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# Seeds of Empire

Cotton, Slavery, and the Transformation  
of the Texas Borderlands, 1800–1850

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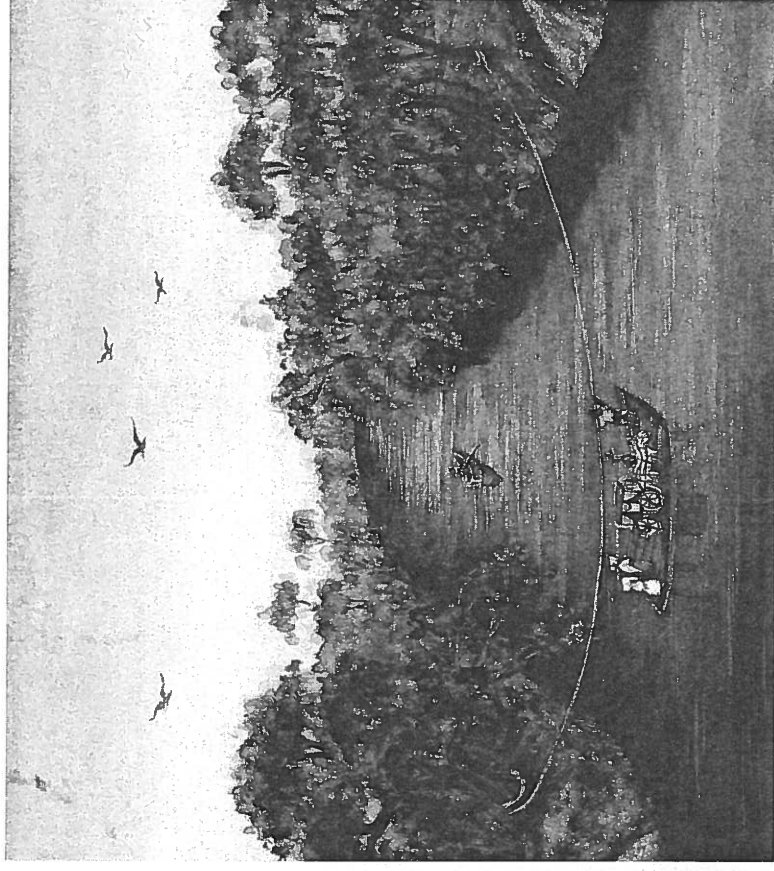
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## INTRODUCTION

# Cotton, Slavery, and Empire

Riding two stolen horses and a mule, three runaway slaves—Marian, Richard, and Tivi—waded across the Sabine River during the depths of winter in late 1819. Reasoning that the laws that made them slaves in the United States could not follow them into New Spain, the fugitives had escaped their master in western Louisiana, a cotton planter named James Kirkham, in hopes of making their way into the Spanish province of Texas. Carrying what little food they could, the runaways moved quickly to avoid pursuit, following a scattered trail that ran through western Louisiana on its way into northern New Spain. Once across the river that marked the international border, the band pushed through dense forests of pines, oaks, and cedars as they continued west in search of freedom and new lives.<sup>1</sup>

Not far beyond the Sabine, the runaways came upon a detachment of Spanish soldiers camped along the roadside. Probably in hopes of asylum, and perhaps because none of them knew the geography of the region, Marian, Richard, and Tivi marched into the camp and surrendered themselves. The troops took them into custody and escorted them 350 miles southwest to San Antonio, the Spanish capital of Texas, where they were presented to Governor Antonio Martínez. Lacking the resources to hold or feed them, Martínez soon decided to send the fugitives another 300 miles south to Monterrey, Nuevo León, where they could be housed and interrogated.<sup>2</sup>

The runaways soon had a chance to tell their story. Speaking through an interpreter, with a clerk nearby to transcribe the exchanges, Spanish officers asked Marian, Richard, and Tivi why they had run from the United States. One by one, the runaways recounted their escape from James Kirkham's plantation, defending their actions by describing the cruelty of their master. Richard testified that Kirkham's brutality pushed him to cross into Spanish territory "because he wished for freedom." Marian said much the same, recounting the "very bad treatment" that

forced him to seek "protection in the domains of Spain." Tivi reported that Kirkham's wife was as vicious as her husband, prompting her to escape in hopes that "the Spaniards would treat her better." They were, they explained, refugees of the expanding U.S. cotton frontier. And particular questions during the interrogations brought to the surface, if only momentarily, flashes of the anger and pain each felt about their enslavement. When Spanish officials asked Marian if he understood the financial damage he had caused his master by running away, Marian shot back that "he was wronged too when he was taken away from his relatives" in South Carolina and sold to Kirkham's Louisiana plantation. Following their testimony, soldiers escorted the runaways to a nearby prison to await a decision on their fate by Monterrey authorities. And as they waited, the man who claimed to own them made his way into northern New Spain.

James Kirkham, having guessed where his slaves had gone, set out to reclaim them in November 1820 on the same road that guided Marian, Richard, and Tivi. As he approached the Sabine River, Kirkham met another traveler, Moses Austin, also making his way into Texas. The two men decided to make the month-long ride to San Antonio together, setting out on a journey that would become famous when Austin asked for—and received—permission from Spanish authorities to begin settling American families in Texas.<sup>3</sup> Opening the territory to immigration from the United States would turn out to have momentous consequences, and Austin's ride to San Antonio has since become widely known as one of the pivotal moments in the history of the U.S.-Mexican borderlands. Indeed, Austin's proposal to offer Americans cheap land in northern New Spain has provided historians ever since an elegant shorthand for explaining the beginning of American movements into what would become Mexican territory, a story so easily compressed into the fateful journey of a particular man.

Yet Austin did not ride alone, and the specter of James Kirkham accompanying him in pursuit of Marian, Richard, and Tivi points toward a larger, more complicated story surrounding that moment and its aftermath that has somehow been lost. More than Austin, Kirkham and the runaways represented broad and powerful changes remaking the entire Gulf Coast of North America during the first half of the nineteenth century. Austin came to Texas, for example, because hundreds of thousands of men like Kirkham had already made their way to the southwestern edge of the United States throughout the late 1810s as part of a massive expansion in American cotton farming. Austin's plans to colonize Texas,

indeed, depended on extending that cotton frontier beyond U.S. borders by convincing people like Kirkham to move their plantations into northern New Spain. Yet to make that happen, Austin needed the Spanish government to approve more than just American immigration—he needed it to endorse the enslavement of men and women like Marian, Richard, and Tivi, since American farmers would not abandon the United States if they also had to abandon the labor system that made their cotton fields so profitable. That meant that opening the territory to American settlement would ultimately depend as much on the perspectives of Spaniards like Antonio Martínez—and their ideas about what cotton, slavery, and migration would mean for the region—as the designs of Austin, Kirkham, or the runaways. What was so remarkable about Austin's famous journey in 1820, it turns out, was not the plan or actions of any single person. It was, rather, how that moment represented the convergence of forces, actors, and agendas from both sides of the Sabine River that would collectively remake the shared edge of the United States and Mexico.

This is a book about the larger world that converged in that fateful ride to San Antonio, and all the consequences that followed in its wake. It is the story of how powerful economic and political forces swirling throughout the northern Atlantic world crashed into one another during the first half of the nineteenth century, swept across North America, and transformed Mexico's northeastern frontier into the western edge of the southern United States. That process would, in time, redistribute power on the continent as it remade the border between the United States and Mexico, leaving both countries with enduring tensions that reverberate to this day.

THE SEEDS OF THAT TRANSFORMATION—and the journeys of Austin, Kirkham, and the runaways to San Antonio—had been sown in a quiet revolution in textiles that began when British industrialists started feeding their machines cotton instead of wool. More comfortable, stylish, and affordable than its competitors, cotton cloth became a sensation by the early 1800s within Britain's rapidly expanding commercial empire. English mill owners, as a result, began buying as much of the fiber as they could (British imports soared from 56 million pounds in 1800 to more than 660 million by 1850) as the plant became one of the most valuable commodities in the entire Atlantic world. The economic opportunities presented by this revolution in British textiles, in turn, prompted a flood of American farmers like Kirkham to pour into the territories that would

each spent a great deal of time making trade trips to New Orleans, which by 1820 had become the central hub of the cotton revolution overtaking the entire Mississippi River Valley. Several hundred Tejanos, including such prominent men as José Antonio Navarro and Francisco Ruíz, had spent much of the late 1810s living as refugees in Louisiana in the violent aftermath of the Gutierrez-Magee expedition. They had, in other words, witnessed firsthand the rapid transformations in populations and wealth that slavery and cotton had brought to the southwestern United States, and they wanted to bring a similar transformation to northeastern Mexico. Endorsing American-style chattel slavery was primarily a practical consideration for most Tejano leaders: if defending the institution was necessary in order to bring American farmers into Texas, then they would defend slavery as a means to greater ends. As Francisco Ruíz later explained to Stephen F. Austin, "I cannot help seeing the advantages which, to my way of thinking, would result if we admitted honest, hard-working people, regardless of what country they come from . . . even hell itself."<sup>39</sup>

The Americans, for their part, made it clear to both Tejanos and legislators in Mexico City that without slavery there would be no mass exodus of Anglo farmers into northern Mexico. General James Wilkinson reported to a friend in Baltimore about his effort "to acquire a precious tract of Land in the province of Texas" and his work to curry favor with Mexican officials on the matter, arguing that building "extensive productions of Sugar & Cotton" required that his settlers "be permitted to introduce negroes." Stephen F. Austin lobbied with ferocity on behalf of his own colony, meeting personally with legislators to stress that opening northeastern Mexico to American colonization depended on ensuring that slavery remain legal in Texas.<sup>40</sup>

### Debating the Americans

When the Mexican congress opened formal debates over colonization in August 1822, representatives squabbled over numerous details. Some demanded that prohibitions against non-Catholic settlers be strengthened, others wanted greater resources directed toward tackling the Indian problem, and still others wrangled over how to guard against unscrupulous settlers from the United States. Slavery, however, was woven throughout the entire debate. Francisco García, for example, argued that there could be no higher justice than outlawing "the fatal abuse" of enslavement and

urged the congress to abolish the institution immediately in a national antislavery law. A representative from Guanajuato, Juan Ignacio Godoy railed against the idea of permitting American colonists to bring their slaves into Mexico as a "property right," which Godoy felt was "repugnant to natural reason." Lorenzo de Zavala, a prominent congressman from Yucatán, was one of a handful of voices seeking a middle ground. Di Zavala urged Godoy and others to permit Anglo colonists to import slave in the short term (thus providing an immediate solution to the need to stabilize Texas) by adopting a gradual approach to abolition, which would ensure the populating of Texas while also providing for the eventual end of the institution in northern Mexico.<sup>41</sup>

Ongoing turbulence in Mexico City, however, meant that questions about colonization and slavery would remain unresolved until the following year. During the early summer of 1822, supporters of Agustín de Iturbide—the man who had led the final charge in overthrowing Spanish rule in Mexico—mobbed the streets and congressional building, demanding that Iturbide be crowned emperor of Mexico. The national congress gave in and Iturbide became Emperor Agustín I in July 1822. When some legislators then attempted to rein in the power of their new emperor, Iturbide jailed his political opponents and dissolved the elected congress, replacing it with a handpicked junta composed of his supporters. All matters related to colonization were set aside during this period, as the overthrow of congress and associated controversies took center stage in Mexico City.<sup>42</sup>

Petitioners from the United States, regardless, continued pressing for passage of a colonization law that would enable Americans to begin claiming land in Mexico. Austin petitioned the emperor himself and pressed his case personally with every legislator he could corner.<sup>43</sup> "I talked to each individual member of the junta of the necessity which existed in Texas, Santander, and all the other unpopulated provinces for the new colonists to bring their slaves," Austin reported to the governor of Texas.<sup>44</sup> Despite his efforts, Austin continued to encounter fierce resistance from legislators unwilling to permit slavery to continue in Mexico, even if such concessions would help populate and secure the nation's northern frontier. "The principal difficulty is slavery," Austin told a friend. "This they will not admit." More disheartening, the new Mexican congress was even contemplating a sweeping antislavery measure that proposed to free all enslaved people within ten years. "I am trying to have it amended so as to make them slaves for life and their children free at 21 years," Austin wrote,

he soon found himself appointed to the committee that drafted the final colonization law. Had the Tejano congressman expressed reservations or come out against American immigration, the bill would never have passed. Yet de la Garza represented Tejano enthusiasm for the project (he even approached Austin about becoming the official pastor for the colony) and thereby helped ensure the bill's final passage.<sup>49</sup> In so doing, de la Garza made it possible for Austin to secure formal approval for his colonization venture, which finally came in the spring of 1823.

Yet, once again, political turmoil in Mexico City threatened to overturn all that had been settled in regard to colonization. A revolt against Iturbide's rule began in the province of Veracruz in December 1822, when Antonio López de Santa Anna issued a proclamation demanding the overthrow of the empire and the establishment of a republic. By March 1823, the emperor had been forced from his throne and sent into exile (he would attempt to return in July 1824, only to be captured and executed). All legislation passed under Iturbide, including the national colonization law, was promptly annulled by the new Mexican congress. Because it had already been approved, Austin's empresario contract remained valid. But his was the only application granted such approval, and the subsequent revocation of the colonization law meant that, until another was passed, Austin now had a monopoly on settling Americans in Mexican territory. With his approved documents in hand, Austin left Mexico City in April 1823 on his way back to Texas. All other would-be empresarios had to remain in the Mexican capital, awaiting passage of another national colonization law.

### Constitution of 1824

The overthrow of Iturbide brought with it a seismic shift in Mexican politics that tipped the balance of power away from monarchists and conservatives and toward liberals, republicans, and federalists. In the immediate wake of Mexican independence, leaders in Mexico City could be divided into two general political camps. On one side stood conservatives, who hoped to keep power centralized in Mexico City (as the Spanish had) and who feared the discord and disruptions that widespread diffusion of political power across Mexican society could bring. On the other side stood those inclined toward liberalism and republicanism, whose ranks often included representatives from provinces (particularly those along the frontier) that had not fared well under Spain's policy of centralizing

power in Mexico City. These republican-minded legislators, as a consequence, tended to embrace federalism—with its promise of granting more power to state governments than the national government—as a means for uniting the country under a unified system of government, while also empowering the provinces to legislate on matters of regional importance. Conservatives and centralists had enjoyed the upper hand in political matters during the first year of independence, when they had succeeded in establishing a monarchy. The overthrow of Emperor Iturbide, however, discredited centralism and swelled public sentiment in favor of federalism. The break was both abrupt and profound, with the exile of Iturbide emboldening formerly reticent republicans to come forward and assert their desire to make Mexico a federal republic.<sup>50</sup>

The rapid shift in sentiment toward federalism would have far-reaching consequences for the way that Mexico's national government dealt with the unresolved issues of slavery and American colonization. A glimpse into that transformation could be seen in the colonization law passed by the new national congress in August 1824. Unlike its previous incarnation, the new law delegated practically all authority on the matter to "the Congresses of the States," charging them with framing "laws or regulations for the colonization of those lands which appertain to them." The national government, of course, set certain parameters—such as a ban on settlements within a certain distance of foreign countries or the sea coast—but otherwise left the details to individual states. One practical result of this shift from a centralized to federal approach toward regulating colonization was that the new bill placed no restrictions on the institution of slavery. The new law, in fact, said nothing on the matter, pointing toward a profound turn in Mexican politics. Mexico City's embrace of federalism in the wake of Iturbide's downfall had begun a process of delegating numerous—and often contentious—policy questions to the state governments.<sup>51</sup>

None of this meant that antislavery sentiment in Mexico City had been swept aside with the fall of the emperor. Legislators from across the country continued to loathe the institution, and the national government still had numerous opportunities to set antislavery policies into place. In July 1824, for example, the national congress passed a law banning the slave trade. "Commerce and traffic in slaves," read the bill, "proceeding from any country and under any flag whatsoever, is forever prohibited in the territory of the United Mexican States." Enslaved people brought into Mexico contrary to the law would be deemed free by "the mere act

threatening the long-term stability of the colonization experiments. Although leaders of the Anglo-Tejano alliance might carve out a place for cotton and slavery to endure in Texas, they also came to realize that they could not build a thriving slave society while in conflict with their government.

### Article 13

By the time Bean's letter completed its two-thousand-mile journey from Mexico City to the Texas colonies, Stephen F. Austin had already learned that abolition was part of the latest draft of the Coahuila-Texas state constitution. In June 1826 José Antonio Saucedo, the Tejano political chief of Texas, forwarded to Austin a letter written by Baron de Bastrop, Texas's sole representative in the state Congress. Bastrop had never intended for Austin to see the letter—he had, in fact, criticized Austin in the note. Yet Saucedo felt that the empresario needed to read the Baron's warnings that language in the new state constitution would free “all the slaves who set foot on our soil.” Although Bastrop did not spell out the details of the constitution's anticipated antislavery article, he made dramatic predictions about its likely consequences: “If I cannot succeed in removing it, or at least modifying it,” the colonies “will be completely ruined.” Austin and the baron had previously discussed the possibility of Bastrop returning to Texas before the end of the legislative session, but Bastrop now believed the perils of the slavery issue demanded that he remain in Saltillo for the foreseeable future. Otherwise, he warned, “the enemies of foreign colonies would deal them a mortal blow without anybody being able to stop it.”<sup>2</sup>

When another packet of mail from Saltillo arrived in San Antonio several weeks later, political chief Saucedo received a copy of the proposed state constitution and discovered what had so troubled the baron. As drafted by the legislature in Saltillo, Article 13 of the new constitution read: “The state prohibits absolutely and for all time slavery in all its territory, and slaves that already reside in the state will be free from the day of the publication of the constitution in this capital.” Accompanying the article was a vague promise that “a law will regulate the mode of compensating those who held slaves at the time of said publication,” although what that compensation would entail remained unclear.<sup>3</sup> If the article left compensation for slaveholders uncertain, it left no ambiguity about the future of slavery in Texas. All legal protections for the institution would

end immediately upon the publication of the new state constitution, when slaveholders throughout Texas would lose all their enslaved property. The emancipated people would, presumably, be allowed to remain in Texas alongside their former masters, perhaps even as citizens of Mexico.

Article 13 had been drafted by Manuel Carrillo, one of three representatives from Saltillo in the state legislature and a leading voice for liberalism in Coahuilan politics during the late 1820s. Liberals in Coahuila tended toward a sympathetic view of the United States, generally favored the adoption of American-style federalism in their own government, and often supported inviting foreign colonists into the new Mexican nation. Slavery, however, was a practice that put men like Carrillo at odds with colonization efforts in Texas. While Mexican liberals frequently pointed toward the United States as a model for liberal democracy, chattel slavery stood out for many as a glaring contradiction in how Americans practiced their liberal creed. For some liberals in the state—such as Dionisio Elizondo, a representative from northern Coahuila—the development of the Texas colonies was far less important than ensuring that the state protected the “universal rights of men” that they recognized as the foundation of a liberal democracy.<sup>4</sup> Elizondo had, in fact, attempted unsuccessfully in 1825 to make abolition part of the state's colonization policy, although protests and pressure from San Antonio had thwarted his effort.<sup>5</sup>

Carrillo and Elizondo had nonetheless garnered enough support from like-minded legislators during the year since to write emancipation into the latest draft of the Coahuila-Texas constitution, in part by bringing conservatives into the antislavery coalition. Conservatives were fewer in number in the state (Coahuila was known as a bastion of liberalism and federalism during the early Mexican Republic), and they generally opposed American colonization. Some of this opposition was out of fear of economic competition from foreign merchants, although other conservatives were also concerned about the long-term consequences of a growing foreign population in the territory. Opposing slavery, for most conservatives, served largely as a practical means for opposing the potential dangers they saw in continued American colonization of Mexican territory rather than as an ideological end in itself. Eliminating slavery, moreover, would require little economic sacrifice on the part of individual Coahuilans. The enslaved population of Coahuila had never exceeded more than a hundred souls, and neither the region's economy nor its future development seemed to depend on the institution. Although all members of Manuel Carrillo's antislavery coalition wanted to establish

a constitution that would promote the economic development of northeastern Mexico—and Coahuila in particular—they saw no place for American-style slavery in the state's future.<sup>6</sup>

Mexicans in Texas saw the matter differently. Recognizing that the constitution's approach to slavery could destroy the new American colonies, Tejanos in San Antonio scrambled to contain the potential damage of Article 13. Without waiting to consult the Anglo colonists, San Antonio's town council immediately sent an emergency appeal to the state Congress in Saltillo, demanding that further debate on Article 13 be halted until Texas could weigh in on the matter. Lamenting "the death-blow that Texas receives with the constitution's article on slavery," political chief José Antonio Saucedo then forwarded a copy of Article 13 to Stephen F. Austin, imploring him to petition the state legislature on behalf of the colonists. They had to move quickly, urged Saucedo, to ward off an emancipation act that would destroy any hope for the rapid populating of Texas. "Otherwise," wrote an exasperated Saucedo, "all is lost." San Antonio's town council began drafting a petition to the state legislature that defended slavery as "*indispensable* to the prosperity of this Department," protesting that "the prospect of freeing the slaves" of Austin's settlers would be "an unjust abuse of the rights of the Colonists." Resurrecting arguments they had made in Mexico City in 1823–24, Tejano elites protested that northeastern Mexico would remain impoverished and ungovernable for the foreseeable future without slave-based agriculture driving Americans into Texas.<sup>7</sup>

Following the Tejano lead, Austin launched his own intense campaign to lobby the Saltillo legislature to back away from abolition. He began by composing a long petition that detailed all the horrible consequences (including a mass exodus of settlers back to the United States, the financial ruin of the state, and increased Indian wars) that Austin imagined emancipation would bring to the region. Yet the heart of Austin's protests—and the central theme of Tejano protests—was his prophesy that an attack on slavery would destroy any future American immigration, thereby crippling Mexico's ability to populate and control its northeastern frontier. "I made efforts to persuade rich men who owned slaves to emigrate because with them the country would make swift progress," Austin explained. "I told them that the Government would never take away slaves brought by them for their own use." "What would the world say," he demanded, "if in direct violation of that law and that guarantee, the Government were to take away that property from those colonists against their will?" Such

an act would drastically undermine the new government's credibility, and "the mistrust which is certain to follow will destroy all hope of further emigration." Only by allowing the Americans to retain their slaves, he insisted, could the Saltillo Congress prevent "the total destruction of all new colonies . . . the annihilation of all hope of emigration in the future, and the consequent abandonment of this beautiful country."<sup>8</sup>

Austin and the Tejano leadership moved in unison, building on relationships forged during the Mexico City battles and their shared desire to promote American immigration. Both sides coordinated regularly about strategy, collaborating with Tejanos already in Coahuila in order to build pressure on the state legislators. Austin sent notes to Juan Antonio Padilla, a Tejano from San Antonio currently serving in Saltillo as the Coahuila-Texas secretary of state, urging Padilla to explain to Coahuilan legislators the dire consequences of abolishing slavery. "I do not think it possible," Austin wrote, "that the Honorable Congress will destroy us in this way if all these matters are explained."<sup>9</sup> Austin felt so strongly about the matter that he sent his younger brother, James "Brown" Austin, to San Antonio in order to confer in person with the Tejano leadership on the matter.<sup>10</sup> The Tejanos, in turn, welcomed Brown and kept the Austin brothers informed about the news coming out of Saltillo. Brown stayed in the home of the Seguin family while in San Antonio, and political chief Saucedo took it upon himself to brief the younger Austin on their ongoing proslavery lobbying efforts.

The rapid closing of Anglo-Tejano ranks revealed the shared commitment of men like Austin and Saucedo to defend slavery as a means for supporting American colonization. Yet it also revealed their practical response to the daunting new challenges of developing the region under the shadow of Coahuila. With only a single Texas representative in the Coahuila-Texas legislature, any revision of Article 13—or any other law or policy concerning Texas—would require all the political force that Anglos and Tejanos could collectively muster. Combining their efforts to lobby the Coahuilan Congress had become an unavoidable necessity, and both Anglo and Tejano leaders agreed that immediate action must be taken in order to prevent the prospect of emancipation from wreaking havoc on American immigration.