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**James Q. Shirley.**

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S. Rep. No. 501, 55th Cong., 2nd Sess. (1898)

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JAMES Q. SHIRLEY.

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JANUARY 26, 1898.—Ordered to be printed.

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Mr. CLAY, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany S. 2479.]

The Committee on Claims, to whom was referred the bill (S. 2479) entitled "A bill for the relief of James Q. Shirley and the estate of Francis D. Long, deceased," respectfully report the same and recommend that it do not pass.

The claimants are asking \$46,000 alleged to have been sustained under the following facts:

In 1865 Ben Halliday, a United States mail contractor, was in possession of a tract of land in Idaho Territory belonging to the United States. The mail route being abandoned, he released and quitclaimed for a nominal sum all his right, title, and claim to claimants or their heirs and assigns. These claimants took possession of this land, including other lands belonging to the Government, and established a cattle and horse ranch. They remained there until 1869, when the United States established an Indian reservation, including these lands, and the claimants, being mere trespassers, were notified by the Government's agents to give up possession at once, which they promptly did, and began to move with their cattle and horses to Nevada. The weather was extremely cold, and on their route a large number of horses and cattle died, for which they claimed damages. It is apparent that they had no title and acquired no title when they took possession of this land. They occupied it and used it for about four years without the payment of rent. They immediately gave up possession when the Government, the true owner, notified them to leave. Under the facts, they are not entitled to recover either in law or equity. They took possession of land that did not belong to them, and knew it at that time. They might have expected just what they received, that the true owner, the Government, would oust them at some time.