

Treaties of Velasco

The **Treaties of Velasco** were two documents signed at Velasco, Texas, (which is now Freeport, Texas) on May 14, 1836, between Antonio López de Santa Anna of Mexico and the Republic of Texas, in the aftermath of the Battle of San Jacinto (April 21, 1836). The signatories were Interim President David G. Burnet for Texas and General Santa Anna for Mexico. The Treaties were intended, on the part of the Texans, to provide a conclusion of hostilities between the two belligerents and offer the first steps toward the official recognition of the breakaway Republic's independence. However, there was a public treaty and a secret treaty, and neither treaty was ratified by the Mexican government. Moreover, the documents were not even called "treaties" until so characterized by U.S. President James K. Polk in his justifications for war some ten years later, as was pointed out by Congressman Abraham Lincoln in 1848.^[1]

Public treaty

The public treaty consisted of ten articles, and was to be published immediately.

1. Personal undertaking by Santa Anna not to take up arms, or encourage arms to be taken up, against the people of Texas in this war of independence.
2. Cessation of hostilities, on sea and land, between Texas and Mexico.
3. Mexican troops to evacuate the territory of Texas, relocating south of the Rio Grande (Río Bravo del Norte).
4. Mexican troops to refrain from taking property without due compensation, etc., during their retreat.
5. All property (including horses, cattle etc.) captured by Mexico during the war and negro slaves freed by the Mexican army had to be returned.
6. The two armies to avoid contact, keeping a distance of five leagues (approx. 27.78 km).
7. The Mexican army to retreat without tarrying.
8. Dispatches to be sent to the commanders of the two armies, informing them of the treaty's content.
9. Mexico to release all Texan prisoners, with Texas releasing the same number of Mexican prisoners of the same rank; all other Mexican prisoners to be retained by Texas.
10. Santa Anna to be conveyed to Veracruz as soon as deemed proper.

Secret treaty

The secret treaty was not to be made public until the terms of the public treaty had been met in full.

1. Personal undertaking by Santa Anna not to take up arms, or encourage arms to be taken up, against the people of Texas in this war of independence.
2. Santa Anna to give orders for all Mexican troops to withdraw from Texas as soon as possible.
3. Santa Anna to make arrangements in Mexico City so that a mission of Texans would be well received, all differences settled, and independence recognized.
4. A treaty of commerce, friendship, and limits to be established between Mexico and Texas, whereunder the territory of Texas would not extend beyond the Rio Grande.
5. Government of Texas to provide for Santa Anna's immediate embarkation for Veracruz.
6. Both copies of the document to be kept folded and sealed until conclusion of the negotiations, when they should both be given to Santa Anna; no use to be made of it before that, unless either party failed to abide by its terms.
7. Texas was to have had a trade agreement with Mexico.

Nonratification by Mexico

Although Gen. Vicente Filisola began troop withdrawals on May 26, the government of President José Justo Corro in Mexico City resolved, on May 20, to disassociate itself from all undertakings entered into by Santa Anna while he was held captive. Mexico's position was that Santa Anna had no legal standing in the Mexican government to agree to those terms or negotiate a treaty; Santa Anna's position was that he had signed the documents under coercion as a prisoner, not as a surrendering general in accordance with the laws of war. In fact, he had no authority under the Mexican Constitution to make a treaty, and in any case, the treaty was never ratified by the Mexican government.

Noncompliance by Texas

Santa Anna was not given passage to Veracruz. He was kept as a prisoner of war ("clapped in irons for six months", he later claimed) in Velasco and, later, in the Orozimbo plantation, before being taken to Washington, D.C., in the United States to meet with President Andrew Jackson (ostensibly to negotiate a lasting peace between Mexico and Texas, with the USA acting as mediator). Sailing on the frigate USS *Pioneer*, the guest of the U.S. Navy, he did not arrive in Veracruz until February 23, 1837.

Outcome

Because the provisions of the public treaty were not met, the terms of the secret agreement were not released until much later. Although a *fait accompli* since mid-1836, neither the independence of Texas nor its later annexation by the U.S. was ever formally recognized by Mexico until the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War that resulted from the annexation and also recognized the Rio Grande (Río Bravo del Norte) as the Mexico – United States border.

References

- [1] A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 - 1875 (<http://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=020/llcg020.db&recNum=102>)

External links

- Treaties of Velasco (<http://www.tsl.state.tx.us/treasures/republic/velasco-01.html>) (includes facsimiles)
- Treaties of Velasco (<http://www.lsjunction.com/docs/velasco.htm>)
- Santa Anna's Captivity (<http://www.tamu.edu/ccbn/dewitt/santaanna4.htm>)

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