

3-1973

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Recommended Citation

Schoonover, Thomas (1973) "'Confederate Diplomacy and the Texas-Mexican Border, 1861-1865,'" *East Texas Historical Journal*: Vol. 11 : Iss. 1 , Article 8.

Available at: <https://scholarworks.sfasu.edu/ethj/vol11/iss1/8>

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"CONFEDERATE DIPLOMACY AND THE TEXAS-
MEXICAN BORDER, 1861-1865"

by Thomas Schoonover

Historians of Mexico in the 1860's and students of the relations of Mexico with its Union and Confederate neighbors have noted and discussed the mutual frontier problems during the Civil War years. These problems consisted of Indian raids, bandit activity, disagreements over trade and commercial rights, occasional military confrontations, and political differences arising from the sympathy which Mexican Liberal officials had shown to the Union cause.¹

Writers on Confederate Texas have not been as broad and inclusive in their treatment of their state. They have all too often discussed the Texas-Mexican border during the Civil War years in a very cursory manner, usually briefly mentioning trade, and occasionally adding to this some notation about Yankee intrusions, or the Mexican bandit Cortina, or some other problem.²

However, it is not the purpose of this essay to call the historians of Confederate Texas to task. What they have neglected to investigate and write about has, after all, been investigated and written about by others. The objective of this essay is to call attention to a story of border activity which had remained untold until now. Since an open, friendly border was vital to the Confederacy because of the Union blockade, several Confederate attempts were made to arrive at "treaty" arrangements with the Mexican authorities. The Mexicans, for their part, wanted friendly border relations to permit an active trade from which they derived considerable customs duties. It is obvious that the Confederacy never received recognition and hence never completed any treaties recognized in international law. Yet, the activity on the Texas-Mexican border produced the need for some agreements to regulate various problems which at times threatened to disrupt Confederate-Mexican relations. In attempting to solve their mutual border problems, Confederate and Mexican officials twice came close to perfecting treaties, which would have implied mutual recognition.

Thus, to prevent the border turmoil from producing a rupture of relations across the border, on February 25, 1863, Albino Lopez, civil and military commandant of the State of Tamaulipas, and Brigadier General Hamilton H. Bee, Confederate commander of the Western Sub-District of Texas, signed an agreement, containing four public articles and one secret article, to regulate certain problems of mutual concern. Bee initiated the negotiation by noting that he was "specially charged by my Government with the maintenance of friendly relations with the Republic of Mexico." After mentioning a series of problems of "the gravest consideration," which involved "the peace and dignity of my Government," - the problems were use of Mexican soil as a secure base for bandit operations and unneutral acts against Confederate Texas - - Bee inquired if Mexico intended "to permit a continuance of these things, or whether, in full view of her duties as a neutral, she will at once take measures as, while indemnifying us for the past, will prevent repetition."³

Lopez agreed with Bee that certain border problems led to violations of neutrality and that therefore steps should be taken to preserve Mexico's neutrality. Other than assurances of mutual concern and friendship Lopez offered no comfort

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to Bee. However, Bee was prepared to seize the initiative. In answering Lopez' letter, Bee enclosed "the basis of a convention, which I have no doubt will receive your favorable attention, as they have been suggested by the deep conviction I feel concerning the benefits which would ensue to the frontiers of both nations if they are adopted, and if, when adopted, they are carried out in a spirit of good faith and fraternity." Bee proposed five articles. The last two dealt with the specific problem of a bandit chief named Octaviano Zapata. In the first three, dealing with major border problems, Bee suggested that both sides cooperate in controlling "malefactors, Indians, etc." on the frontier. Each side would patrol and protect its own territory, while exchanging information and cooperating by means of simultaneous pursuit of bandits on both sides of the Rio Grande. In rare cases, troops of either nation would be permitted to cross the river while in hot pursuit of bandits with the proviso that immediate notification of such crossing would be given the other nation's authorities.⁴

Replying on February 22, 1863, Lopez had no objection to the draft convention. He believed the two countries "founding their relations on their mutual interests" should "extend to each other the good offices due contiguous countries." He could only agree to "acts of mutual deference under the character of good offices," since the Mexican constitution forbade the states from making treaties with foreign nations. Lopez then proceeded to suggest some "light modification" in order to better establish the principle of reciprocity of obligations. He also felt article four reflected upon the "decorum and good name" of the Republic of Mexico and should therefore be withdrawn. It was.⁵

On February 23, 1863, Lopez and Bee met privately to discuss the convention during which meeting they apparently discussed the desirability of an extradition agreement. Later on the same day, Lopez informed Bee by letter that he had no objection to such an agreement so long as the principle of reciprocity was observed. Lopez warned, however, that such an agreement could not include extradition of alleged criminals "who may have been in a state of slavery." Since this was contrary to the Mexican constitution, Lopez then submitted a draft of articles as he believed they should read.⁶

The four articles finally agreed upon on February 25, 1863 were articles 1, 2, 3, and 5 of Bee's original draft, revised to better express the reciprocal nature of the obligation. In addition, a secret article, agreeing to extradition was concluded on the same day.

In essence, the articles of the final agreement read as follows:

Articles of an agreement concluded between the civil and military commandant of the State of Tamaulipas, Don Albino Lopez, and Hamilton P. Bee, brigadier-general, Confederate States Army, commanding the Western Sub-District of Texas.

Article 1. The Mexican and Confederate forces will extend mutual aid in pursuing persons who may attempt to pass from one bank of the Rio Bravo to the other, for the purpose of committing depredations,...

Article 2. Persons crossing from the Mexican territory to the State of Texas or from the State of Texas to the Mexican territory shall take with them passports; signed by the civil or military authorities of the respective frontiers, to be given free of charge. Those who are found without such documents, if

unknown, shall be held as suspicious, and consequently detained until they prove who and what they are;...

Article 3. Any stock taken from either side of the river to the other shall be accompanied by a permit from the civil or military authorities, which shall state the name of the conductor or owner, the mark of brand, and the number of head; and the stock which shall be crossed into Texas or Mexico without this requisite shall be detained until it is ascertained whence obtained,....

Article 4. [Dealt with mutual efforts to return specific stolen property.]

An additional and secret article of the agreement concluded between the civil and military commandant of the State of Tamaulipas, Don Albino Lopez, and Hamilton P. Bee, brigadier-general, Confederate Army, commanding the Western Sub-District of Texas.

Any person who may commit the offense of murder, arson, embezzlement, robbery, cattle or horse stealing, or larceny of chattels or personal property of the value of \$20 or more in either of the two States, and who shall escape to the other, shall be delivered over to the authorities of the place where the offense was committed when the commission of the same shall be proved in such a manner that, according to the laws of the State where the fugitive and accused person may be found, he would be lawfully arrested and tried if he had committed the crime in that State.⁷

The next day, Bee forwarded to Lopez a copy of this agreement "for the pacification of the frontier" noting that it would be in effect from the exchange of signatures. Precisely when Lopez forwarded a signed copy of the agreement is not known, but by early March the agreement was in effect.⁸

Although the Bee-Lopez agreement was not a binding international treaty, it could easily have been converted into one. Throughout the unofficial negotiations, Juan Quintero, official Confederate diplomatic agent in Northern Mexico, acted as observer and advisor at the request of both Bee and Lopez. Naturally, Quintero kept the Confederate State Department advised of the proceeding.⁹ That Bee wanted the experienced Confederate diplomat Quintero to assist him is easy to understand. But, why did Lopez personally request Quintero's presence? It seems that they had formed a friendly relationship soon after Lopez was named Governor of Tamaulipas, in any event Quintero reports so indicate.¹⁰ The Confederate State Department followed the unofficial border diplomacy with considerable interest, but, at the same time, it clearly took the position that the Bee-Lopez agreement was not a treaty. After the agreement was signed, it still cautioned Quintero to avoid demanding extradition, since "By the law of nations we have no right, in the absence of treaty stipulations, to demand the extradition."¹¹

Late in the following year, 1864, the arrival of French and Mexican Imperial forces under the command of General Tomas Mejia, and their occupation of Matamoros, nullified the Bee-Lopez agreement. Yet at this time more than any

earlier time, the frontier was given to disorder and crime because the Liberal government's authority in Tamaulipas had been declining for over a year, and on the other side, Confederate authority was likewise weakening as the Civil War dragged on and appeared to be a losing cause. Neither the Empire nor the Confederacy benefited from the criminal disorder which acted as a restriction to trade and tax revenues. Furthermore, the Confederate and Imperial leaders on the border shared political sympathy, since all were aware that their governments mutually sought recognition.

On December 19, 1864, therefore, James E. Slaughter, Confederate commander of the West Sub-District of Texas replacing Bec, and General Tomas Mejia of the Imperial Mexican Army signed an extradition agreement of seven articles, which followed the provision of the 1862 extradition treaty between the Republic of Mexico and the United States quite closely. The essential elements of this treaty were:

Having exclusively in view the prompt administration of justice, the generals commanding the lines of both frontiers have agreed, in order to obviate the crimes committed within their respective territories and jurisdictions, mutually to deliver over persons accused of crimes under certain circumstances, and which are enumerated in the following articles:

Article I. They agree that when a [proper] requisition is made...they will mutually deliver over persons accused of the crimes enumerated in the following articles,...

Article II. They will be delivered in pursuance of the foregoing article on proper application being made for the persons accused as principals, auxiliaries, or accomplices of any of the following crimes, viz: Homicide, voluntary, including assassinations, parricide, infanticide, and poisoning; assault, with intent to commit murder; mutilation; incendiarism; rape; kidnaping, defined as arresting and carrying off, either by force or under false pretenses, a free person; counterfeiting,...the introduction of or fabrication of instruments for making counterfeit money; the appropriation or peculation of public funds, or the appropriation of the same, with the pretext of a revolution in the frontier States; theft, robbery,...housebreaking,...cattle stealing and larceny; the taking of effects or movable goods of whatever value.

Article III. All expenses of detention and extradition which arise from carrying into effect the preceding arrangements will be allowed and paid by the authority of the territory in whose name the requisition has been made.

Article IV. The articles of the present confidential arrangement will be by no means applicable to crimes of purely a political nature; neither will it comprehend the return of fugitive slaves,...

Article V. None of the parties are obligated, under the present arrangement, to deliver over their own citizens.

Article VI. Notwithstanding the conveniences which to the parties arise from the execution of the present arrangements and the probability the parties making them have that in due time they will be formally accepted by their respective Governments, elevating them to solemn treaties, the present, therefore, has no official character, but made purely in confidence between the undersigned commanders, notwithstanding they, in compliance with their duty, privately and reservedly participate, to their Government what they have done in this matter, and reciprocally on both sides of the Rio Grande they oblige themselves to execute and comply with it from this date, and continue the same until expressly advised that their acts in the premises are disapproved by their respective Government. ...¹²

E. Dorsey Etchison, United States consul at Matamoros, apparently heard a rumor about the Mejia-Slaughter convention, because about early January, 1865, he inquired of Mejia if some sort of agreement existed between the Imperial government and the Confederates to return deserters from the Confederate army. Mejia denied the allegation at the same time he rejected receiving such a note.¹³

Although not technically treaties, both sets of articles had the effect of international agreements since they were enforced equally upon *all* citizens of both nations. The Confederacy, the Republic of Mexico, and the Mexican Empire all had important matters to consider in regard to border conditions. While the Mexican Republic controlled northern Mexico, the Confederates were interested in developing the maximum of trade as a means of easing the economic squeeze of the Union blockade. This was of much greater concern to them than recognition or sentiments of ideological and political sympathy, although such sentiments would have been welcome. In part the Confederate attitude was conditioned by the fact that the Mexican officials, who were loyal to the Liberal government, and the Mexican government, only sought the vastly increased revenue which resulted from the trade with the Confederacy. The Liberals showed no desire to develop a stronger friendship with the Confederates than their mutual commercial interests demanded.

When the French and Imperial forces reached the frontier, the attitude and expectations of both Mexican and Confederate officials changed. They contemplated not only a continuation of the commercial relations which benefited both sides, but in the Mejia-Slaughter agreement they expressed the "probability ... that in due time [these articles] will be formally accepted by their respective Governments, elevating them to solemn treaties. ..." ¹⁴ The Mejia-Slaughter extradition agreement might well have become the basis for a political and commercial understanding between the Confederates and Imperial Mexico, had not the Confederacy collapsed only a few months later.

The Bee-Lopez and Slaughter-Mejia agreements are significant actions not only because they indicate the great seriousness with which both Confederate and Mexican officials treated border problems, but also because they are two instances when the Confederate government came quite close to obtaining recognition via a back door. Since diplomatic recognition means conceding the will and capability of another political entity to act responsibly, a nation would not enter into a bi-lateral contractual relationship with another political entity which it feels is unwilling and unable to fulfill its responsibilities. Both agreements represent serious first steps toward an implicit recognition. But such actions cannot be surprising when it is recalled that the commercial activity along the border area was of great interest to all parties concerned—Union, Confederate, Juarez, supporters, or Imperialists.

NOTES

¹See for example Frank Owsley, *King Cotton Diplomacy* (Chicago, 1931), 88-145, 527-549; R. Curtis Tyler, "Santiago Vidaurri and the Confederacy," *The Americas*, XXVI (July, 1969), 66-67; and Barry M. Cohen, "The Texas-Mexico Border, 1858-1867, Along the Lower Rio Grande during the Decade of the American Civil War and the French Intervention in Mexico," *Texana*, VI (July, 1968), 153-165. Two first-hand accounts of Mexican-Texas border problems are John Salmon Ford, *Rip Ford's Texas* (Austin, 1963), edited by Stephen B. Oates, and the autograph manuscript of Francisco Mejia, "Epocas, Hechos y Acontecimientos de Mi Vida y de los Que Fui Actor y Testigo," written in 1878, Latin American Collection, University of Texas. See also Clarence C. Clendenen, *Blood on the Border: The United States Army and the Mexican Irregulars* (London, 1969), 45-84.

²William J. Hughes, *Rebellious Ranger: Rip Ford and the Old Southwest* (Norman, 1964), 197-204, 217-237, and Frank X. Tolbert, *An Informal History of Texas: From Caveza de Vaca to Temple Houston* (New York, 1961), 188-213 present considerable material on various border problems, Indians, bandits, Yankee intrusions, and trade. Other Texas histories examined made only brief and unsatisfactory reference to border affairs. See the following books with the page citations being those treating Texas during the Civil War: George P. Garrison, *Texas: A Contest of Civilization* (Boston, 1903), 282-292; Joseph L. Clark, *A History of Texas: Land of Promise* (Boston, 1940), 341-347; Ralph W. Steen, *Texas: A Story of Progress* (Austin 1942), 331-347; Rubert Norval Richardson, *Texas: The Lone Star State* (New York, 1943), 241-246; Donald Day, *Big Country: Texas* (New York, 1947), 47-52; Tom Lea, *The King Ranch*, (2vols.; Boston, 1957) I, 175-235; Herbert and Virginia Gambrell, *A Pictorial History of Texas* (New York, 1960), 169-182; and Ernest Wallace, *Texas in Turmoil*, Vol. 4, *The Saga of Texas Series* (Austin, 1965), 76-159.

³Bee to Lopez, Fort Brown, Texas, February 3, 1863, *War of the Rebellion: Official Records of the Union and Confederate Armies* (128 vols., Washington 1880-1901), XV, 966-967 hereinafter, *O.R.*.

⁴Lopez to Bee, Matamoros, February 11, 1863, Bee to Lopez, Fort Brown, February 18, 1863, and enclosed draft convention, *O.R.*, XV, 975-978, 992-994.

⁵Lopez to Bee, Matamoros, February 22, 1863, *O.R.*, XV, 994-995..

⁶Lopez to Bee, Matamoros, February 23, 1863, (two letters), *O.R.*, XV, 996.

⁷A copy of the treaty can be found in Letterbook, Don Julio Dresch, Official Correspondence between Governor Albino Lopez of Tamaulipas and General H.P. Bee, C.S. A / Treaty of Extradition, ..., Records of the Confederate States of America, Volume III, microfilm roll 64, Library of Congress. This treaty is also printed in *O.R.*, XV, 997-998.

⁸Bee to Lopez, Fort Brown, February 26, and March 1, 1863, and Lopez to Bee, Matamoros, February 28, 1863, *O.R.*, XV, 998, 1006-1007.

⁹Quintero to Benjamin, Brownsville, January 30, and February 26, 1863, (Nos. 32 and 33), Records of the CSA, Vol. 8, roll 8, Library of Congress.

¹⁰Quintero to Benjamin, Matamoros, November 2, 1862, (No. 25), Records of the CSA, Vol. 8, roll 8, Library of Congress.

¹¹Benjamin to Quintero, Richmond, April 15, 1863, (No. 4), Records of the CSA, Vol. 11, roll 10, Library of Congress.

¹²A copy of the agreement is found in *O.R.*, XLVIII, pt. 1, 1329-1330.

¹³A copy of the agreement is found in *O.R.*, XLVIII, pt. 1, 1329-1330; Mejia to Etchison, Matamoros, January 10, 1865, Consular Dispatches, Matamoros: Vol. 8 (Microfilm No. 281 / roll 3), National Archives.

¹⁴Article VI of the Mejia-Slaughter agreement, *O.R.* XLVIII, pt. 1, 1329. An effort to locate the reaction of Maximilian's government in the Archiv Maximilians, Haus-, Hof-, Und Staatsarchiv, Vienna, on microfilm in the Archivo Historico, Museo de Antropologia y Historia, Mexico City, was unavailing.