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Winston & Winston. Letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General, with inclosures, requesting an appropriation to pay Winston & Winston for legal services rendered.

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WINSTON & WINSTON.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A communication from the Attorney-General, with inclosures, requesting an appropriation to pay Winston & Winston for legal services rendered.

DECEMBER 18, 1894.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *December 17, 1894.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General of the 15th instant, and its accompanying papers, requesting an appropriation of \$250 to pay the account of Winston & Winston, attorneys at law, at Spokane, Wash., and also an appropriation of \$115 to pay the account of Alexander M. Winston, attorney at law, at Spokane, Wash., both accounts being for legal services rendered to the United States by direction of its courts.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 15, 1894.

SIR: You are hereby respectfully requested to transmit the inclosed papers to the Speaker of the House of Representatives for proper action. They relate to the claim of \$250 of Winston & Winston, attorneys at law at Spokane, Wash., for legal services rendered to the United States in April, 1894, in defense of Simon Sischimoo, an Indian charged with murder, per Exhibit A, and for services in four other cases, set forth in Ex. Doc. No. 230, Fifty-third Congress, second session, copy of which is inclosed herewith.

They relate also to the claim of \$115 of Alex. M. Winston, an attorney at law of Spokane, Wash., for legal services rendered to the United States by direction of the United States court in defense of certain Indians in September, 1893. Said services are set forth in Ex. Doc. No. 171, Fifty third Congress, second session, copy of which is inclosed herewith, per Exhibit B.

The accounts set forth in the executive documents were presented to the last session of Congress without result. They are again presented at the request of the parties claimant. They are meritorious, and are therefore submitted for appropriation in payment.

Very respectfully,

RICHARD OLNEY, *Attorney-General.*

The SECRETARY OF THE TREASURY.

EXHIBIT A.

SPOKANE, WASH., *April 25, 1894.*

SIR: Inclosed find our account for services rendered the United States in the case of the United States v. Simon Sischimoo, an Indian charged with murder, together with the certificate of the judge and United States attorney. We were engaged five days in preparing the case and two days in the actual trial of the same. The defendant had no Government assistance, the Indian agent and police assisting the prosecution. We think the bill very reasonable. In a similar case tried some years ago Congress passed a bill appropriating \$750 to pay Mr. P. H. Winston for successfully defending an Indian named Tom Hill, one of the Nez Perces tribe, and in that case the agent and other reservation officials assisted the defendant. Our claim for services is based on your action in the similar case of the accounts of J. J. Hitt et al., Ex. Doc. No. 92, Fifty-third Congress, second session, House of Representatives.

We have the honor to request the transmission of our claim to Congress in the usual way, with such recommendation as you see fit to make.

Very respectfully,

WINSTON & WINSTON,
Attorneys.

The ATTORNEY-GENERAL, *Washington, D. C.*

SPOKANE, WASH., *April 19, 1894.*

The United States of America to Patrick H. Winston and Alex. M. Winston, composing the law firm of Winston & Winston, Dr.

To fee for defending Simon Sischimoo, an Indian, charged with murder, tried by a jury April 10 and 11, 1894, at the April term of the United States district court for the district of Washington, eastern division. Appointed by Hon. C. H. Hanford, judge, to defend. Verdict, not guilty..... \$250

Received payment of James C. Drake, United States marshal, the above amount in full.

WINSTON & WINSTON.

STATE OF WASHINGTON, *County of Spokane, ss:*

Before me personally appeared Patrick H. Winston, who being first duly sworn, upon oath deposes and says that the foregoing account is reasonable and correct. That the said Simon Sischimoo was indicted by the United States grand jury, and when arraigned in court said that he was not able to employ counsel to defend him; that thereupon Judge C. H. Hanford appointed the law firm of Winston & Winston to defend the said Sischimoo; that the services as set forth in said claim were duly rendered; that in my opinion said services were reasonably worth the sum charged

therein; that said services were actually rendered and a trial was had by a jury; that said defense was conducted by both Patrick H. Winston and Alex. M. Winston, who compose the law firm of Winston & Winston; that both of said firm personally appeared in said case, and that both of said firm were occupied for five days in preparing said case and for two entire days in the trial of the case by the jury; that no part of said fee has been paid this affiant or Alex. M. Winston, the other member of said firm; that there were no special features of the defense more than is attached to every hotly contested trial for murder, except that the defendant was an Indian, under age and unable to speak the Indian language, and that the Indian agent and police assisted the prosecution, the defendant having no support from any Government officer.

PATRICK H. WINSTON.

Sworn and subscribed to before me this 25th day of April, 1894.

W. J. C. WAKEFIELD,

Notary Public in and for the State of Washington, residing at Spokane, Wash.

SPOKANE, WASH., April 20, 1894.

The firm of Winston & Winston, practicing attorneys at Spokane, Wash., was assigned by the court to defend Simon Sischimoo, an Indian, charged with murder, tried at the April term, 1894, of the United States district court for the district of Washington.

The defendant in the above case (United States against Simon Sischimoo) upon being arraigned and upon being interrogated in relation thereto, stated that he had no counsel and no means to employ one, and that he desired to make defense. Thereupon Messrs. Winston & Winston were appointed by the court to conduct his defense, and did conduct his defense, securing an acquittal, which, in my opinion, was according to the justice of the case.

I have examined the bill made out by them against the United States for services in this case, in which they charge \$250 for their services.

In my opinion the amount charged is a reasonable one for the services performed.

C. H. HANFORD, *Judge.*

I indorse the above.

WM. H. BRINKER,
United States Attorney.

[House Ex. Doc. No. 230, Fifty-third Congress, second session.]

TREASURY DEPARTMENT, June 1, 1894.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copies of communications from the Attorney-General of April 25 and May 19, 1894, submitting certain deficiencies in the appropriations for the expenses of United States courts, as follows: * * *

Legal services rendered the United States by Winston & Winston, of Washington, for defense of Indians charged with murder \$250.00

Respectfully, yours,

S. WIKE, *Acting Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 19, 1894.

SIR: You are respectfully requested to transmit to Congress the following additional statements of deficiencies for consideration at its present session: * * *

Legal services rendered to the United States by Winston & Winston, of Washington, for defense of Indians charged with murder, under act March 3, 1893, paragraph 7 \$250.00

Very respectfully,

RICHARD OLNEY, *Attorney-General.*

THE SECRETARY OF THE TREASURY.

EXHIBIT B.

[House Ex. Doc. No. 171, Fifty-third Congress, second session.]

TREASURY DEPARTMENT, *March 30, 1894.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General of the 27th instant, submitting, for an appropriation, the account of Alexander M. Winston, \$115, for services rendered in defending certain pauper defendants under the orders of the judge of the United States court for the district of Washington, the same to be considered in connection with similar accounts contained in House Ex. Doc. No. 92, present session.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

 DEPARTMENT OF JUSTICE,
Washington, D. C., March 27, 1894.

SIR: Inclosed is a copy of an account of Alexander M. Winston, Spokane, Wash., approved in the sum of \$115, for services rendered in defending certain pauper defendants, upon appointment by the presiding judge, Hon. Cornelius H. Hanford; said services being directed by the judge and performed by Mr. Winston under the act of July 20, 1892 (27 Stats., 252).

You are respectfully requested to forward the claim to Congress for an appropriation in the amount stated, the claim of Mr. Winston for legal services rendered to the United States, to be considered in connection with similar accounts forwarded by the Department on January 26, 1894, found in Ex. Doc. No. 92, Fifty-third Congress, second session.

Very respectfully,

RICHARD OLNEY, *Attorney-General.*

The SECRETARY OF THE TREASURY.

 SPOKANE, WASH., *February 20, 1894.*

SIR: I have the honor to inclose herewith account properly verified against the United States for services in defending certain pauper defendants. As you will see, I defend these persons by order of Judge Hanford. I inclose his certificate indorsed by the United States attorney as to the reasonableness of the account. The services were rendered by request of Judge Hanford, and are authorized by section 4 of an act approved July 20, 1892 (27 Stats., 252). Payment has heretofore been made for similar services rendered in other cases. I have the honor to request that this account may be approved and recommended for payment by you.

Very respectfully,

ALEX. M. WINSTON.

The ATTORNEY-GENERAL, *Washington, D. C.*

 SEATTLE, WASH., *February 15, 1894.*

Alex. M. Winston, a practicing attorney at Spokane, Wash., was assigned by the court to defend in the following cases tried at the September term of the United States court held at Spokane, Wash., in September, 1893: The United States *v.* Hiram L. King, The United States *v.* John J. Clark, The United States *v.* Charles Haskel, The United States *v.* Thomas O'Brien.

The defendants in each of the above cases, upon being arraigned and upon being interrogated in relation thereto, stated that they had no counsel and no means to employ one and that they desired to make defense; thereupon Mr. Winston was appointed by the court to conduct the defense in each of the above cases.

I have examined the bill made out by him against the United States for services in these cases, in which he charged \$40 in the case of the United States against King, wherein there were two trials, and the charge of \$25 in each of the other three cases, making a total of \$115.

In my opinion the amount charged in each case is a just and reasonable charge for the services performed therein.

C. H. HANFORD, *Judge.*WM. H. BRINKER,
United States District Attorney.

I indorse the above.

SPOKANE, WASH., February 9, 1894.

The United States of America, to Alex. M. Winston, Dr.

To fee for defending Hiram L. King, charged with selling spirituous liquors to Indians. Tried by jury at Spokane, Wash., September 7, 1893. On September 8 jury reported that they were unable to agree, and were discharged. September 9, 1893, second trial. Verdict, not guilty. Appointed by Judge C. H. Hanford to defend. Amount of fee.....	\$40
To fee for defending John J. Clark, charged with selling spirituous liquors to Indians. Tried by jury at Spokane, Wash., September 11, 1893. Verdict, guilty. Appointed by Judge C. H. Hanford to defend. Amount of fee.....	25
To fee for defending Charles Haskell, charged with selling spirituous liquors to Indians. Tried by jury at Spokane, Wash., September 12, 1893. Verdict, not guilty. Appointed by Judge C. H. Hanford to defend. Amount of fee.....	25
To fee for defending Thomas O'Brien, charged with selling spirituous liquors to Indians. Tried by jury at Spokane, Wash., September 13, 1893. Verdict, guilty. Appointed by Judge C. H. Hanford to defend. Amount of fee.....	25
Total	115

Received payment of James C. Drake, United States marshal for the district of Washington, the above amount in full.

ALEX. M. WINSTON.

STATE OF WASHINGTON, *County of Spokane, ss:*

Before me personally appeared Alex. M. Winston, who, being first duly sworn, upon oath deposes and says that the foregoing account is correct; that the parties, to wit, Hiram L. King, John J. Clark, Charles Haskel, and Thomas O'Brien, were separately indicted by the grand jury of the United States for the eastern division of the district of Washington, at the September term, 1893, of the United States court, and when in court said that they were not able to employ counsel to defend them, and that they desired to make defense; that thereupon in each case I was duly appointed by Judge C. H. Hanford to defend them, and that I did defend them; that the services as set forth in the foregoing account and claim were duly rendered; that in my opinion said services were justly and reasonably worth the sums charged in the foregoing account; that I actually rendered said services, as above set forth; that in each case a trial was had by jury and verdicts rendered, and that in the case of the United States against Hiram L. King two trials by jury were had; that no part of said fees as above set forth has ever been paid affiant; that there were no special features of the defense more than is attached to every criminal case.

ALEX. M. WINSTON.

Subscribed and sworn to before me this 9th day of February, 1894.

(My term expires August 3, 1897.)

[SEAL.]

ARTHUR H. KENYON,

Notary Public in and for the State of Washington, residing at Spokane, Wash.