

BEFORE THE INDIAN CLAIMS COMMISSION

THE SISSETON AND WAHPETON BANDS)	
OR TRIBES, ETC.,)	Docket No. 142
)	
THE LOWER SIOUX INDIAN COMMUNITY, ETC.,)	Docket Nos. 359-363
)	
THE YANKTON SIOUX TRIBE,)	Docket No. 332-A
)	
Petitioners,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day filed herein, and which are hereby made a part of this order, the Commission finds and concludes as a matter of law:

1. That, as represented by the petitioning Indian communities and individuals, the Sisseton and Wahpeton bands of Mississippi Sioux in Docket 142, and the Medawakanton and Wahpakoota bands of Mississippi Sioux in Dockets 359 through 363, are entitled to bring and maintain these suits under the provisions of the Indian Claims Commission Act.

2. That the petitioner Yankton Sioux Tribe in Docket 332-A has the right and capacity to bring its suit under the provisions of the Indian Claims Commission Act.

3. That in Docket 361, as of the effective date of the treaty of cession of September 23, 1805, 2 Kappler 1031, the Medawakanton band of Mississippi Sioux had aboriginal title to the two tracts of land comprising "Pike's Purchase", a more accurate description of which is set forth in the Commission's Findings 5 and 6.

4. That by virtue of the provisions of the Treaty of August 19, 1825, 7 Stat.272,

(a) the Medawakanton and Wahpakoota bands of Mississippi Sioux in Docket 359 had recognized title to Royce Area 153, as of the effective date of the treaty of cession of July 15, 1830, 7 Stat. 328;

(b) The Medawakanton band of Mississippi Sioux in Docket 360 had recognized title to Royce Area 243 except that part east of a line drawn from the mouth of the Black River to that point a half a day's march below the Chippewa Falls, as of the effective date of the treaty

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of cession of September 29, 1837, 7 Stat. 538; and,

(c) The Sisseton and Wahpeton bands of Mississippi Sioux in Docket 142, and the Medawakanton and Wahpakoota bands of Mississippi Sioux in Docket 362 had recognized title to Royce Area 289 as of the effective dates of the treaties of cession of July 23, 1851, 10 Stat. 949, and August 5, 1851, 10 Stat. 954.

5. That the Medawakanton and Wahpakoota bands of Mississippi Sioux had reservation title to Royce Area 413 as of the effective date of the treaty of cession of June 19, 1858, 12 Stat. 1031, which title was confirmed unto the said bands by the Senate Resolution of June 27, 1860, 12 Stat. 1042.

The Commission further finds and concludes as a matter of law:

1. That in Docket 359 the Medawakanton and Wahpakoota bands of Mississippi Sioux had no compensable interest in Royce Area 151, which area was ceded under the treaty of July 15, 1830, 7 Stat. 328.

2. That in Docket 360, the Medawakanton band of Mississippi Sioux have no compensable interest in that part of Royce Area 243 east of the aforementioned Black River-Chippewa Falls line.

3. That in Docket 332-A, the Yankton Sioux have no compensable interest in Royce Area 289.

4. That the Commission has no jurisdiction to adjudicate the Yankton Sioux claim asserted at trial for that portion of Royce Area 151 north of the line fixed under Article 2 of the treaty of August 19, 1825, 7 Stat. 272, said claim not having been set forth in a petition duly filed before the Commission in accordance with the provisions of section 12 of the Indian Claims Commission Act. (§ 12, 60 Stat. 1052)

IT IS THEREFORE ORDERED that consistent with findings and conclusions of law made herein, the cases in Dockets 142, 359 through 363 now proceed with a determination of the acreages of the lands involved, the values thereof as of the effective date of the treaties of cession, of the considerations paid by the defendant for the said lands and, of such other matters as may bear upon the question of defendant's liability, if any to the petitioners herein.

IT IS FURTHER ORDERED, that consistent with the findings of fact

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and conclusions of law in Docket 332-A, the claim asserted in the petition by the Yankton Sioux for Royce Area 289 is hereby dismissed.

Dated at Washington, D. C., this 12th day of January, 1962.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner signs subject
to the limitations of his concurring
and dissenting opinions filed herein.