

SMITH TO JONES.^a

No 33.

LEGATION OF TEXAS, FRANCE
11 January 1843.

The Hon

ANSON JONES

Secretary of State

SIR,

I avail myself of an opportunity of sending direct from Havre to New Orleans, to transmit a brief Despatch to your Department. The shortness of the notice given me, will explain to you the incompleteness of this communication.

My last Despatches numbered 31^b and 32, dated the 30th Ultimo and inclosing several documents, were forwarded by the Steamer from Liverpool which sailed the 4th Instant. Since their date our relations in Europe present nothing new of much interest.

The Legislative Chambers were opened on the 9th Instant by the King in person. Although now 70 years old, he appears to have several years of vigorous life still left him.

So far as I can judge the present ministry seem secure in their places, and decidedly stronger than they were some weeks ago; and as they pursue a decided *peace* policy, there seems no reason to expect any change in the domestic condition or foreign relations of France for some time to come. I attended last night the reception of Mr Guizot the Minister for Foreign Affairs. Though much occupied he found time to enquire particularly concerning the relations of Texas and Mexico.

Every country in Europe, especially England France and Belgium are suffering under a surplus production of manufactures and seeking foreign markets. The importance of Texas in this point of view is daily better estimated; and the amount of cotton it is expected to produce the present year is attracting attention. I have commonly estimated the crop of the season just passed, at 60,000 bales. It would be of much advantage were I furnished from time to time with correct information on subjects connected with the productions and resources of our country. But as stated in my former Despatches, I do not receive even the newspapers which would occasionally give me useful items.

I have had some conversations with the Charge d' Affairs of Belgium, in which he expressed the opinion that by granting to a "manufacturing company" in Belgium the privilege of introducing their manufactures into Texas at a diminished rate of duties, as proposed in my former Despatches, a Loan to Texas would be guaran-

^aA. L. S.^b See Correspondence with Great Britain.

ted by this Company on favorable terms, and thus be readily negotiated. This manner of guaranteeing a Loan and securing its negotiation appears to me quite as eligible as that of Mr. Bourgeois as communicated with my last Despatches. If Texas shall deem it for her interest to concede commercial equivalents as has been so often proposed, I am of opinion that a Loan can be without difficulty negotiated, at a moderate interest and at a rate near its face.

I shall not however trouble your Department further on this subject, unless I receive instructions.

I receive frequent proofs of the favorable attention which Texas is attracting in this Country and in Great Britain.

This communication is so hasty, in consequence of the shortness of the notice given me of this opportunity to send, to Texas, that I will beg to remind you that it is not to be regarded as a regular Despatch, but merely a notification to your Department that I am at my Post.

I am with great respect
your very obedient servant.

ASHBEL SMITH.

CRAMAYEL TO JONES.^a

Légation de France
au Texas.

GALVESTON le 16 Janvier 1843

Monsieur le Secrétaire d'Etat,

Par une proclamation en date du 21 décembre 1842,^b S. E. M. le Président de la République Texienne a révoqué une autre proclamation du Général Lamar, son prédécesseur, en date du 11 février 1840,^c qui accordait une franchise entière de droits aux vins français introduits au Texas sur navires français ou texiens.

Il ne m'appartient point de décider si la proclamation du Général Lamar était contraire aux lois, ainsi qu'il est dit dans celle qui la révoque, ni même si elle était contraire aux traités, quoiqu'il fût facile, je crois, de combattre avec succès cette dernière assertion. Cet acte en accordant aux vins français la faveur d'une franchise complète par extension aux prescriptions du traité avec la France, mais non point en contravention à ce même traité, annonçait que la révocation pouvait en être faite par le Président de même qu'il avait été rendu par lui seul.

Je ne discuterai point non plus l'opportunité de la mesure en elle-même et je ne rechercherai point si le temps a été bien choisi pour rendre une ordonnance si peu favorable aux intérêts du commerce

^a L. S.; indorsed "Recd 22d Janry 43".

^b See Gammel, *Laws of Texas*, II, 878.

^c See Gammel, *Laws of Texas*, II, 662.

français, dans le moment même où la France cherchait à donner de nouvelles preuves d'égards et de sympathie au Gouvernement Texien, par l'envoi d'un Agent Diplomatique et par des démarches combinées pour la paix si désirée avec le Mexique. S. E. le Président du Texas est seul apte à juger du prix qu'il doit mettre à de semblables considérations au nom du pays qu'il représente vis-à-vis des puissances étrangères.

Dans une conversation que j'ai eue dernièrement à ce sujet avec M. le Président lui-même, S. E. s'est appuyée, pour m'expliquer les motifs de la mesure, sur des raisonnemens qui, je l'avoue, ne m'ont pas paru assez concluants pour que je n'ose pas espérer qu'après une observation plus attentive, Elle ne soit pas disposée à revenir d'Elle-même sur la révocation de l'acte en question.

L'introduction libre des vins français, si j'en juge d'après toutes les données que j'ai à cet égard, avait eu pour but principal d'encourager le commerce direct entre la France et le Texas et en attirant les navires français au Texas par l'appât d'un débouché facile pour une de leurs denrées, de les engager à fournir le marché texien d'une foule d'autres articles pour lesquels il est encore tributaire des Etats-Unis et qu'il est contraint de payer à des prix infiniment supérieurs.

Il serait superflu de rappeler combien il doit paraître important au Texas dans la position naissante et encore si difficile dans laquelle il se trouve, d'appeler à soi le commerce Européen et de lui faire prendre l'habitude d'une route encore inaccoutumée. Je ferai seulement remarquer que le commerce direct avec la France est en ce moment en progrès d'une manière remarquable et semblait destinée à prendre un développement de jour en jour plus considérable. Est-il prudent de commencer à le dégoûter ou au moins à le mettre en défiance par l'instabilité des tarifs et par des restrictions arbitraires?

Une autre considération particulière et dans l'intérêt même du peuple Texien, avait encore favorisé la mesure précitée. L'on avait pensé qu'il était utile en offrant au peuple du vin au prix le plus modéré de remplacer progressivement par l'usage de cette boisson saine et fortifiante, celui des liqueurs fortes dont l'effet funeste n'est que trop généralement senti.

Le pouvoir exécutif a dû examiner toutes ces questions que je ne veux point même effleurer ici, en les lui laissant apprécier ainsi qu'elles le méritent. Je me bornerai donc à vous témoigner, Monsieur le Secrétaire d'Etat, la pleine confiance où je suis que le Cabinet Texien, mieux instruit de l'effet fâcheux que pourra produire en France la résolution qu'il a prise, s'empressera de la révoquer ou au moins d'y apporter d'importantes modifications. Il en est une surtout qui est tellement indispensable que je ne puis comprendre comment elle a pu être omise dans le texte de la proclamation.

Il y est dit que les prescriptions de la dite proclamation commenceront à avoir leur effet à dater du 15 février prochain.

Vous n'ignorez pas, Monsieur, qu'il est d'un usage constant dans tous les pays de fixer des termes proportionnés aux distances, toutes les fois qu'une mesure relative aux douanes ou au commerce est de nature à modifier essentiellement les lois en vigueur et à compromettre gravement les intérêts de négociants étrangers placés dans des pays très éloignés. Des commerçants français, sous la foi des anciens règlements, ont pu expédier en ce moment même des cargaisons qui n'arrivant qu'après un délai aussi inconnu pour eux que la nouvelle loi elle-même, éprouveraient un préjudice qu'il serait aussi injuste que contraire aux habitudes des pays civilisés de leur faire supporter.

J'ai l'avis que trois navires français sont en route pour le Texas en ce moment et que d'autres sont en chargement. Il serait de toute équité de fixer pour délai à l'application de la loi, non pas une époque d'arrivée aussi rapprochée que le 15 février, mais une époque de *départ* des ports de France, calculée du moment où la nouvelle loi ayant été notifiée officiellement en France par l'intermédiaire des agents diplomatiques ou consulaires Texiens, le commerce français sera légalement censé en avoir eu connaissance.

En m'en rapportant à l'esprit de justice de l'administration Texienne et à sa sagacité relativement aux intérêts du pays, pour faire droit à la réclamation que j'ai l'honneur de vous adresser, je profite avec empressement de cette occasion, Monsieur le Secrétaire d'Etat, pour vous offrir l'assurance de ma haute considération

Le chargé d'affaires de France au Texas

Vte. J. DE CRAMAYEL

À l'Honorable M. ANSON JONES, *Secrétaire d'Etat*.

JONES TO VAN ZANDT.^a

[Relative to the way in which the war with Texas is carried on by Mexico.]

SMITH TO JONES.^b

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LEGATION OF TEXAS, PARIS

January 28, 1843

HON ANSON JONES
Secretary of State

SIR,

I have the honor to acknowledge the receipt of the Message of His Excellency the President^c and of a communication from your De-

^a January 23, 1843. See Correspondence with Great Britain.

^b A. L. S.

^c The annual message, December 1, 1842. See *House Journal*, 7th Tex. Cong., 16-28.

partment dated the 15th October;^a both of which have this moment come to hand.

I shall immediately call at the Foreign Office and if the circular communication of the 15th October has not been transmitted to this Govt by their recently appointed Chargé d'Affaires to Texas, the Viscount de Cramayéal^b who should ere this be at his post, I shall take the proper steps to bring the subject of the letter of the 15th October before the French Government.

In France I find the best disposition to think favorably of Texas; and although the French Govt. felt a little sore from the misunderstanding between their former Chargé d'Affaires and the late Administration, they would willingly forget it and do us every good in their power. But the opposition newspapers of Texas so bewray our country, defame our Govt, and calumniate our administration that persons in Europe cannot put confidence in our institutions or credit our ability for self government. Except for these calumnies of our Country coming from our own citizens we might have been recognized by nearly every Power in Europe. The extracts from our newspapers which find their way into foreign prints are as you will readily conceive, chiefly such as vilify our Government. What effect such articles produce in Texas I am unable to say; but I know that abroad, they do the country great and unmitigated damage and disgrace, unredeemed by any good whatever.

I have received no information since I left London, from the British Govt concerning their mediation in the affairs of Texas and Mexico, which I was informed would continue to be presented to Mexico.

As mentioned in former despatches, the French Govt on the refusal of Great Britain to make a joint representation, instructed their Minister at Mexico to tender *separately* the good offices of the French Govt to bring about if possible an amicable arrangement between Texas and Mexico. Here this matter now rests; and nothing in my opinion is likely to be accomplished by any mediation in its present shape.

The British Govt, whose influence at Mexico is predominant, was mainly desirous of establishing peace between Texas and Mexico from an apprehension that a continuance of the contest might result in the annexation of Texas to the American Union. They are now persuaded that such an event is extremely improbable, and that a serious attempt by one portion of the American States to receive Texas would endanger the existence of their Union. I think therefore that the establishment of peace is now regarded by the English Govt as much less important than they formerly considered it.

^a See Calendar of Correspondence with the United States in Part I, under Terrell to Eve, October 15, 1842.

^b Cramayéal.

The United States have a vital interest in the maintenance of the Independence of Texas and the integrity of our institutions. I have written to our Chargé d'Affairs at Washington City, a confidential letter, a copy of which has been forwarded to your Department, stating the present condition of the Mediation proffered by Gt Britain and adding some very *cogent* considerations which should induce the United States Government to take *decided* and *immediate* action in reference to Texas and to contest with Mexico.^a

In the conclusion of my letter to Mr Van Zandt, you see I have ventured to suggest that France and the United States might *con-jointly* decide at once the affairs of Texas and Mexico without the concurrence of England; and that although France will not now take the initiative and make the invitation to the United States, yet that the generous promptness with which France acceded to the former proposition from Texas induces me to believe she would cooperate with the United States on an invitation *emanating from this Power*.

I hope the course I have taken in making the suggestion to our Minister at Washington City, that the American Govt should take some decided step in this matter will meet your approbation. I am sure the facts set forth in that letter will attract your attention.

I have great reason to fear that several of my despatches as well as private letters to the President and Secretary of State are lost in the Post Offices of the United States.

I have the honor to be
very respectfully
Your obed. Servant

ASHBEL SMITH

CRAMAYEL TO JONES.^b

Légation de France
au Texas

GALVESTON, le 28 Janvier 1843

Monsieur le SECRÉTAIRE D'ÉTAT,

Au mois d'Août dernier le chargé d'affaires de la République Texienne a présenté au Ministère Français une communication officielle pour demander que la France intervînt de concert avec l'Angleterre et les Etats-Unis, afin d'amener le rétablissement de la paix entre le Texas et le Mexique. Je pense que Mr. Ashbel Smith aura informé le gouvernement Texien de l'empressement qu'avait mis la France à accueillir cette demande et vous aura en même temps prévenu que

^a The letter was dated October 21, 1842. No complete copy of it has been found. For an extract, see Van Zandt to Terrell, December 7, 1842, Part I.

^b L. S.

des instructions avaient été envoyées à Londres pour que l'ambassadeur Français s'entendît à cet égard avec le Ministère Anglais.

Le gouvernement de S. M. B. se fondant d'une part sur le non-succès des démarches déjà faites par lui dans ce même but et, d'une autre part, sur l'inconvénient qu'il pouvait y avoir à associer les Etats-Unis à la médiation, dans un moment où leurs relations avec le Mexique paraissaient sur un pied peu amical, n'a pas cru devoir accéder à cette demande. Il a pensé qu'au lieu d'une médiation collective de la France, de l'Angleterre et des Etats-Unis, il valait mieux que chacune des puissances agit séparément, en employant toutefois le même langage et les mêmes argumens pour déterminer le gouvernement Mexicain à la paix, et en communiquant cette résolution à la France, il lui a demandé de joindre ses bons offices à ceux de l'Angleterre en adoptant le même marche.

Le Gouvernement Français toujours prêt à donner de nouvelles preuves de ses dispositions amicales en faveur du Texas et de l'intérêt qu'il porte à la prospérité de ce pays, n'a point manqué d'accéder au nouveau mode de médiation proposé par l'Angleterre, tout en regrettant de n'avoir pu obtenir complètement l'adoption de celui demandé par le Gouvernement Texien

En vous donnant connaissance des détails qui précèdent, d'après l'ordre qui m'en a été donné par le gouvernement du Roi, mon Souverain, je suis en même temps autorisé, Monsieur le Secrétaire d'Etat, à vous annoncer que le ministre de France à Mexico a reçu des instructions qui lui prescrivent de se concerter immédiatement, non seulement avec M. Packenham mais aussi avec le Ministre des Etats-Unis à Mexico (si les instructions de ce dernier l'y autorisent) sur la ligne de conduite et le langage à tenir pour obtenir le but désiré.

Je saisis avec empressement cette occasion, Monsieur le Secrétaire d'Etat, pour vous renouveler l'assurance de ma haute considération

Le chargé d'affaires de France au Texas

Vtc. J. DE CRAMAYEL.

à l'Honorable M. ANSON JONES *Secrétaire d'Etat.*

JONES TO SMITH.^a

JONES TO CRAMAYEL.

DEPARTMENT OF STATE

Washington [Texas] Feb 9th 1843

SIR,

The Undersigned secretary of State of the Republic of Texas has the honor to acknowledged the receipt of the note of M. M de Cra-

^a January 31, 1843. See Calendar.

mayel Charge d'affaires of his Majesty the King of the French addressed to him on the 16th January Ultio. in relation to the Proclamation of the President on the subject of the duty on French wines issued on the 21st Decr. 1842^a

In relation to the previous proclamation of Gen. Lamar, abolishing the entire duty on wine the product of France imported into Texas direct in French or Texian Vessels,^b which M. de Cramayel suggests was perhaps only an extension of the provisions of the Treaty between France and the Republic of Texas and not a violation of its Stipulations, the Undersigned has the honor to refer M. de Cramayel to the fundamental law of Texas the Constitution which assigns the power of making Treaties to the President with the advice and consent of the Senate, and to remark upon this provision of the Constitution that the President alone, and without the advice of the Senate of Texas previously obtained, to stipulations already agreed upon between the two countries had no power to extend or contract the provisions of any Treaty entered into in conformity with the before mentioned enactment of the Constitution, and that it is as much a violation of the Treaty stipulations towards Texas to extend the provisions of that Treaty in any other mode than the one pointed out in the Constitution, as it would be in violation of Treaty Stipulations to contract the same as it regarded France.

In regard to the point of time which was chosen to revoke the unauthorized and illegal act of Gen. Lamar by the present Executive, the Undersigned, has the honor to request M. de Cramayel^c to recollect that the Proclamation of Gen. Lamar abolishing the duties on French wines, had been in operation for nearly three years that by it a large amount of wine the product of France had been introduced into Texas free of duty—that the present Executive although aware of its illegality had permitted the same to exist for more than a year under his administration, that he had waited for a length of time for the arrival of a representative from his Majesty the King of the French, and your arrival not being known to him, at the moment he deemed it his indispensable duty to Texas no longer to delay the matter. The undersigned further assures M. de Cramayel that this Government highly appreciates the friendly disposition evinced by his Majesty the King of the French in sending a diplomatic agent to represent him in the absence of Mr. De Saligny, as well as in the strong desire which his Majesty has evinced to see peace established in Texas; and the undersigned hopes, that the act in question may not in the mind of M. de Cramayel, produce any the least impression to the contrary.

^a See Gammel, *Laws of Texas*, II, 878.

^b See Gammel, *Laws of Texas*, II, 662.

^c Cramayel.

If further proof were required to satisfy M. d. Cramayel of the entire necessity and propriety of this act, beyond those above referred to the undersigned would request the attention of M. de Cramayel to the present Situation of the finances of Texas, and to the fact that she requires all the revenues which she may be able to derive from every legitimate source to maintain the Govt. and her very existence as a nation.

The Undersigned with much pleasure admits the justice of the remark made by M. d. Craymeyel^a that the use of the wines of France would be, more salubrious and have a better effect upon the morals and health of our citizens than the stronger liquors now used. At the same time he begs to refer M. De Cramayel to the fact that these liquors are in every instance charged with very high duties, (Whiskey in most instances now paying from 100 to 150 pr cent ad valorem) by which it is evident that the Govt. of Texas designed to discourage the use of these deleterious articles

The President, entertains the strongest desire to promote by every proper means in his power the commerce between Texas and France, and thus not only to advance the interests but to strengthen and cement the friendly relations now so happily existing between the two countries and he has instructed the Undersigned to assure M. d. Crameyel^a that nothing on his part consonant with his constitutional and legal powers shall be wanting to effect this desirable object. and that he accords his approbation generally to the remarks of M de Craymayel^a in reference to the same.

Should France, deem the introduction of her wines into Texas free from duty an object of sufficient importance to claim her attention to the formation of a treaty with Texas for the purpose, the President, would be willing to grant the same in consideration of a corresponding immunity, and Mr. Smith our Charge d' Affaires near the Govt. of His Majesty the King of the French has already received instructions to this effect, and will propose the subject to his Majesty's Govt. at an early day.

Although in the opinion of the Undersigned, the public notice which has been given of the revocation of the proclamation of the 11th Feb. 1840, abolishing the duty on French wine, and the time which will have elapsed before the revocation takes effect, will be sufficient to extend a due notice of the fact to persons engaged in the trade in wine, both in this country and France,—Still the Undersigned will assure M. d Craymeyel that should any vessel sail from France direct for Texas with wine on board, and in ignorance of the Proclamation of the 21st Decr. last the President in view of the facts will be disposed to extend such relief to any party who may suffer conse-

^a Cramayel.

quent injury as justice and equity may seem to require The Undersigned avails himself with great pleasure of this occasion to offer M. De Craymayel assurances of the high consideration with which he has the honor to be

his very ob Svt

signed ANSON JONES

The Viscount DE CRAMAYEL
*Charge d' Affaires of His Majesty
 the King of the French
 etc. etc. etc.*

SMITH TO GUIZOT.^a

JONES TO CRAMAYEL.

DEPARTMENT OF STATE
Town of Washington Feb. 22d. 1843

SIR,

The Undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the letter addressed him on the Inst^b by the Viscount Craymeyel,^c Chargé d'Affaires of His Majesty the King of the French informing this Department of the course adopted by His Majestys Government, in relation to the proposed concerted action by France England and the United States, with a view to the establishment of a peace between Texas and Mexico.

The letter of Viscount Crameyel has been laid before his Excellency the President, who has directed the Undersigned to assure the Viscount Crameyel that he appreciates with lively gratification the friendly feelings evinced by France in the promptness with which she consented to employ her good offices, with England and the United States, both in the joint action proposed by Texas, as well as in the separate though concerted action, agreed to by England and now adopted for the attainment of an object so desirable, and so manifestly for the interest of both Texas and Mexico as the re-establishment of peace between them.

Since the adjustment of the difficulties which recently existed between the United States and Mexico in relation to the indemnities claimed by her citizens for injuries sustained by them from the latter, our Chargé d'Affaires at the City of Washington Mr. Van Zandt

^a February 10, 1843. See Smith to Jones, April 11, 1843.

^b The letter referred to is dated January 28th.

^c Cramayel.

has been instructed to present this subject to the consideration of the government of the United States, and to request its good offices in concert with those of France and England in this matter.

That Government having already tendered its good offices to Texas, to mediate between her and Mexico in any way whereby such mediation might be useful the belief is entertained that that Government will accede to the request made through Mr Van Zandt and send corresponding instructions to Mr Thompson its Minister at Mexico for his action.

So soon as the answer of the United States shall have been received by Mr Van Zandt it will be communicated direct to Mr Smith, our Chargé d'affaires to France and England who will immediately make the same known to both of those Governments. The Under-signed embraces this occasion to renew to the Viscount Crameyfel assurances of his distinguished consideration

signed ANSON JONES.

SECRETARY OF STATE [JONES] TO SMITH.^a

DEPARTMENT OF STATE
Washington [Texas] Feb. 26th 1843

HON. ASHBEL SMITH
Chargé d' Affaires of Texas etc. etc.

SIR,

I have the honor to acknowledge the receipt since my last letter written you on the [16th] Inst of your two dispatches under date of the 30th Decr. Ulto being Nos. 31 and 32, and also of copies of your correspondence with Mr. Guizot sent by Mr A. T. Burnley ^b

I have only time at present to say in reply that the Loan of One Million of Dollars is a matter of pressing importance to Texas at this moment. Should the instructions and powers you have heretofore received enable you to obtain a guarantee from the French Government to her Citizens of a loan to that amount it is presumed that through such guarantee the money might be obtained—without this however it is deemed under present circumstances to be scarcely advisable to make any further attempt for this purpose. Should your efforts however at negotiation with France for the guarantee fail it is not improbable that the President might be disposed to allow terms to Mr. Bourgeois similar to the ones proposed by him,^c in the event he (the President) could be perfectly satisfied that the

^aAn unsigned draft in Jones's hand. The title is taken from an indorsement on the letter.

^b*Cf.* note ^a, p. 1397.

^cSee note ^a, p. 1410.

money could and would be had. But we are tired of futile and unsuccessful efforts to obtain money by means of a loan and no other or further ones will be made unless predicated upon something like positive certainty.

The Law of Congress requires that the Loan shall be negotiated "within the limits of the United States" This therefore prevents the President from appointing a Commissioner in Europe. The negotiation with Mr. Bourgeois was made at New Orleans in conformity with this provision of the law and it is therefore desirable that this contract should be adhered to. Such modifications therefore as circumstances may seem to require in this contract in order to render it successful may be made by the parties.

On behalf of the government of Texas you are therefore authorized to stipulate with Mr. Bourgeois in my name for such definitive alterations as circumstances may seem to you proper and for the interest of Texas, subject to the final approval or rejection of the President.

If the guarantee of France is obtained to a loan of One Million and this guarantee is applied to the Loan contracted for by Mr. Bourgeois, then as you have been heretofore instructed the terms of the loan should be so modified as to make them much more favorable to Texas than they now are by Mr. B's contract, as a large compensation will have to be made to the French Govt. If on the contrary the guarantee of the French Gov't is not procured or applied to this contract, then terms similar to those now proposed by Mr. Bourgeois might be accepted by Texas. Instead however of the contractors being allowed to introduce two Ships of 400 tons burthen annually freighted with goods at one fifth of the customary duties it would be better to stipulate that a certain ad valorem amount of goods might be so introduced.

In the event an arrangement is made either with or without the guarantee of France it would probably be advisable for Mr. Bourgeois to come over here or send an agent so soon as he had made the necessary agreement with you and with the capitalists who are to furnish the monies, prepared to pay over or draw on Paris for the 1st Installment of the Loan so soon as the sanction of the President was obtained to the modifications and the necessary bonds were issued.

The principal reliance which the President has for obtaining a loan of money for this country in the dilapidated condition which the late administration left it is through the friendly influence of the French Government. If Texas can offer her such inducements as will incline her to use this influence effectively, it is believed the object may be accomplished. These inducements I think you are authorized to offer in advantages to her commerce and manufactures,

advantages which she is most anxious to obtain. You can readily perceive how successfully France would be able to compete with England in the trade of all northern Mexico in case privileges were extended to her commerce and manufactures similar to those granted to the United States. The introduction of her wines, etc, into Texas free of duty would also be an object of considerable national importance.

The issuing of provisional Bonds in Paris to be used until Bonds could be executed and sent over would not seem adviseable. The law authorizing the Loan expressly declares that the Bonds to be issued shall be signed by the President, etc. The modifications which you may agree to with Bourgeois in his contract of 14th June last will necessarily include one extending the time to a period which you may agree upon for carrying the said contract into effect.

The modification in Mr. Bourgeois' colonization contract to reduce the quantity of Land to be allowed the Settler cannot be made as the law fixes the amount definitely. There is little doubt however that Congress at its next session might be induced upon proper representations to modify the law so as to meet the views of Mr. Bourgeois and the interests and feelings of French emigrants, when the President would be willing to make the corresponding modification in Mr. Bourgeois' contract.

GUIZOT TO SMITH.^a

CASTRO TO SMITH.^b

SMITH TO GUIZOT.^c

CRAMAYEL TO JONES.^d

Légation de France
au Texas.

GALVESTON *le Mars* 1843.

Monsieur le SECRÉTAIRE D'ÉTAT,

A mon arrivée au Texas (fin décembre dernier,) j'ai trouvé parmi les lettres adressées à la Légation de France en l'absence de M. de Saligny, un rapport de M. Guilbeau, Agent Consulaire de France, à San Antonio de Bejar, qui se plaignait de divers actes de violence commis à son égard par les Volontaires Texiens sous les ordres du

^a February 28, 1843. See Smith to Jones, April 11, 1843.

^b March 5, 1843. See Smith to Jones, April 27, 1843.

^c March 6, 1843. See Smith to Jones, April 11, 1843.

^d L. S.

Général Somervell. Bien que je n'eusse aucune raison de mettre en doute les faits rapportés par M. Guilbeau, ils me parurent d'une nature tellement grave que je ne pus me résoudre à en entretenir le Gouvernement Texien avant d'avoir recueilli moi-même tous les renseignemens propres à me les faire apprécier. Ces renseignemens que la difficulté des communications avec San Antonio ne m'a pas permis de recevoir plus tôt, viennent enfin de m'arriver et je vois avec regret qu'ils sont loin de diminuer la gravité d'événemens qui pour être aujourd'hui plus anciens n'en conservent pas moins toute leur importance.

Il résulterait effectivement des rapports que j'ai reçus, Monsieur le Secrétaire d'Etat, que le 18 novembre 1842, tandis que les troupes réunies sous les ordres du Général Somervell se trouvaient à San Antonio de Bejar, M. Henri Clay Davis, Quartier Maître de l'armée, se serait présenté chez M. Guilbeau, Agent Consulaire de France, pour y exercer des réquisitions arbitraires pour le compte des troupes. Sur le refus de M. Guilbeau de se soumettre à ces réquisitions, le Quartier Maître Davis aurait fait un signal à des volontaires apostés en dehors de la maison qui s'y seraient précipités en poussant des hurrahs, sans égard au Pavillon français qui flottait au-dessus de la porte, et se seraient emparés de force de tout ce qui se trouvait à leur convenance. Non contents de ces violences, ils auraient menacé de leurs carabines la personne même de l'Agent Consulaire qui aurait été contraint de s'armer pour les tenir en respect. Parmi les objets dont M. Guilbeau a pu constater la disparition après le départ des hommes qui ont envahi son domicile figurent entre autres, trois sacs de sel de 750 lb. chacun estimés à \$93.75c et 209 barres de plomb estimés à \$52.25. Au mois de mars précédent, les troupes cantonnées à Bejar auraient déjà pris sans paiement chez M. Guilbeau six fanegas de maïs estimés à \$18. Ce serait donc en deux fois une valeur de \$164 qui aurait été soustraite de chez lui.

En vous rapportant les détails ci-dessus, Monsieur le Secrétaire d'Etat, mon intention est moins d'apprécier le tort qui a été fait à M. Guilbeau par la saisie des objets mentionnés, que d'appeler l'attention du Gouvernement Texien sur des procédés aussi contraires aux droits internationaux qu'aux usages reçus chez tous les peuples civilisés.

En effet si les lois de la guerre ou celles d'une nécessité impérieuse peuvent autoriser un Général d'armée à se procurer par des réquisitions extraordinaires, même dans son propre pays, quelques objets absolument nécessaires à la subsistance de ses troupes ou au succès de son expédition, ces réquisitions ne peuvent être faites qu'au nom du Gouvernement, suivant certaines formalités voulues et contre des reçus que l'Etat est lui-même tenu de rembourser plus tard. Tout

mode contraire ne peut être considéré que comme une illégalité et une violence.

Mais si l'observation de telles formalités est nécessaire pour la garantie des droits des citoyens du pays, elle devient rigoureusement indispensable vis-à-vis des étrangers qui résident dans un pays où ils sont protégés par des traités particuliers et plus encore lorsqu'ils sont revêtus d'un caractère officiel et de l'inviolabilité que leur accorde le droit des gens. M. Guilbeau d'abord à titre de français, et plus encore en sa qualité d'Agent Consulaire français reconnu par le Gouvernement Texien, avait doublement droit aux égards des chefs revêtus du commandement de l'Armée Texienne et leur conduite à son égard ne saurait trouver aucune excuse. Car ce n'en serait point une que de rappeler les preuves sans nombre d'indiscipline et d'inconduite qu'ont données les Troupes Texiennes dans cette dernière campagne. Si le pays peut juger à propos de fermer les yeux sur les désordres commis sur les nationaux par ses propres troupes, il ne peut en agir ainsi lorsque des étrangers deviennent victimes de ces mêmes désordres, et les tolérer serait en prendre la responsabilité vis-à-vis des pays auxquels les étrangers appartiennent.

Je suis persuadé d'avance, Monsieur le Secrétaire d'Etat, que le Gouvernement Texien s'empressera de désavouer hautement la conduite de ses milices indisciplinées en cette circonstance et de donner toute satisfaction au Gouvernement Français qui ne saurait voir avec indifférence la violation de son Pavillon et les vexations auxquelles seraient exposés ses sujets dans un pays ami. C'est au nom de la civilisation et en proclamant les principes sacrés de la morale et du droit des gens que le drapeau de l'Indépendance Texienne s'est élevé. C'est la confiance dans ces mêmes principes qui a gagné au Peuple Texien les sympathies des Puissances Européennes et de la France en particulier et qui les a portées à admettre le Texas au rang des Nations. Je ne saurais donc douter un instant que le Gouvernement Texien ne se montre jaloux de continuer à mériter la confiance qu'il s'est acquise et de réprover des procédés aussi contraires aux lois de la civilisation qu'à celle du droit des gens, et aux égards dus à une Puissance telle que la France.

C'est donc en attendant avec pleine assurance les explications satisfaisantes que vous ne manquerez sans doute pas de vous empresser de donner à la Légation de sa Majesté le Roi des Français ainsi que la juste réparation due à l'Agent Consulaire de France que j'ai l'honneur d'être avec une haute considération,

Monsieur le Secrétaire d'Etat,

Votre très humble et très obéissant serviteur

Le Chargé d'Affaires de France au Texas

Vte J. DE CRAMAYEL

A l'Honorable Monsieur ANSON JONES, *Secrétaire d'Etat etc etc etc*