

BEFORE THE INDIAN CLAIMS COMMISSION

THE LOWER SIOUX INDIAN )  
 COMMUNITY, ETC., )  
 )  
 Petitioners, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )  
 )  
 THE SISSETON AND WAHPETON BANDS )  
 OR TRIBES OF SIOUX INDIANS, )  
 )  
 Intervenors. )

Docket No. 359  
 (Treaty of July 15, 1830 -  
 Royce Area 153)

ORDER GRANTING INTERVENORS' MOTION FOR  
 SUMMARY JUDGMENT OF TITLE

On January 12, 1962, this Commission entered the following finding of fact pertinent to the claims asserted in the above docket by the petitioners, The Lower Sioux Indian Community, etc. (Medawakanton and Wahpakoota bands of Mississippi Sioux) to Royce Area 153:

32. Under Article 3 of the 1830 Treaty, the following land cession was made exclusively by the four bands of Mississippi Sioux.

"Article III. The Medawah-Kanton, Wah-pa-coota, Wahpeton and Sisseton Bands of the Sioux cede and relinquish to the United States forever, a Tract of Country twenty miles in width, from the Mississippi to the Desmoine River, situate north and adjoining the line mentioned in the preceding article."

The land thus ceded comprises about two million acres in northern Iowa and is officially designated as Royce Area 153. The Mississippi Sioux were the exclusive owners as of the effective date of the cession, they having recognized title thereto by virtue of the 1825 Prairie du Chien Treaty. Only the Medawakanton and Wahpakoota bands are asserting claims to Royce Area 153.

On June 21, 1965, the Commission entered an order granting the motion of the Sisseton and Wahpeton Bands or Tribes of Indians to

intervene in claims asserted in Docket 359 by the petitioners therein. On January 3, 1966, the intervening petitioners filed their motion for summary judgment as captioned above, asking the Commission to find that they are the owners of an undivided interest in Royce Area 153. On January 13, 1966, the defendant responded to this motion, and on January 19, 1966, the intervening petitioners filed their reply to defendant's response.

Upon consideration of the matters set forth above as well as the entire record in this docket, the Commission is of the opinion that there is no genuine issue of fact with respect to the Mississippi Sioux ownership of Royce Area 153, and we therefore conclude that the intervening petitioners are the owners of an undivided interest in Royce Area 153.

IT IS THEREFORE ORDERED that the intervening petitioners' motion as captioned above be, and the same is hereby granted.

IT IS FURTHER ORDERED that;

(a) The Commission's Finding 32 (10 Ind. Cl. Comm. 137, 157) is hereby amended by striking out the last sentence thereof;

(b) The Commission's opinion is hereby amended by inserting the following sentence at the end of the first paragraph at 10 Ind. Cl. Comm. 137, 180.

"In like manner, as intervening petitioners, the two petitioning communities are entitled to maintain the claims asserted in Docket No. 359."

(c) The Commission's opinion is further amended by striking out the last sentence of the third paragraph at 10 Ind. Cl. Comm. 137, 186, and substituting the following in lieu thereof;

"Royce Area 153 is the subject of claims asserted in Docket 359 by the petitioners, Medawakanton and Wahpakoota Sioux, and the intervening petitioners, Sisseton and Wahpeton Sioux."

(d) The Commission's Interlocutory Order of June 12, 1962, is hereby amended by adding the following sentence at the end of paragraph "1".

"The Sisseton and Wahpeton bands of Mississippi Sioux, as intervening petitioners, are entitled to maintain the claims asserted in Docket 359."

(e) The Commission's Interlocutory Order of June 12, 1962, is further amended by striking out subparagraph "(a)" on page 1 and substituting in lieu thereof the following:

"(a) The Medawakanton and Wahpakoota bands of Mississippi Sioux, as petitioners in Docket 359, and the Sisseton and Wahpeton bands of Mississippi Sioux, as intervening petitioners 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; \* \* \*"

Dated at Washington, D. C., this 22nd day of April, 1966.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner