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Barney Schriver.

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BARNEY SCHRIVER.

MAY 20, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

MR. KIRKPATRICK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany H. R. 7883.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7883) entitled "A bill granting a pension to Barney Schriver," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney Schriver, late private in Captain Evan Schriver's Independent Company of Kansas Volunteers, and pay him a pension at the rate of \$12 per month.

The undisputed facts in this case are as follows:

On the 2d day of September, 1891, Evan Shriver enrolled a company of 50 men for the purpose of entering the service of the United States, the beneficiary being a private in said company. This company reported for duty to the commanding officer of the department of Kansas at old Fort Lincoln, on the eastern border of said State. This company took the oath usually administered to volunteer soldiers, but, before their actual muster into the service of the United States, was ordered to the front, and continued in the field in active service in eastern Kansas, western Missouri, northern Arkansas, and the Indian Territory. Each member of this company furnished his own horse. These men performed every duty of regularly enlisted soldiers, and received their pay and clothing from the Government precisely as though regularly mustered. They participated in many of the engagements in the Territory mentioned, and supposed that they were regular United States troops. On the 15th day of February the company was disbanded and discharged by general order of the post commander at Leavenworth, but no separate discharge was given to each soldier for the reason that it was claimed that the company had never been mustered into the service of the United States. The beneficiary in this bill performed every duty of a soldier of the United States for more than ninety days, and had it not been for the oversight or omission of the mustering officers would clearly be entitled to the benefit of the act of June 27, 1890.

Your committee believe that this mere technicality should not deprive him of these benefits. He now possesses but little of this world's goods and is wholly unable to perform manual labor. We therefore report the bill back to the House with the recommendation that it do pass.