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Action by the Bureau of Indian Affairs to clear up a 49-year-old injustice against a full blood Idaho Indian was announced today by Secretary of the Interior Douglas McKay.

The Indian is James J. Miles, a 70-year-old member of the Nez Perce Tribe and

Deacon of the Presbyterian Church, The Bureau's action, taken by Commissioner Glenn L. Emmons on July 29, was approval of an application filed by Miles about a year ago for a patent-in-fee or unrestricted title to a 114-acre tract near Orofino,

Idaho, which is the site of a State mental hospital. Lying behind the action is a story that goes back for almost 60 years.

In 1895, the United States allotted the 114 acres to Louise J. Adams, a Nez Perce Indian, who was then five years old. Ten years later the State of Idaho acquired the land as a hospital site through condemnation proceedings in a district court of the State. Compensation of $2,600 was paid by the State to Charles Adams, father of the allottee, who was appointed her guardian in this particular case by court decree.

Although no question was raised about the matter at the time, the State's acquisition of the land was apparently invalid since Federal law requires that condemnation actions involving Indian trust allotments must be initiated in a Federal court and that the United States, as trustee, must be a party to the proceedings. Neither requirement was met in this particular case.

In 1930, the Department of the Interior asked the Department of Justice to go into court and challenge the validity of the 1905 condemnation. The purpose was either to have the land awarded to the United States, as trustee for the Indian beneficiary, or to require payment by the State covering the 1905 value of the land together with interest for the 25-year period. No action was taken at that time with regard to the prosecution of the suit. However, a careful examination of the records of the Department of the Interior shows clearly that the land was in a trust status in 1905 and remained in trust until July 30, 1954.

When the allottee, born Louise J. Adams, died in 1950 at the age of 59, her sole heir under the terms of her will was her husband, James J. Miles. In July 1953, Miles filed an application with the Bureau of Indian Affairs for a patent-in-fee giving him unrestricted title to his deceased wife’s allotment. Subsequent investigation by the Bureau showed that Miles is wholly competent to manage his own affairs and thus clearly entitled to the fee patent.

Because of the State facilities which have been located on the tract for many years, the Bureau in its capacity as trustee urged the desirability of negotiations in order to effect an equitable settlement between Miles and the State of Idaho as an alternative to the issuance of a fee patent. However, when it became apparent tl1at such negotiations were unlikely to be held, Commissioner Emmons approved the Miles application on July 29 and the patent was issued by the Bureau of Land Management on the

following day.

The Bureau's action, of course, does not finally settle the issue between Miles and the State of Idaho. However, it does put him in position, as the federally recognized owner of the tract, to deal directly with the State either through negotiation or litigation.
