

Shawnee 1893-
Sept. 28-67
July 14 '68

Receipt of Secretary
received report by S. H.
inst. Mr. C. L. Turner, Pri-
mar Rogers & others,
Shawnee Indian, with
statement and certifi-
ed copies of judicial
proceedings in case of
John Brath vs W. H. H.
Brath, reserved under
the Shawnee treaty of
1854

copy enclosed to Geo Shawnee July 14/68.

By Estlin to Graham
Rogers July 25. 1868
Land

(Department of the Interior.)

Washington, D.C. July 14th 1868

Sir:

I have considered your report of the 8th instant, submitting, for the consideration of the Department, a letter of Graham Rogers and others, Shawnee Indians, dated Dec 10. 1867, with statement and certified copies of judicial proceedings in the District Court of Kansas, - Fourth Judicial District - in the case of Jane Booth versus W^m A. Booth, reserved under the Shawnee Treaty of 1854.

Said Court, - on the 16th June, 1865 - decreed that Jane Booth be divorced from W^m A. Booth, and gave her control

of the minor children, together with certain described lands that had been patented to Wm. H. Booth - Reserve as aforesaid. It is now requested, by Graham Rogers and others, that the decree of divorce be approved by the Department, and that the restrictions of sale - imposed upon the lands decreed to Mrs. Booth - be removed.

You present the following questions for decision, viz: Whether a reserve, under the Shawnee treaty of 1854, can convey land allotted to minor heirs, which has been patented to him? - and whether the jurisdiction of the Courts of Kansas should be recognized in the settlement of Indian estates?

In the decision of the Supreme

Court of the United States, Dec'r term
 1866, in the case of Charles Bluejacket
 and others, Shawnee Indians, vs. the Board
 of Commissioners of Johnson County, Kan-
 sas, it is held that "as long as the United
 States recognize their national character,
 they (the Shawnees) are under the protec-
 tion of treaties and the laws of Congress,
 and their property is withdrawn from the
 operation of State laws." I am there-
 fore of the opinion that this Depart-
 ment is precluded from taking the ac-
 tion in the premises, that is requested by
 Graham Rogers and others.

The papers are herewith returned.

Very respectfully,

Your obt. servant,

J. H. Browning
 Secretary

Wm. L. G. Taylor }
 Com. of Ind. Affairs. }