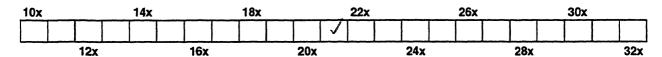
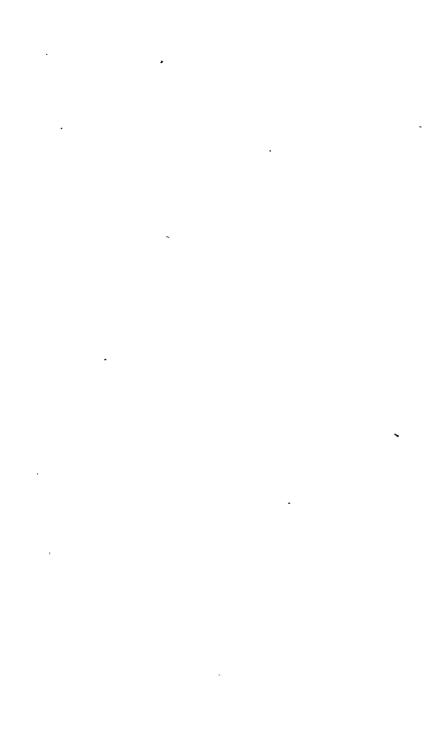
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THE

MILITIA LAW OF CANADA.

FOR THE ORGANIZATION OF THE

FIELD BATTERIES OF ARTILLERY, ACTIVE FORCE,

AND THE

RULES OF FIELD-BATTERY, E.

APPROVED BY HIS EXCELLENCY SIR EDMUND WALKER HEAD. BART, GOVERNOR GENERAL, COMMANDER-IN-CHIEF OF MILITIA.

COMPILED WITH MARGINAL REFERENCES,
FOR THE USE OF THIS BATTERY.

By J. SHANLY, CAPTAIN COMMANDING.

WITH AN APPENDIX.

CONTAINING SOME FURTHER INFORMATION.

LONDON:

PRINTED AT THE OFFICE OF THE HERALD, RICHMOND STREET. 1857.

Active Force of Canada.

ARTILLERY.

FIELD BATTERY OF ARTILLERY, E.

ARTILLERY BARRACKS, LONDON, C. W.

The Captain Commanding desires to call the particular attention of the Enrolled Volunteers of this Corps, as well as of all persons desirous of enrolling themselves, or themselves and their horses, for service in Field Battery, E, of this arm of the Active Force, to the following sections of the Militia Act, framed for the guidance of the Field Batteries of Artillery, as well as to some of the general clauses, also appended, relating to the whole of the Active Force. He also directs their attention to the Rules of this Battery, subscribed by each Volunteer on joining, and appended hereto, and impresses upon them

the necessity of making themselves fully conversant with both, that they may know their duties and responsibilities, as well as their rights, as members of the Active Force of Canada. Lastly, he calls upon the Volunteers ever to bear in mind that time-honoured maxim of the finest soldiery the world ever saw,—the British Army—and which heads the Articles of War—"Obedience is the first duty of a Soldier."

Muly ! Caftun Comment

Militia Act.

MILITIA ACT.

18th Vic. Cap. 77.

Formation of Active Force.

21. "The Active Militia of the Province, in time of peace, shall consist of Volunteer Troops of Cavalry, Field Batteries, Foot Companies of Artillery, and Companies of Infantry, armed as Riflemen, to be formed at places to be designated by the Commanderseven Field in-Chief, but not exceeding, in the whole, sixteen

Batteries.

Troops of Cavalry, seven Field Batteries of Artillery, five Foot Companies of Artillery, and fifty Companies Limited to five of Riflemen—the total of such Volunteer Corps not

thousand.

exceeding five thousand, officers and men."

Composition of Field Batteries.

22. "Each Field Battery of Artillery shall consist of a Captain, two First Lieutenants, a Second Lieutenant, a Sergeant-Major, three Sergeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty-nine Gunners and Drivers, including Wheelers, Collar Maker, and Shoeing Smith, fifty-six Horses, exclusive of officer's horses, and of four spare Horses, when the Battery is called into actual service."

On what authority formed and disbanded.

26. All Volunteer Companies shall be formed, and may be disbanded by authority of the Commander-in-Chief, as may, in his opinion, best tend to further the purposes of this Act and the public good.

27. The arms and accourrements of the officers and men of the several Volunteer Companies, shall be such as the Commander-in-Chief shall from time to time direct, but of the best and most serviceable kind, without unnecessary ornament,-such arms and accoutrements shall be furnished to the Non-commissioned Officers and Privates of the said Volunteer Corps at the expense of the Province, but shall always remain Provincial property, and the parties receiving them shall be accountable for them; and the Commander-in-Chief may direct such security as he may think proper to be taken for the safe keeping in good order of such arms and accoutrements, and the re-delivery thereof to such officer as may be appointed to receive them, whenever the Commander-in Chief shall, for any purpose, direct such re-delivery

As to Arms.

28. The said arms and accoutrements shall be re- Repairs of Arms newed and kept in repair at the cost of the Province; whenever such renewal or repair shall become necessary, from wear in service, or other cause than the fault or neglect of the person having charge thereof, in which last named case they shall be renewed or repaired by such person or persons; or, if renewed or repaired at the cost of the Province, the cost may be recovered from such person as a debt due by him to the Crown.

29. The arms and accourrements of Non-commissioned Officers and Men of Volunteer Companies shall be kept by them, except in cases where the Commander-in-Chief shall direct them to be kept in armories, as he may do; in which case, if there be no public armoury in which he shall direct them to be kept, the Captain of the Company shall provide a proper place, and may be allowed, annually, a sum not exceeding five pounds for so doing, and for taking care of such arms and accourrements.

By whom and

30. Commissioned Officers of the said Companies Officers Arms, shall furnish their own arms and accourrements.

Exemptions from seizure and taxation.

31. The arms and accoutrements of the officers and men of such Volunteer Companies, and the horses used by them as such, shall be exempt from seizure in execution, and from distress and assessment; nor shall any such horses be disposed of by any officer or man, without leave of the officer commanding the Company.

32. The Volunteer Militia Companies shall be drilled and exercised at such time, in each year, and at such places as the Commander-in-Chief may from As to Drill and time to time appoint. The Volunteer Field Batteries being so drilled and exercised during twenty days in each year, of which twenty days ten shall be continuous; and the other Volunteer Corps, once in each year, during ten continuous days, (Sundays not reckoned in either case,) the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander-in-Chief shall see fit.

Instructions.

33. The Adjutant-General shall draw up, under the direction of the Commander-in-Chief, a code of instruction in drill and exercise for the said Volunteer Companies, based on that in use in Her Majesty's regular army; and each Commissioned Officer of a Volunteer Company shall be furnished with a copy, and shall be governed by the said code in drilling and exercising the corp to which he belongs.

Pay.

34. For each day on which they shall be so drilled, the officers and men of the said Volunteer Companies shall be paid, by the Province, the following sums :-

Captains, per	diem.			•		£0	10	6
Lieutenants,	"					0	7	6
	"	Corne	ts or	Ensig	ms,	0	6	6
Non-commissi	oned C	fficers	and	Priva	tes,	0	5	0

Voluntary Drill. And a further sum of five shillings per diem for each horse actually and necessarily present and used for drill, whether belonging to officers or to privates.

35. Nothing herein contained shall be construed to prevent any such Company from assembling, or being ordered out by the officer commanding it for drill or exercise, without receiving any pay therefor voluntary Drill. from the Province, according to any articles of engagement or regulations of such Company, previously approved by the Commander-in-Chief; and such articles, in so far as they are not inconsistent with this Act, shall be enforced, and the penalties which may thereby be imposed, shall, whenever they are incurred, be recoverable, in the manner hereinafter mentioned, by the person or officer designated for that purpose in such articles, to such uses as may be therein directed.

Penalties en-

36. Sufficient ammunition, for practice at drill, Ammunition. shall be supplied to the Volunteer Companies at the expense of the Province, in such manner as the Commander-in-Chief shall direct.

37. Each Sergeant-Major of a Volunteer Field Sergeant-Ma-Battery of Artillery shall, on account of the great responsibility attached to the office, be paid by the Province at the rate of fifty pounds per annum.

38. The said Volunteer Companies shall be liable Active Force to aid the Civil to be called out, in aid of the ordinary civil power, in Power. case of riot, or other emergency requiring such service, and shall, when so employed, receive from the Municipality in which their services shall be required, the rates of pay above mentioned, and a further sum of two shillings and sixpence per man per diem for additional expenses, and shall be also provided with proper lodging by such Municipality; and the said sums, and the value of such lodging, if not furnished by the Municipality, may be recovered from it by the Captain of the Company, in his own name, and when received or recovered, shall be paid over to the officers and men entitled thereto.

How paid in

39. It shall be the duty of the Captain or Officer commanding any such Volunteer Company to call out the same, or such portion thereof as may be

Their duty in

necessary for the purpose of quelling any riot, when thereunto required, in writing, by the Mayor, Warden, or other head of the Municipality in which such riot shall be, or any two Magistrates therein, and to obey such instructions as shall be lawfully given him by any Magistrate, in regard to the mode of quelling such riot; and every Officer, Non-commissioned Officer, and man of such Company, shall, on every occasion, obey the orders of his Commanding Officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be Special Constables, and may, and shall act as such, so long as they shall remain so called out.

Exemptions of Volunteers.

40. The Officers, Non-commissioned Officers and men of Volunteer Companies shall, while they shall continue such, be exempt from serving as jurors or constables and whenever they shall have served in one or more Volunteer Companies, during a term of seven years, such exemption shall continue after the expiration of that time.

As to leaving the Active Force.

41. No Non-commissioned Officer or man of any Volunteer Company shall, in any case, unless legally discharged, leave the same, without giving at least one month's notice, in writing, to the Commanding Officer thereof, of his intention to leave the same; nor shall he at any time leave the same, contrary to the engagement contained in any articles of engagement he shall have signed.

Inspections.

42. The several Volunteer Companies shall be liable to inspection, from time to time, by Field Officers, to be appointed by the Commander-in-Chief for that purpose, one for Upper and one for Lower Canada, and paid by the Province, who shall report fully to the Governor on the state of such corps and their arms.

N. C. Officers, now appointed. 44. In Volunteer Companies, the Non-commissioned Officers shall be appointed by the Captains thereof, and shall hold their rank during pleasure.

51. All contraventions of this Act, and of regula- punishable. tions or orders lawfully made or given under it, when the Militia, or that portion thereof to which the offender belongs, is not called out for actual service, shall be punishable by penalties to be imposed by one or more Justices of the Peace, and in a summary manner, as hereinafter provided, and courts martial shall not be held

Offences, how

52. The Commander-in-Chief shall have full power Powers of Comto call out the Militia, or any part thereof, whenever it shall, in his opinion, be advisable so to do, by reason of war, invasion, or insurrection, or imminent danger of any of them.

mander-in-Chief

53. The Colonel commanding any military district, Powers of Coor the Lieutenant-Colonel commanding any battalion tricts. division, shall have power, upon any sudden emergency of invasion or insurrection, or in imminent danger of either, to call out the whole, or any part of the Militia within his command, until the pleasure of the Commander-in-Chief shall be known.

54. The Militia so called out by their Colonel or Lieutenant-Colonel, shall immediately obey all such orders as he may give, and march to such place, within or without the division, as he shall direct.

Militia bound

55. When the Militia of any local division are Volunteer forces called out in case of war, insurrection, or invasion, included in call-or imminent danger thereof, all Companies of Volun- birosion. teers in such division shall be included in the order, and shall obey the officer issuing it.

56. When the whole Militia of the Province are called out, all the Volunteer Companies shall be the whole Militia included, and shall immediately obey the orders they shall receive.

64. Any Volunteer Companies so called out for Battalians of the actual service, may be embodied into Battalions, if Active Force. the Commander-in-Chief shall think fit so to order.

65. The Militiamen so taken or drafted for actual service from the Sedentary Militia, shall serve during one year, unless sooner disbanded, and may then be replaced by others, taken as aforesaid, and shall not Term of Ser- be liable to be again taken until all others in the same class shall have been taken; but the men in Volunteer Militia Companies shall serve for the time for which they have engaged to serve, which time shall not be less than five years, subject, however, to be determined on one month's notice, as hereinbefore mentioned, provided that no Volunteer shall leave the service either with or without notice at any time when the Militia are called out, unless he be regularly discharged, or have served out the time for which he engaged.

Where to serve.

66. The Militia so called out may be marched to any part of the Province, or to any place without the Province, but conterminous therewith, where the enemy may be, and from which an attack on this Province may be apprehended.

On Active Ser-

67. The Militia so called out, and every officer vice, subject to or man belonging to it, from the time he shall be ordered, taken, or drafted for actual service, shall be subject to the articles of war, and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's troops in this Province, and not inconsistent with this Act, except that no Militiaman shall be subject to any corporal punishment, except death or imprisonment for any contravention of such laws, and except, also, that the Commander-in-Chief may direct that any provisions of the said laws shall not apply to the Militia.

Rank of Offi-

68. Any body of Militia so called out shall be commanded by the officer highest in rank then present, or the senior of two or more officers of equal rank. Officers of Her Majesty's regular army shall always be reckoned senior to all Militia Officers of the same rank, whatever be the date of the respective commissions; and Colonels appointed by commission, signed by the Commander of Her Majesty's regular forces in Canada, shall command Colonels of Militia, whatever be the date of their respective commissions.

69. No Militia Officer or Militiaman shall be sentenced to death by any court martial, except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post, or guard, or traitorous correspondence with the enemy; and no sentence of any general court martial shall be carried into effect, until approved by the Commander-in-Chief.

Sentences of Court Martial.

- 70. No officer of Her Majesty?s regular army shall Army. Officers of the sit on any Militia Court Martial.
- 85. Any Officer of Militia refusing or neglecting to make or transmit as herein prescribed, any roll or return, or copy thereof, required by this Act, or by any lawful authority, or wilfully making any false statement in any such roll return or copy, shall thereby incur a penalty of five pounds for each offence.

Refusing to

86. Any Officer or Non-commissioned Officer of Militia refusing or neglecting to assist his Commanding Officer in making any such roll or return, or refusing or neglecting to obtain, or to assist him in obtaining, any information which he may require in order to make or correct any roll or return, shall thereby incur a penalty of five pounds for each offence.

Refusing to

87. Any Militiaman or any person refusing or neglecting to give any notice or information which may be necessary for making or correcting the Roll of any Company, and which he is required by this Act to give the Commanding Officer of such Company, or to any Officer or Non-commissioned Officer thereof, demanding the same at any reasonable hour and place, shall thereby incur a penalty of two pounds ten shillings for each offence.

Refusing infornation.

Neglect to at- 88. Any Militia officer or man not exempt from tend Muster, or attending muster, who shall neglect or refuse to attend the same at the place and hour appointed therefor, or shall refuse or neglect to obey any lawful order at or concerning such muster, shall thereby incur a penalty of not more than one pound five shillings for each offence.

Interrupting drill, &c.

89. Any person who shall interrupt or hinder any Militia at drill, or shall trespass on the bounds set out by the proper officer for such drill, shall thereby incur a penalty of one pound five shillings for each offence, and may be taken into custody and detained by any person, by the order of the Commanding Officer, until such drill be over for the day.

Disobeying or-

90. Any Officer, Non-commissioned Officer, or Militiaman who shall disobey any lawful order of his superior officer, or shall be guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty of one pound five shillings for each offence.

Not keeping arms in order.

91. Any Officer, Non-commissioned Officer, or Militiaman, who shall fail to keep any arms or accoutrements delivered or entrusted to him in proper order, or shall appear at drill, parade, or any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of one pound for each such offence.

Unlawfully disposing of horses.

92. Any Officer, Non-commissioned Officer, or man of any Volunteer Company of Cavalry or Field Battery, who shall, without the consent of the Commanding Officer of such Company, sell or dispose of any horse which shall have been drilled for the purposes of such Company, or which he shall have undertaken to furnish for such purposes, and which shall have been approved by the Commanding Officer of such Company, shall thereby incur a penalty of five pounds for each offence.

93. Any person who shall unlawfully dispose of Unlawfully disor remove any arms, accoutrements, or other articles belonging to the Crown, or refuse to deliver up the same in his possession, except for lawful cause, the proof of which shall lie upon him, shall thereby incur a penalty of five pounds for each offence-but this shall not prevent such offender from being indicted and punished for any greater offence, if the facts amount to such, instead of being subjected to the penalty aforesaid; and any person charged with any act subjecting him to the penalty imposed by this section, may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit, showing that there is reason to believe that such person is about to leave the Province, carrying any such arms, accoutrements, or articles with him.

posing of arms.

94. Any officer or man of a Volunteer Militia Refusing Company who, when such Company shall be lawfully called upon to act in aid of the civil power, shall refuse or neglect to go out with such Company, or to obey any lawful order of his superior officer, or any Magistrate, shall thereby incur a penalty of five pounds for each such offence.

Refusing to

98. Any person who shall wilfully contravene Any contravenany enactment of this Act, when no other penalty is and penalty. imposed for such contravention, shall thereby incur a penalty of five pounds for each offence-but this shall not prevent his being indicted and punished for any greater offence, if the facts amount to such.



Kules and Regulations.

RULES AND REGULATIONS

OF THE

VOLUNTEER MILITIA.

Field Buttery of Artillery, E,

AT LONDON, C. W.

We, the undersigned, the Officers, Non-commissioned Officers, Bombardiers, Trumpeter, Farrier, Gunners, and Drivers, or whatever our rank respectively may be, in the Active Volunteer Militia Company above-mentioned, do hereby bind and oblige ourselves, and each of us severally, to observe, perform, fulfil, and keep in every respect, to the utmost of our power and ability, respectively and without reservation, during the period of our respective services in the said Company, the following Rules and Regulations, for the better direction and guidance of the same:—

I. That, besides the twenty days for drill or exercise prescribed by the Militia Act, (18th Victoria, Chapter 77, Section 32,) we will assemble for drill or exercise with or without horses, as the case may be, at such times and at such convenient places within or adjoining to the City of London, not to exceed two hours of two days in any one

week in each year, as by the officer commanding this Company shall from time to time be ordered—Provided that all and every order for regulating the time and place and manner of drill and exercise shall be in writing, and shall be read at the head of the Company at least one week before any such order shall take effect or be in force.

- II. That we will carefully preserve and maintain in serviceable order, at all times ready for use, the uniform, clothing, as well as accoutrements, arms of every kind belonging to the Government, and shall not wear or carry such uniforms, accoutrements, or clothing at any other times excepting the periods for drill, exercise, or duty, whether under the Militia Act or these Rules, without the leave of the officer commanding; and that if any of the arms, accoutrements, or other property of the Government be injured in any manner, whilst in our care or keeping, the same shall be repaired at the expense of the person in whose keeping such article then was.
- That the Members of this Company, of every grade, shall, III. during all periods of drill or duty, if desirous of leave of absence, make application for the same according to the well understood rules of military or militia service, to the senior officer for the time being, either directly or through the Sergeant-Major or Adjutant, and that leave of absence, and any other reasonable excuse, to the satisfaction of the officer commanding for the time being, shall be allowable as causes of absence from drill, muster or exercise—Provided that the names of all Officers, Non-commissioned Officers, and other grades, absent on leave at the time of assembling for all or any of the periods of drill or exercise under the Militia Act, and these rules shall be entered in a memorandum in the Order Book, and read at the head of the Company at the time of so assembling.
- IV. That the officer commanding shall be, according to the well understood rules of military service, the senior officer present at any period of drill, exercise or duty.
- V. That the following scale of fines for non-attendance at any of the regular drills, exercises, or musters, either under the Militia Act or these Rules, or for any contravention

of these Rules, shall be enforced at the discretion of the officer commanding, by deducting the same from the pay of each member of the Company, that is to say—

Officers, each,				$\mathbf{\pounds}0$	2	6
Non-commissioned Officers, each,	•			0	1	3
Other grades or ranks, each, .	•	•	•	0	0	$7\frac{1}{2}$

And that a regular account of all such fines be kept, and the manner of expenditure of such fines shall therein be duly accounted for—*Provided* that the fines so paid shall be applied in some manner for the general purposes of this Company, and the senior officer for the time being shall be the person to account for the same.

VI. That the foregoing Rules, the Sections of the Militia Act or Acts then in force, having reference to Field Batteries of Artillery, and an account of fines and their expenditure, be read at the head of this Company at the commencement of each of the general annual musters for drill and exercise, prescribed by the 32nd Section of the Militia Act of 1855, by the senior officer then in command.

Approved by order of His Excellency the Governor-General, and Commander-in-Chief.

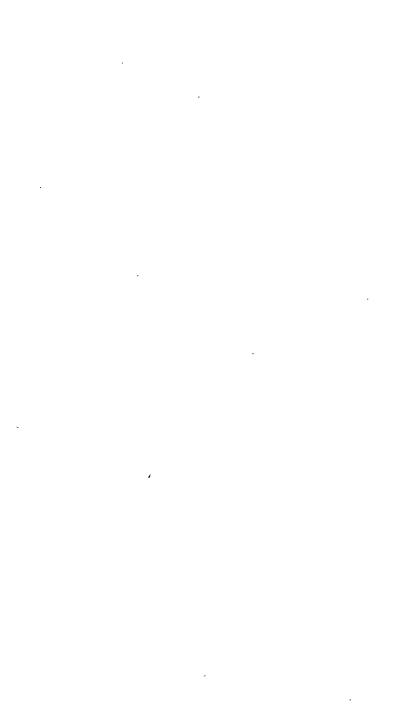
(Signed,)

DE ROTTENBURG,

Colonel,

Adjutant-General Militia.

Appendix.



APPENDIX.

Field Battery, E, is composed of three sub-divisions, viz :-

Two nine-pounder Guns, and one twenty-four-pounder Howitzer, and the following

CARRIAGES WITH LIMBERS.

Two nine-pounder guns, one twenty-four-pounder howitzer, one forge waggon and limber, one store waggon and limber, one small arms ammunition waggon, two musket ball carts, and the following

WINTER SERVICE CARRIAGES.

Nine-pounder gun, two sleighs, twenty-four pounder howitzer, one sleigh.

AMMUNITION SLEIGHS.

Four for nine-pounder guns, four for twenty-four-pounder howitzer, one forge sleigh, one small arms ammunition sleigh.

Saddlery and harness for sixty horses in store. The ninepounder guns, the twenty-four-pounder howitzer and carriages of sub-divisions require six horses each. II.

HEAD QUARTERS OF FIELD BATTERY, E,

AT LONDON, C. W.

By order in Council, dated on the 29th November, 1856, the Royal Artillery Barracks and grounds within the pickets were placed under the charge of the officer commanding this battery for its use. The guns, arms, and the whole of the battery stores, are distributed through the building in various rooms for stores, according to their nature. The officer's horses are permanently kept in stable at the barrack, and there is large stable accommodation and storage for forage for the battery when on duty.

III.

COPY OF BATTERY ORDER.

ORDERLY OFFICER, STABLE AND BARRACK ROUTINE OF DUTY.

- 1. Each officer of this battery, will take the duty of orderly officer (the commanding officer included, the surgeon excepted).
- 2. Each officer will perform such duty for one week at a time, beginning in the order of seniority of rank.
- 3. Such week to be from the Monday evening stable hour of one week, to the same time on the following Monday, at which time the relieving officer will attend, and take over the superintendence of stables, barracks, guns, ordnance, and other stores, ammunition, &c., &c., with the assistance, at all times, of the Sergeant-Major.
- 4. The officer going off duty will put up, written upon a card, in the officer's stable, so as to be easily seen, the name of the officer relieving, and his rank, or it may be written with chalk upon a black board, so that all persons having business of any kind at the barrack, on account of the battery, may know to what officer, being in charge for the time, they may apply.
- 5. The officer on duty will daily inspect the forage shed, and observe the quantity of forage on hand, prevent waste, and endeavor to use as much economy as possible in its distribution, being careful that a proper supply of all kinds be constantly kept up.

- 6. He will attend the stables at morning and evening stable hours; in the morning, when the horses and stables have been cleaned and put in order; in the evening, as soon as the horses are littered down for the night; and will particularly see to and inspect the state of the horses, if their legs and feet have been thoroughly dried and cleaned, and will generally see if they are properly groomed and fed, remarking to the stableman anything which ought to be corrected, either in the state of the horses or stable. He should see that the stables are, at all times, thoroughly clean and neat, and well ventilated, and all appointments properly cared for.
- 7. Upon three alternate days, during his week of duty, he should go over the arms and accourrement rooms, and carefully examine and point out to the man in charge anything defective in the state of stores, &c. And if any part of the arms or accourrements, or other stores, should require repair, the circumstance should be at once reported (should the officer be a subaltern) to the commanding officer, in a written memorandum, specifying the thing required.
- 8. He should occasionally inspect the state of stoves and stove pipes, or other places where fire is used, and remark upon any want of repair; and in very cold or damp weather, should have the arms and accoutrement rooms heated, for which purpose, as well as for the boiler in the cook house, a sufficient supply of wood should be kept up. Any deficiency in this respect to be reported as in Rule No. 7.
- 9. Stable hours, from 1st October to 1st April, to be from 7, A. M., to half-past 6, P. M., unless during periods of active drill or duty, when these hours may be varied from 1st April to 30th September, hours from 6, A. M., to 8, P. M., subject to be varied as above.
- 10. During periods of drill and exercise by statute, the orderly officer will perform the foregoing duties, in undress or other uniform, and he will then have the additional duty of turning out the battery, and acting in accordance with the rules and regulations laid down in the book furnished by the Adjutant-General, to which the attention of officers is directed.

UNIFORM

OF THE

FIELD BATTERY, E, CANADIAN ACTIVE FORCE.

TUNIC—Dark Blue, scarlet collars and yellow braid, gilt button—device, a gun unlimbered, and the word "Canada."

TROWSERS—Dark Blue, scarlet stripe outside; seam, 12 inches wide.

FULL DRESS CAP—Black Sealskin, Busby, with scarlet bag, short white hair plume on side, with gilt socket.

FATIGUE CAP—Blue Forage, scarlet band.

DARK GREY GREATCOAT, with cape and hood.

Swords.—Heavy Dragoon, white buff belts and slings.

THE VICTORIA CARBINE for Non-commissioned Officers and Mounted Men.

