

MAYFIELD TO PAKENHAM.^a

[Asking credence of Pakenham, as the representative of the British Government which has entered into treaty with Texas to act as mediator between Texas and Mexico, for James Webb, envoy extraordinary and minister plenipotentiary from Texas to Mexico.]

ARISTA TO LAMAR.^bWEBB TO MORA.^cMORA TO WEBB.^cWEBB TO PAKENHAM.^dLAMAR TO INHABITANTS OF NEW MEXICO EAST OF THE RIO GRANDE.^eCAMACHO TO PAKENHAM.^fPAKENHAM TO WEBB.^gPAKENHAM TO MAYFIELD.^gROBERTS TO COOKE AND OTHERS.^h

DEPARTMENT OF STATE
City of Austin June 15th 1841

GENTLEMEN.

Herewith you will receive a commission appointing you commissioners on the part of the Government, to accompany the Military expedition about to depart for Santa fé, and of which you will have the chief directions.

^a March 30, 1841.^b April 21, 1841. See Calendar.^c May 31, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.^d June 1, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.^e June 5, 1841. See Calendar.^f June 8, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.^g June 10, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.^h See Records of Department of State (Texas). Book 38, pp. 185-188.

This expedition has been organized by the President for the purpose of opening a communication with that portion of the Republic known as Santa fé, and of closely uniting it with the rest of the Republic, so that the Supremacy of our constitution and laws may be asserted equally over the entire tract of country embraced within our limits; but as that portion is inhabited by a people strangers to our institutions and to our system of Government, speaking a different language, and deriving their origin from an alien source, whose religion, laws, manners and customs, all differ so widely from our own, the greatest circumspection will be necessary, in making known to that people the object of your mission, on your first arrival at Santa fé and subsequently in conducting your intercourse with them.

The great object of the President is to attach the people of the District of Santa fé to our system of Government, to create in their minds a reverence for our Constitution, and to spread among them, a spirit of Liberty and independence, which will alone qualify them for good citizens, under a Government, the very existence of which, depends upon the will of the people.

To this end you cannot exercise too much caution in the conduct, conversation, and general deportment, not only of yourselves, but of the military command which accompanies you. That you will meet with narrow prejudices in the minds of some, and stubborn opposition from others, is not unlikely. It is even to be expected. But it is believed that patience and forbearance on the part of the commissioners, and an uniform gentleness of behaviour, will conciliate at first their good will, and afterwards secure their confidence and esteem, more effectually than any other mode that could be adopted. Upon this head of your instructions, much more might be said; but from the complete knowledge which you possess of the views of the President, and from the very great confidence which he reposes in your wisdom and discretion, it is deemed unnecessary.

Upon entering the city of Santa fe, your first object will be, to endeavour to get into your hands all the public property. You will in all probability find this the most delicate and difficult of all your duties, to perform. Should those intrusted with the care of public property, hesitate or refuse to comply with your demand of possession, you will try all gentle means before resorting to force. Persuasion and argument are sometimes as powerful as the sword, and it becomes us to avoid, if possible, the shedding of blood. The People of Santa fe are our fellow citizens; and it cannot be long before they will be fully incorporated with us, partaking of all the advantages and benefits which we enjoy, under our form of government. Thus there is a double motive presented for persuasive and conciliatory measures. If they can be brought with their own free

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will and consent, to submit quietly and cheerfully to an incorpora-
tion with us, acknowledging themselves a constituent portion of the
Republic, and setting into operation our constitution and laws, then
may we confidently expect of them, fidelity and patriotism; but if
they are awed into submission by threats, or still worse if they are
driven to it by the application of Military power, the disastrous con-
sequences that must inevitably follow, cannot well be foreseen. Too
much care therefore, cannot be used in this first step. The mode of
effecting this portion of your duty, must of necessity be left mainly
with yourselves. Difficulties and emergencies will arise which can-
not be anticipated, and upon which therefore, no specific instructions
can be given. Some of the arguments however, which you will urge
upon their consideration are these. First—You will assure them of
the protection of the Government in the enjoyment of life, Liberty,
and property, of the trial by Jury, of their entire freedom from all
forced loans, and from all taxes levied without their consent, of the
liberty of speech and press, of religious toleration, and in short of
all the political privileges contained in the Bill of Rights and consti-
tution. On the other hand you will place before their eyes, the folly
of offering resistance when it cannot possibly avail them. Contrast
Mexico—feeble, distracted, and continually torn by civil wars and
Revolutionary movements—with a load of debt, and no means of
paying—with the advantages enjoyed by Texas. Tell them of the
great increase in our population since the Revolution. Show them
the limits of the country upon the map, and tell them with these
limits published to the world, we have obtained the acknowledge-
ment of our Independence by the United States, England, France,
Belgium and Holland, and assure them of the unalterable determina-
tion of this Government to assert and maintain its Jurisdiction over
every inch of its soil, and of its ability too, to carry its resolve into
execution. In making known this determination of the Government,
you should be particularly careful, not to rouse the jealous pride of
the people; and to avoid this, you must keep constantly before their
minds the fact that they are invited to share equally with us all the
political rights which we ourselves enjoy. It is believed in fact,
that this is the hinge, upon which the success of your negotiations
will turn. Let them be convinced, that the equality which we
promise is not imaginary. Let them feel and understand, that they
are really to be freeman, that they are to be citizens of a Republic,
in whose Government the voice of each one of them will be as potent
as that of the highest in our land, that their representation in our
Legislature will be in proportion to their numbers, which will insure
to them an equal participation in the making of laws for the future,
and of repealing such as are now in force, and which may be ob-

noxious. Besides these, many other arguments of a similar nature will readily suggest themselves, all of which should be studiously arranged, to aid you in the accomplishment of your object.

In case all obstacles are overcome, you will after taking possession of the Custom-House, books, money, archives, etc. appoint such persons to conduct the public business, as in your discretion you may think proper, except such officers as may be appointed by the President prior to your departure from this city. In making these appointments, the President instructs me to say, that you will restrict yourselves to the citizens of Santa fé. To appoint our own citizens to fill the public offices among them would excite in their minds distrust and opposition at the very outset, which would soon turn to bitter hate and open revolt. Whereas, if the appointments are confined to their own citizens, and skillfully managed, it is believed that they may be turned greatly to the advantage of the Government—an opportunity to promote the public interest, which it is confidently expected, will not be overlooked.

If after you have arrived there, and made yourselves familiar with the condition of the country, the character of its inhabitants etc. you think it advisable, taking all things into consideration, You may recommend, and even urge, them to select from their own citizens delegates, not to exceed three in number, to be sent to our Seat of Government, during the session of the next Congress, who may from their own personal observation examine into the operations of our system of Government, and report to their constituents on their return. Although these delegates will not be entitled to a vote on the floor of Congress, they will undoubtedly be permitted to occupy seats on it, and to speak on any subject that may concern them. It is true that no instance of the kind has occurred in the history of the Government; but from the nature and genius of our institutions, I think you can run no risk in assuring them that those privileges will be accorded to them.

One of your Commissioners Col. William G. Cooke, will be commissioned to reside at Santa fé, with the title of Resident Commissioner, and will be specially instructed in his duty.

The foregoing instructions are all based upon the supposition that no force will be opposed by the citizens of Santa fé to your reception in the capacity in which you go. If however, our expectations should not be realized, a case will arise which must be referred almost exclusively to your discretion.

The President anxious as he is to have our National flag acknowledged in Santa fé, does not consider it expedient at this time to force it upon that portion of the Republic. If the Mexican authorities are prepared to defend the place with arms, and if you can satisfy yourselves that they will be supported by the mass of the people, no good

result can come from a strong Military place, the cost equally forcible fortunate, the evils this case there

But if you are only, and the only question for of which you be the sole Judge of the City, it mand which will have left. You of it as may be under the Com to whom you calculated to the expedition.

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result can come from risking a battle; for if our arms are successful, a strong Military force would be necessary to hold possession of the place, the cost of keeping which, to say nothing of other objections equally forcible, would of itself be sufficient; and if they are unfortunate, the evils that would flow from it are sufficiently apparent. In this case therefore, you will not be authorized to risk a battle.

But if you are opposed by the troops of the Government of Mexico only, and the people are with you, or indiferent as to the result, the only question for your consideration will be your ability to beat them, of which you and the Military officers composing the command must be the sole Judges. But in whatever manner you may get possession of the City, it seems highly probable that a part of the Military Command which will accompany you ought to remain there, after you have left. You will be authorized therefore, to detach such a portion of it as may be willing to volunteer for this service, to be placed under the Command of Brevet Brigadier General Hugh McLeod, to whom you will give such instructions as may seem to you best calculated to promote the interest of the country, and the object of the expedition.

This Military detachment will be left subordinate to the civil authority of this Government, which will be confined to its commissioner Col William G. Cooke, and will at all times be subject to his orders.

You will distinctly understand the position assumed by the Government to be its right of Jurisdiction. In all your negotiations therefore, you will not be permitted to entertain any proposition for a Treaty, which brings that right in question. Policy undoubtedly requires that they should be assured there will be no attempt on our part to change or modify their municipal law, without first obtaining their express consent; but Patriotism as certainly requires that at the very time of giving this assurance, the right of Congress to do so shall be most emphatically asserted.

As valuable as their trade is considered, and solicitous as the President is to open its advantages to the citizens of this country, he yet owes a paramount duty to the constitution, and has directed me to instruct you, that you are to make no arrangement, stipulation or agreement whatever with the inhabitants, for the admission of Texan goods into that District of of country, by which Texan Citizens will be required to pay any duties to them. We claim the jurisdiction, and consequently the right to demand the revenue, and if we cannot enforce our right, we must at least do nothing to impair it. But it is believed that they will not only be willing but glad to have the Texan tariff substituted for the more onerous one of Mexico, and for the purpose of making it more acceptable to them, the collector of the customs will be specially instructed by the Secretary of the Treasury

to modify it in such a manner as will accomplish this end. The object of the expedition being to conciliate the people of Santa fé, to incorporate them with us, and to secure to our citizens all the benefits arising from the valuable trade carried on with them, It may be necessary to diminish the tariff to a still lower rate to effect these objects; but nothing short of necessity will justify any interference with the rates established by Congress, and of this necessity the collector of the customs must be the Judge.

The route to be pursued, both going and returning, will be left to your own determination, and if you should find it expedient or necessary to visit any of the Mexican Towns within our limits, while you are absent, you will do every thing in your power to cultivate a friendly feeling with them, and to create in their minds impressions favorable to our laws and institutions, and if any of them should be desirous of organizing under our Government, you will consider the foregoing general instructions as equally applicable to any such case.

Thomas Falconer Esqr. will accompany the expedition as historiographer, and from his labors the President anticipates large and valuable accessions to science. In fact, a scientific exploration of the country is second only in importance to the great National interests with which you are more especially charged, and it is therefore expected, that every facility in your power will be constantly afforded him, to enable him to give such an account of the intermediate country and its scientific capacities, as will enable the Government to form a correct estimate of its value and extent, and the uses to which it may be best applied.

The position which Mr. Falconer will occupy will be that of an invited guest. He will receive the same rations etc. as are furnished for yourselves, and will be allowed transportation for such additional stores, as he may think proper to lay in, on his own account. He may also take with him an assistant, who will be entitled to transportation and subsistence, and neither of them will be subject to military orders.

You will take pains to procure all books, Manuscripts, Maps, charts, etc. that you may have an opportunity of obtaining, which will serve to add to or illustrate the history of this country, or of this continent, or which will in any way contribute to the advancement of science and general knowledge.

As a part of these instructions, a copy of those given by this Department to William G. Dryden, John Rowland, and William Workman Esqrs. commissioners on the part of this Government to Santa fé, appointed in April 1840 is attached. Whatever those commissioners have promised in the name of this Government, within the scope of their authority, and not inconsistent with their instructions,

you will be authorized to make the explanation and substitution, in the manner it is thought advisable, absolutely necessary to candor requires that your instruction given by the other Department pressed upon you, it will an explanation as will the letter of the constitution.

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A full and faithful report, missions, will be expected, opportunity of sending it, and your return.

I have the honor
Your Obt

TO WILLIAM G COOK
J. ANTONIO NAVARRO
RICHARD F BRENHAM
WILLIAM G DRYDEN

SIR

A commission is the of a joint commission the expedition which commissioners have been particularly enumerated date, which accompan

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* See Records of D

you will be authorized to repeat; but if you find that they have not made the explanation of the meaning of term "Indian" in the constitution, in the manner they are directed to do by their instructions, it is thought advisable that it should not now be done, unless it is absolutely necessary to the success of your Mission; and even then, candor requires that you should distinctly state to them, that the construction given by the President is not, and cannot be conclusive upon the other Departments of the Government. Should this subject be pressed upon you, it will require much nicety and tact to make such an explanation as will be satisfactory to them, and consistent with the letter of the constitution.

It is deemed unnecessary to instruct you that no deception of any kind, must be practised upon any of the people with whom you have intercourse. Your own high sense of honor, as well as the honor and reputation of the Government which is in your keeping, forbid the idea.

A full and faithful report of what you shall do under your commissions, will be expected from time to time, if you have an opportunity of sending it, and a complete history of the expedition on your return.

I have the honor to be,
Your Obt Servt.

SAML A. ROBERTS
Acting Secy of State.

TO WILLIAM G COOKE
J. ANTONIO NAVARRO
RICHARD F BRENHAM and
WILLIAM G DRYDEN—*Commissioners etc etc.*

ROBERTS TO COOKE.^a

DEPARTMENT OF STATE
Austin June 15th 1841.

SIR

A commission is this day drawn up, in which you are named one of a joint commission on the part of this Government, to conduct the expedition which is now being fitted out for Santa fé. These commissioners have been vested with certain powers which are particularly enumerated in my letter of instructions to them, of this date, which accompanies that commission.

In order that the policy of the Government may be fully carried out, it will in all probability be necessary that some one shall remain in Santa fé after the commissioners who are joined with you shall

^a See Records of Department of State (Texas), Book 38, pp. 188-191.

have left that place, and that this commissioner should be clothed with the same authority that has been conferred upon them. Accordingly a separate commission has been made out appointing you the resident Commissioner on the part of this Government at Santa fé, whose official duties will only commence when the joint commissioners shall have departed or resigned into your hands their authority.

The duties which will then devolve upon you are many of them to be found in the letter of instructions addressed to the joint Commissioners, a copy of which will be furnished to you, and which you are to regard as a portion of your instructions as resident commissioner. But as many cases must arise which are not covered by those instructions this additional letter becomes necessary.

Under the instructions already given, you cannot be called upon to exercise the functions of your office as Resident Commissioner, until after the joint Commissioners have taken possession of the Town of Santa fé, organized the Government in accordance with their instructions, and installed the officers appointed by this Government, in their respective offices. It is only necessary therefore, to instruct you as to the powers that will be conferred on, and the duties expected of you, after you are left sole commissioner.

A people suddenly transferring their allegiance from one Government to another, where no Treaty stipulations have taken place between the two Governments, for the purpose of settling difficult points which will necessarily arise in the administration of their laws, will, without the exercise of great wisdom and moderation, speedily find themselves plunged into anarchy and confusion in every Department of their Government, but more than all in the judiciary.

To guard against such anticipated evils as far as may be, and to provide the best remedy for such as cannot be avoided, will constitute your principle duty. We are not sufficiently informed, either as to their laws or their mode of administering them, to instruct you particularly and specifically what innovations you will be allowed to make, in every possible case that may be presented—general instructions only can be given, which will serve you as a guide, and to which you are expected rigidly to adhere.

Of these the Chief are—First. You will not be permitted, either directly or indirectly, to make any alterations whatever, (except such as are hereinafter particularly mentioned) in any of the laws of that country nor in the mode of their administration.

Second. The tribunals as now constituted will remain inviolate, save only the removal of such functionaries as hold their offices directly from the Supreme Government of Mexico, and in whose appointments the people of Santa fé have had no voice. Even these you

will in all cases retain, and a written petition from you shall be allowed you.

Third. All officers, whether commissioned or by you, must be appointed to this Government, and their appointments from you shall be allowed.

Fourth. All questions of law in the civil Departments shall be determined by the Government, and shall be determined also by you, from any of their courts, or to the Supreme Government, shall be disallowed; and the law to which, by their laws, shall be conclusive, until further order. In criminal cases, the same shall be determined by the Governor of that province, and may be exercised by you.

Fifth. It will be imperative in a state of defence, and shall be found to be unpopular, and shall be as rapidly as possible, and shall be ordering elections at present, and shall do all in your power, as to prepare them to make upon their liberties.

The collector of the financial, as you will receive from the Secretary, regard to the modification, you also; and you shall have power, to carry into effect them. When he is property will be had, the other will you shall be able requisitions for necessary Contingent by him; but of their will be held responsible, extravagant expenditure.

The foregoing instructions to the Commissioners, are a single alteration of

will in all cases retain, unless their removal is formally demanded by a written petition from the people, in which case no discretion will be allowed you.

Third. All officers, whether retained or appointed by the joint Commissioners or by you, must take and subscribe an oath of allegiance to this Government, and those who are retained must receive anew their appointments from the joint Commissioners or from you.

Fourth. All questions originating in the courts of law, or in any of the civil Departments of Government which have heretofore been determined by the Governor, will, until further provisions is made, be determined also by you; and all appeals that by their laws, lay from any of their courts of justice to the higher courts in Mexico, or to the Supreme Government thereof, will, except in criminal cases, be disallowed; and the decision of the highest Court of the Country to which, by their laws, any appeal may be taken, shall be final and conclusive, until further provisions is made by Congress; but in all criminal cases, the same power to pardon that is now vested in the Governor of that province, or in the Chief Executive of Mexico, may be exercised by you.

Fifth. It will be important to put the country as soon as possible in a state of defence, and for this purpose, unless the measure is found to be unpopular with the people, you are instructed to Organize as rapidly as possible the whole country under our Militia System, ordering elections at proper times for Military officers only, and you will do all in your power to foster a Military spirit in the people, so as to prepare them to repel any attack which Mexico may hereafter make upon their liberties.

The collector of the customs will be charged exclusively with the financial, as you will be with the political Department. He will receive from the Secretary of the Treasury special instructions in regard to the modification of the tariff, which will be conclusive on you also; and you will at all times lend him all the aid in your power, to carry into effect such modifications as he may make under them. When he is inducted into office, all the money and public property will be handed over to him, and over neither the one nor the other will you be permitted to exercise any control. Reasonable requisitions for the subsistence of the Military force, and the necessary Contingent expenses for the Civil Department, will be paid by him; but of their reasonableness he must be the sole judge, as he will be held responsible to this Government for every useless and extravagant expenditure of the public money.

The foregoing instructions, as well as the instructions to the joint Commissioners, are all grounded upon the broad principle that not a single alteration or innovation should be made in the laws, usages,

or customs, of the people of that country, which the change in their Government does not render absolutely necessary, nor any rights or privileges, power or authority, conferred either upon you, or upon the joint commissioners which are not also absolutely necessary for the purpose of conciliating the people of that province, and of firmly uniting them with the rest of the Republic. In short no alteration whatever will be made, either in the Municipal law, the modes of procedure in their courts, or in conducting their public affairs, which do not, of necessity, follow from the new position in which they will be placed, by the change in their Government. The object of this Government is only to provide a substitute for that which of necessity will be taken away. To go beyond this, will be to transcend both the spirit and letter of your instructions, and to disregard the pledges already given, and now repeated by the President, in his letter to the people of that country. Congress only can make and unmake laws; but even Congress can make no laws that will be binding upon them, until they, in common with every other citizen of this Republic, are fully represented in that body. All this you will continually bear in mind, and in such emergencies as may arise, not anticipated in either letter of instructions, your decision will be so framed as to accord with this principle.

You will lose no opportunity of communicating with this Department, and as far as possible, will keep it informed of all your official acts. You will also take pains to collect and transmit to this Department such statistical information as may be relied on, concerning the inhabitants of that portion of New Mexico which falls within our limits, stating particularly what portion of them are Indians, what mixed blood etc. The number of Towns, their population, trade, wealth etc. will also constitute a part of your enquiries, as well also, as the modes in which they are governed, especially if by any separate or peculiar code.

Upon a full review of all the instructions that have been furnished to you, you cannot fail to be struck with the large discretion with which you have been invested. Gubernatorial authority has been unavoidably placed in your hands, power has been given which if misapplied, would render nugatory every effort to accomplish the object of your Mission; and a latitude has been allowed you, in construing your instructions, which opens a wide door for good or evil. With the utmost care and circumspection this could not be avoided, without depriving you of all efficiency in your office, and rendering the whole enterprise useless and valueless.

The weight of responsibility which will therefore rest on you will be very great. That you will prove yourself fully equal to it, I

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To Col Wm G. Co
Resdt. Com

[Letter transmitting
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DR. RAFAEL URIBE,
SIR,

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* June 16, 1841. See
* June 17, 1841. See
* See Records of Depart

doubt not; but nevertheless you cannot exercise too much caution. Let it be an established maxim with you, to *undo* as little as possible, and to shape all your acts after models drawn from our own institutions.

I have the honor to be,
Your Obt. Servt

SAML. A. ROBERTS
Acting Secy of State.

To Col WM G. COOKE
Resdt. Commiss. etc.

WEBB TO PAKENHAM.^a

WAPLES TO COOKE.^b

[Letter transmitting documents and books furnished the resident commissioner and joint commissioners to Santa Fé.]

ROBERTS TO URIBE.^c

DEPARTMENT OF STATE
City of Austin 23d June 1841

DR. RAFAEL URIBE,
SIR,

A letter signed by "Mariano Arista" was yesterday placed in the hands of the *President of this Republic* by you. It is addressed to "Mr Mirabeau Lamar" and purports to be from a General in the Mexican Army, touching certain subjects upon which the *President* alone is competent to act.

That letter has been handed over to this Department, and the President instructs me to say that he can consider no communications coming from such a quarter and requiring executive action which is not addressed to him in his official capacity.

I have the honor to be, Sir
Your most obdt Servt

SAML A. ROBERTS
Acting Secty of State.

^a June 16, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.

^b June 17, 1841. See Records of Department of State (Texas), Book 38, p. 191.

^c See Records of Department of State (Texas), Book 54, p. 31.