenance of friendly relations rather than

³³ Juan N. Seguin to Gov. Hardin R. Runnels, San Antonio, Jan. 8, 1859, in *Governors' Letters*; José A. Quintero to R. M. T. Hunter, Richmond, Aug. 16, 1861, in John T. Pickett Papers (Manuscripts Division, Library of Congress); Romero to Seward, Washington, June 11, 1861, contains a dispatch from Manuel G. Rejon to the alcaldes of Nuevo León y Coahuila, Monterrey, Apr. 10, 1861, in *Notes from the Mexican Legation in the United States*; Romero to Seward, Washington, May 4, 1861; Romero, *Diaria personal de Matías Romero*, ed. by Emma Cosío Villegas (Mexico, 1960), p. 400.

³⁴ Miller, *Treaties*, VIII, 647-660.

³⁵ Quintero to Benjamin, Matamoros, Nov. 2, 1862, in Pickett Papers; *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies*, Ser. I, XV, 991-992.

³⁶ Quintero to Benjamin, Matamoros, Feb. 26, 1863, López to Bee, Matamoros, Feb. 22, 23, 1863, all in Pickett Papers; *War of the Rebellion*, Ser. I, XV, 975-978, 1007-1008. Title I, Sec. I, Art. 2 of the Mexican Constitution of 1857 stated that any slave who set foot on the national territory received his freedom and the protection of the laws of the Republic. José Ignacio Morales, *Las constituciones de México* (México, 1957), pp. 184-185.

negotiations of a treaty thereafter required Quinter's best efforts.³⁷

Apparently the slave owners were never as near success as they imagined. Because of the precarious balance between the North and the South, the State Department could attempt no controversial solution. Despite pressure from pro-slavery diplomats such as Clayton, Forsyth, and Gadsden, and incursions by filibusters such as Callahan and Henry, the Mexican government constantly maintained its humanitarian position. After the federal government failed to conclude a satisfactory agreement, the Texans attempted their own settlement. Governor Vidaurri himself tried to resolve the matter, yet was frustrated by both the Mexican and the American constitutions. As a result of this impasse, thousands of Negroes found freedom in Mexico, and no extradition treaty was possible between the two republics for almost forty years.³⁸

³⁷ Quintero to Hunter, Richmond, Aug. 16, 1861, Monterrey, Dec. 1, 1861, Quintero to Confederate Asst. Sec. of State William M. Browne, Monterrey, Mar. 22, 24, 28, 1862, all in Pickett Papers; Quintero to Vidaurri, Brownsville, Mar. 4, Apr. 12, 1862, in Correspondencia de Santiago Vidaurri (Expediente No. 343, Cartas 7790 and 7794, Archivo General del Estado de Nuevo León, Monterrey).

³⁸ Miller, *Treaties*, VIII, 655.