

ACCOUNT OF PATRICK H. WINSTON, JR.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

With inclosures, an estimate from the Attorney-General of an appropriation to pay Patrick H. Winston, jr., for legal services in defense of Tom Hill, captain of police, Nez Percé Agency.

JANUARY 6, 1887.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *January 5, 1887.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General of October 13, 1886, submitting for an appropriation the account, with accompanying papers, of Patrick H. Winston, jr., for \$250, for legal services rendered in defense of Tom Hill, captain of police at the Nez Percé Agency, charged with the murder of one Nine Pipes, an Indian.

Respectfully, yours,

D. MANNING,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, D. C., October 13, 1886.

SIR: Herewith are inclosed copies of letters, of the 7th instant, from the Secretary of the Interior; of the 5th instant, from the Acting Commissioner of Indian Affairs; of the 14th ultimo, from Patrick H. Winston, jr.; of the 8th of August last, from Judge Monteith, of the Nez Percé Agency; and of August 11 last, from Judge Norman Buck, judge in Idaho, together with copy of the account of Mr. Winston for defending Tom Hill, in the Territorial court, charged with the murder of "Nine Pipes."

The account is for \$250. It covers services that are not provided for by any appropriation under my control, and it is not seen how Mr.

Winston can be compensated in any way other than by Congressional appropriation. The account, therefore, is transmitted to you for submission to Congress at the next session.

Very respectfully,

A. H. GARLAND,
Attorney-General.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 5, 1886.

SIR: I have the honor to transmit herewith the claim of Patrick H. Winston, jr., attorney at law, for expenses incurred in defending Tom Hill, a United States Indian policeman, at the Nez Percé Agency, Idaho, charged with murder, amounting to \$250.

As the alleged murder was committed by Hill while in the discharge of his duty, this office, in report dated November 11, 1885, recommended that the Attorney-General be asked to instruct the United States district attorney for Idaho to defend him, and on the 14th of November the Attorney-General informed the Department that such instructions had been given.

Late Agent Monteith having informed this office by telegraph, on the 2d of April, 1886, that the district attorney would not be present to defend Hill at his trial, it was recommended, in office report dated April 2, 1886, that the matter be referred to the Attorney-General, with request that proper steps be taken to secure competent counsel for Hill.

I have no further information as to the employment of counsel in this case, except the statement of the judge who presided at the trial, to the effect that in the absence of the district attorney he appointed Mr. Winston to defend Hill, who performed services of the greatest importance and earned a good fee, and the statement of late Agent Monteith that Mr. Winston defended Hill at his request in the absence of the district attorney, and did so faithfully.

I am of the opinion that Mr. Winston ought to be reimbursed for the expenses incurred by him, and therefore have the honor to recommend that the papers herewith inclosed be referred to the honorable Attorney-General for such action as he may think proper.

Very respectfully, your obedient servant,

A. B. UPSHAW,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, October 7, 1886.

SIR: I have the honor to transmit herewith copy of a letter of 5th instant from the Commissioner of Indian Affairs, with accompanying papers noted therein, relating to an account, amounting to \$250, in favor of Patrick H. Winston, jr., for legal services rendered in defense of Tom Hill, captain of police at Nez Percé Agency, charged with murder.

The matter is respectfully presented for such action as you may deem proper.

I have the honor to be, very respectfully,

L. Q. C. LAMAR,
Secretary.

The Honorable the ATTORNEY-GENERAL.

LEWISTON, IDAHO, *September 14, 1886.*

SIR: In reply to yours of the 3d of September, I have the honor to submit the inclosed account. The facts of this case you have before you, presented by General Goode.

I will add this:

My visit to Mount Idaho saved Hill's life; that is sure. I will also say that this Indian lost confidence in every human being but me; and, when prostrated here with a sickness that gave every indication of terminating fatally, would take medicine from my hands alone, and after his acquittal brought my little boy a pretty Indian pony, worth here about \$7.

Very respectfully,

PATRICK H. WINSTON, JR.

Hon. JOHN D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

The Government of the United States to Patrick H. Winston, jr., Dr.

To trip and expenses to Mount Idaho, Idaho, in behalf of the Indian captain of police, Tom Hill, indicted for murder..... \$250
Received payment.

P. H. WINSTON, JR.,
Attorney at Law.

THE PEOPLE OF THE TERRITORY OF IDAHO }
vs. }
TOM HILL.

The defendant, one of the hostile Nez Percés, lately returned from the Indian Territory to the Nez Percés Indian Reservation, Idaho, was indicted at spring term, 1885, of the United States district court at Mount Idaho, sitting as a Territorial court, for the murder of one Nine Pipes, an Indian, and not one of the hostiles. Mount Idaho is in Idaho County, which was the seat of the Nez Percés outbreak in 1877, and the feeling against Hill was very bitter there. Hill being captain of the Indian police on the reservation, and the killing having occurred in the discharge of his official duty, the Attorney-General, at the request of the Secretary of the Interior, directed the United States district attorney for Idaho to be present at the trial and defend Hill. That officer being unable to come on account of official engagements in South Idaho, I, at the request of the United States district judge, Hon. Norman Buck, and of the Indian agent, Mr. Charles Monteith (all the local bars of Mount Idaho he having been employed to prosecute) went to Mount Idaho, a distance of 65 miles, over a rough mountain road covered with snow, the trip occupying four days, and obtained, after a hard legal battle, a change of venue.

This saved the life of Tom Hill, an innocent man, who was to be made a sacrifice to the prejudice of the people of Idaho County, and subjected me to intense public odium for the discharge of my duty as a lawyer.

The case was tried here this spring, and occupied five days in the trial. I argued the law to the court and made the principal argument to the jury, the district attorney examining the witnesses and making a short speech to the jury. The defendant was acquitted.

All this work I did without a dollar of compensation and at my own expense, and without neglecting a single duty in the land office; having employed and paid clerical

assistance to do the manual work of my office, while I did the official work early in the morning, late at night, and when court adjourned for dinner, between 12 m. and 2 p. m.

PATRICK HENRY WINSTON, JR.,
Attorney at Law.

Mr. Winston defended Tom Hill at my request in the absence of the United States attorney, and did so faithfully.

CHAS. E. MONTEITH,
Judge, Nez Percés Agency.

LEWISTON, *August 11, 1886.*

THE PEOPLE }
vs. }
TOM HILL. }

I appointed Mr. P. H. Winston to defend the defendant, Tom Hill. There was no attorney present to represent the defendant. Mr. Hawley, United States attorney, having been appointed by Government to defend him, was not present at the court in Idaho County, where the indictment was found, and Mr. Winston performed services of the greatest importance in getting a change of venue, and he ably defended him, assisted by the United States attorney, at his trial in Nez Perces County. He certainly earned a good fee.

NORMAN BUCK,
Judge trying the Case.

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