

1 C.D. Michel – SBN 144258
Sean A. Brady – SBN 262007
2 Anna M. Barvir – SBN 268728
Matthew D. Cubeiro – SBN 291519
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
4 Long Beach, CA 90802
Telephone: (562) 216-4444
5 Facsimile: (562) 216-4445
Email: abarvir@michellawyers.com

6 Attorneys for Plaintiffs

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 VIRGINIA DUNCAN, et al.,

11 Plaintiffs,

12 v.

13 XAVIER BECERRA, in his official
14 capacity as Attorney General of the State
of California,

15 Defendant.

Case No: 17-cv-1017-BEN-JLB

**EXHIBITS 31-32 TO THE
DECLARATION OF ANNA M.
BARVIR IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT OR,
ALTERNATIVELY, PARTIAL
SUMMARY JUDGMENT**

Hearing Date: April 30, 2018
Hearing Time: 10:30 a.m.
Judge: Hon. Roger T. Benitez
Courtroom: 5A

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EXHIBIT 31

Exhibit 31
00509

WINCHESTER[®]

AN AMERICAN LEGEND
by R.L. WILSON



Exhibit 31
00510

OTHER BOOKS BY R. L. WILSON

Winchester Engraving
Winchester: The Golden Age of American Gunmaking and
the Winchester 1 of 1000
The Book of Winchester Engraving
Samuel Colt Presents
The Arms Collection of Colonel Colt
L. D. Nimschke Firearms Engraver
The Rampant Colt
Colt Commemorative Firearms
Theodore Roosevelt Outdoorsman
Antique Arms Annual (editor)
The Book of Colt Firearms
The Book of Colt Engraving
Colt Pistols
Colt Engraving
Colt Handguns (Japanese)
Paterson Colt Pistol Variations (with P. R. Phillips)
The Colt Heritage
The Deringer in America (with L. D. Eberhart, two volumes)
Colt's Dates of Manufacture 1837-1978
Colt: An American Legend

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Endpapers: Cross section of the Winchester legend. *Upper left*, Volcanic lever-action pistol by Smith & Wesson, rights to which were bought by O. F. Winchester. Lever-action musket with bayonet, a Model 1873, an all-time classic. Rifle beneath, the Model 1904, .22 rimfire bolt-action, representing one of dozens of .22s of various types built by factory over the years. *Lower left*, the Model 50 automatic shotgun, landmark sixteen-millionth Winchester (gift to General LeMay, Outdoorsman of the Year, 1957, by John M. Olin). *Center right*, Grand American Model 21 side-by-side shotgun, top of the line, delivered to client Gary Hansen, 1990. O. F. Winchester commemorative Model 94, among the most popular of factory issues for a whole new breed of collector. Ammunition became a bread-and-butter product over the years and continues to be produced today by the Winchester Division of Olin Industries. Fly-fishing rod and reel represent non-gun Winchester products, mainly in sporting goods and hardware. The Winchester horse-and-rider logo was originally painted by artist Philip Goodwin, c. 1935. Catalogue at upper right from 1933.

Frontispiece: Evolutionary landmarks, and memorabilia, in the Winchester legend. *Left to right*, iron-framed Volcanic pistol, by Smith & Wesson, one of the earliest lever-actions. Model 1873, a musket, with its angular steel bayonet. Model 1904, .22 rimfire bolt-action rifle, evolved by Winchester from its first .22 bolt, the 1900 invented by John M. Browning. Sixteen-millionth Winchester is the Model 50 automatic, presented by John M. Olin to General Curtis LeMay, 1957. The Grand American Model 21 side-by-side double-barrel shotgun was delivered to client in 1990. O. F. Winchester commemorative Model 94 was among the most popular of factory issues for collectors. Ammunition has been a staple Winchester product since the 1860s. Fishing reel represents non-gun Winchester products, primarily in sporting goods and hardware.

pace, and, fueled by the Civil War market, the first Henrys were in the field by mid-1862. But the revolutionary new repeater had to prove itself. The Chief of Ordnance, Brigadier General James W. Ripley, was decidedly of a boldly looking backward mentality toward any newfangled repeaters (even though President Lincoln was so intrigued by them that he test-fired a Spencer repeater on the White House lawn). Ripley actually warned the Secretary of War, in December of 1861, of "a great evil . . . in regard to . . . the vast variety of new inventions. . . . the weights of the arms with the loaded magazines [is] objectionable, and also the requirement of special ammunition rendering it impossible to use the arms with the ordinary cartridges or with powder and ball." Single-shot guns could be loaded and fired quickly enough, he added.

The future of the Henry was likely boosted by special presentations to Secretary of War Edwin Stanton and Secretary of the Navy Gideon Welles, and even a gift to President Lincoln—all guns with single-digit serial numbers, richly engraved and inscribed, and fitted with rosewood stocks. The Henry was even tested at the Washington Navy Yard (conveniently, Secretary Welles was from Connecticut), reported in May of 1862: 187 shots were fired in three minutes and thirty-six seconds (not counting reloading time), and one full fifteen-shot magazine was fired in only 10.8 seconds. A total of 1,040 shots were fired, and hits were made from as far away as 348 feet, at an 18-inch-square target—quite impressive accuracy with open sights. The report noted, "It is manifest from the above experi-

From the top, Henry rifle serial number 11, with variant factory scroll, border engraving, and rosewood stock. Note early-style lever, without locking latch, a feature also evident on the iron-frame Henry number 73 (next), one of the finest examples known to collectors. This factory-engraved Henry has the rare combination of gold-plated frame and rosewood stock. Bottom, an example of engraving by Louis D. Nimschke, who was active in New York in the second half of the nineteenth century.



Exhibit 31
00512

The Model 1866 Winchester

Although only about 13,000 Henrys were made, the name became so popular that for a year the firm was called the Henry Repeating Rifle Company. However, in 1866–67, since O. F. Winchester had majority control, the name was changed to the Winchester Repeating Arms Company, and the company absorbed all the assets of previous firms in which Winchester had invested substantial sums. Making guns had become more important than making shirts. And with the Henry's successor, the Model 1866, his investments began to pay off handsomely. Known popularly as the "Yellow Boy" in reference to its bright brass frame, the 1866 was the first of hundreds of models to bear the name Winchester.

One of the most popular of all Winchester arms, the 1866 was widely used in opening the West and, in company with the Model 1873, is the most deserving of Winchester's to claim the legend "The Gun That Won the West." It was also with this model that the factory engravers first created elaborate and exquisite masterpieces, some for exhibitions and a few for special presentations. The engraving dynasty of the Ulrich family, active primarily at Winchester for over eighty years, was effectively launched with the Model 1866.

Model 1866 production would reach a total in excess of 170,000, with its serial numbering continuing that of the Henry rifle. The run continued until 1898, despite the appearance of several newer, more modern lever-actions within its production span. All 1866s were in .44 rimfire caliber, and all frames were brass. Most steel parts were blued, though some barrels were browned, and the levers and hammers were standard case-hardened.

Nelson King's celebrated 1866 patent covering improvements in loading, for which he was rewarded \$5,000 by a vote of the board of directors (\$4,000 of which he took in company stock). Note the lack of a forend and the Henry-style frame, to which a hinged loading port was attached.

N. KING. MAGAZINE FIREARM.

Patented May 22, 1866.

No. 55,012.

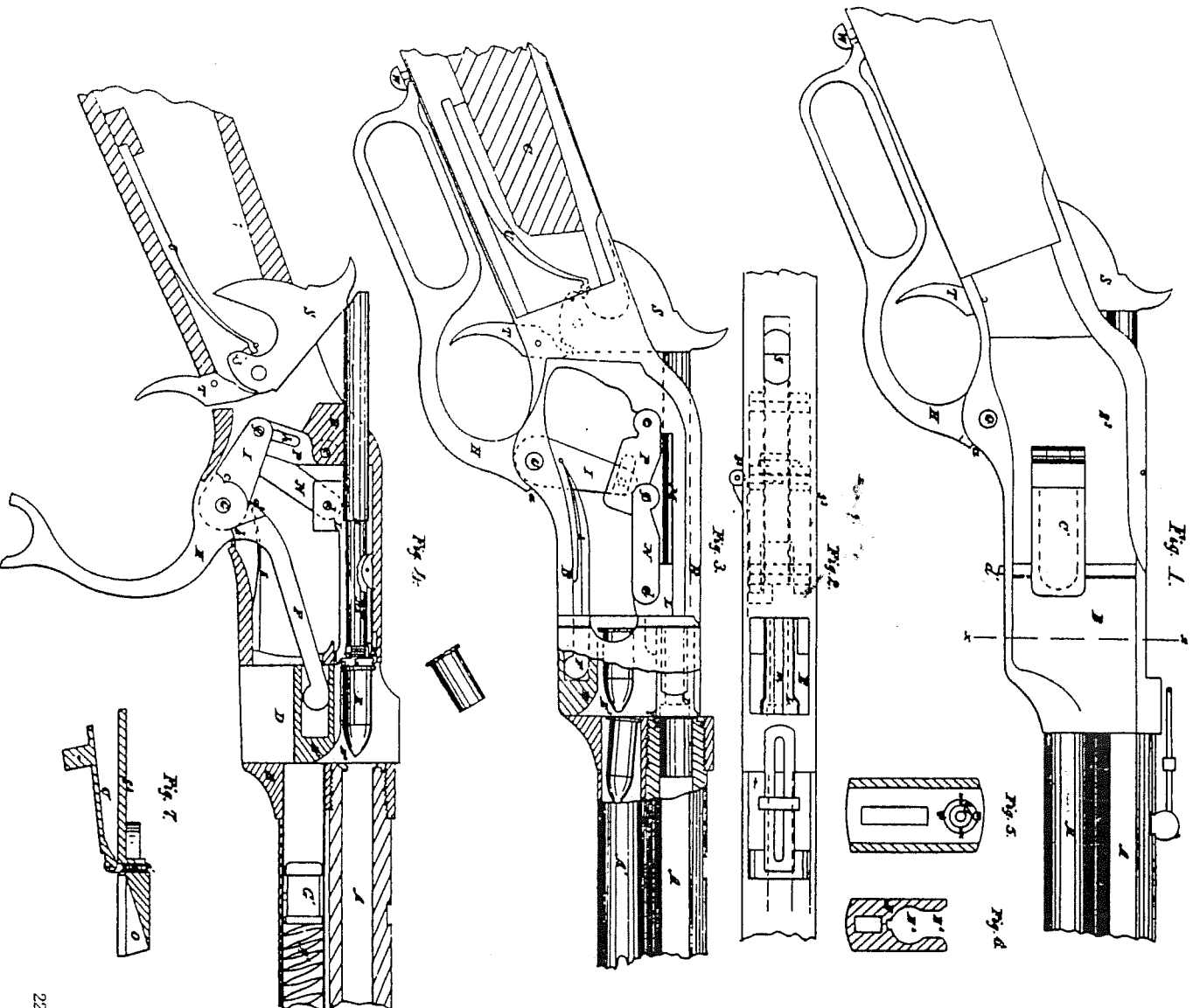


Exhibit 31
00513

As on the Henry, the model designation does not appear on the gun. However, the barrel markings are distinctive. Through serial range 23000 the first roll stamping was simply

HENRY'S PATENT—OCT. 16, 1860.
KING'S PATENT—MARCH 29, 1866.

The remaining production carried the longer marking:

WINCHESTER'S—REPEATING ARMS. NEW HAVEN, CT.
KING'S—IMPROVEMENT
PATENTED—MARCH 29, 1866. OCTOBER 16, 1860.

Giving credit where credit was due appears to have been a hallmark of Oliver Winchester's attitude toward his leading employees. B. Tyler Henry's improvements which created the Henry rifle were acknowledged in the earlier roll marking, as well as by the H headstamp on the cartridges. The reference to King's improvement identifies a major contribution of Nelson King, who became superintendent of the Winchester factory late in 1866 (in Bridgeport) and remained so after the return to New Haven, 1871, not leaving the post until approximately 1875. King's prime improvement was designing a practical system for storing cartridges in a tube under the barrel, and for loading the tube through a gate on the right side of the frame. In the inventor's own words:

Beneath the barrel I place a thin metal tube extending along the barrel nearly its entire length, its rear end entering the frame. . . . Within the tube I place a follower and close the upper end of the tube by a plug or otherwise, and between the follower and the plug I place a helical spring, the tendency of which is to force

Comparison of three of the key stages in Winchester evolution. From the top, a Volcanic with standard engraving style and silver-plated frame. Standard engraving pattern on a silver-plated, brass-framed Henry rifle. The Model 1866 has its brass frame gold-plated and engraved by one of the Ulrich family. The loading port at frame center was the 1866's prime improvement over its predecessors.

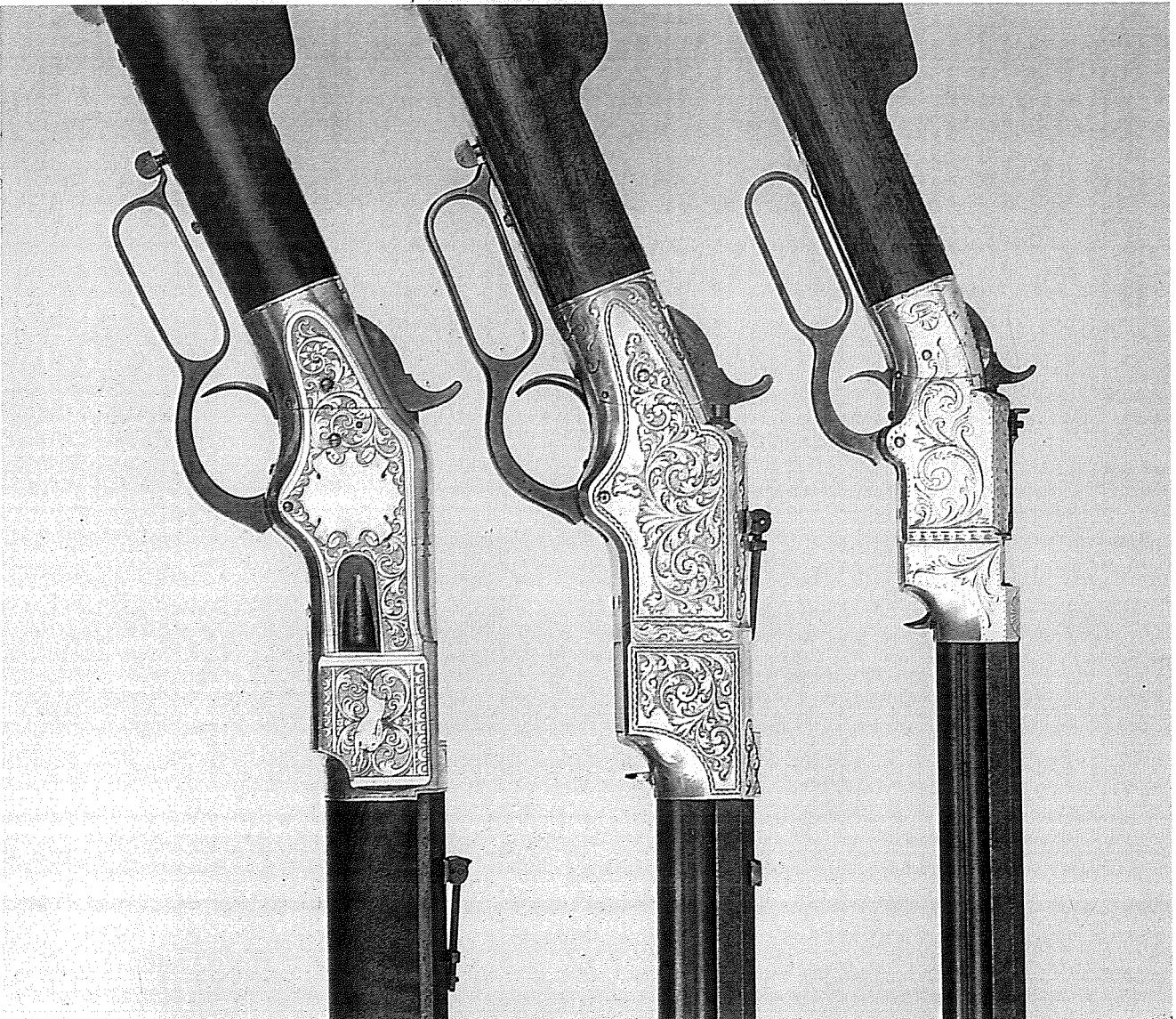
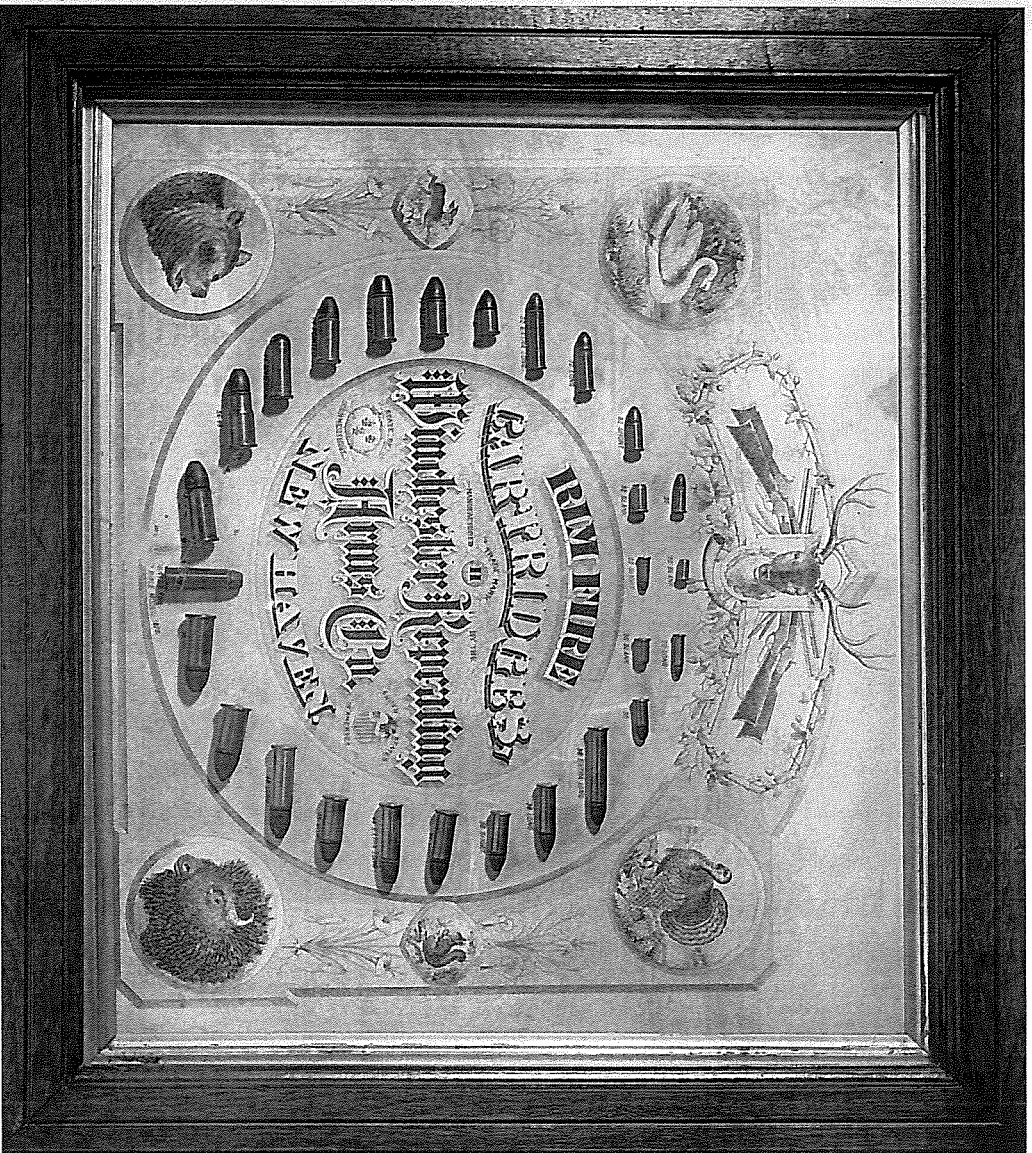




Exhibit 31
00515



These magnificent rifles help demonstrate the evolution of the lever-action and its decoration, from the Henry (at top, serial number 9) through the 1866. Center rifle, number 26283, is a masterpiece and likely was made as a factory show gun by Gustave Young, America's foremost arms engraver of the nineteenth century. The Goddess of Liberty was inspired by banknote engraving. Bottom rifle, 1866 number 79944, is a showpiece by a Young protégé, C. F. Ulrich (and so signed). Inspiration for the female nude was sculptor Hiram Powers' *The Greek Slave*, or a similar sculpture of the period.

Earliest-pattern cartridge board (21" x 23") by Winchester, c. 1874. All are rimfire cartridges except for the .44-40 centerfire at bottom. The cartridges were mounted on the lithographed background and then framed for exhibit by dealers and distributors. Thus began the tradition of cartridge boards, continued to this day by the Winchester Division of Olin Corporation.

the follower toward the lower or rear end of the tube. Through one of the plates (preferring that one upon the right hand side) I form an opening . . . so as to communicate through the frame directly to the chamber in the carrier-block. Through this opening, and while its carrier-block is down . . . insert the cartridges, front first . . . the second cartridge pressing the first into the magazine, and so on. . . .

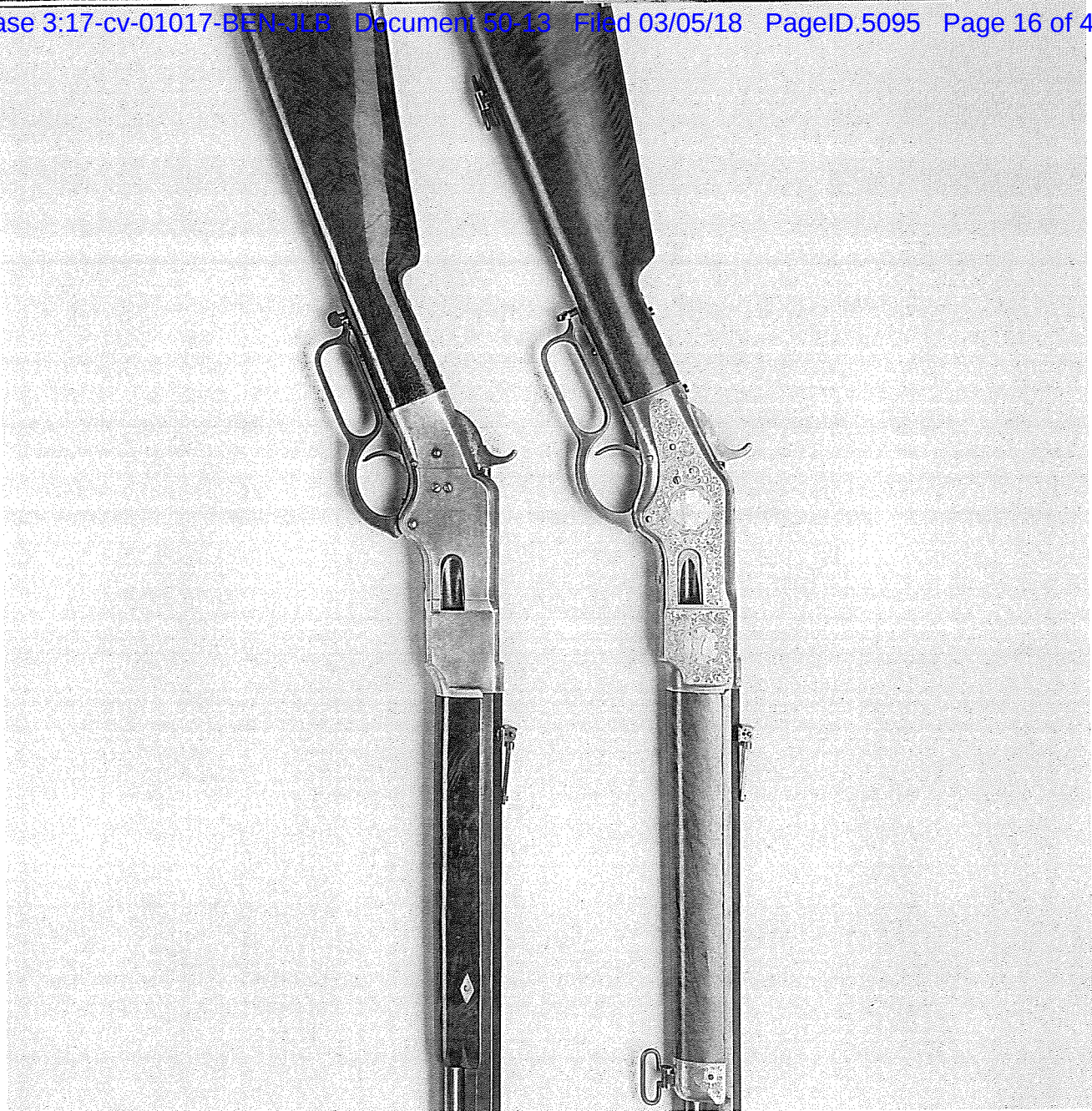
The patent drawing shows a hinged loading gate, but the production arms had a flat (later grooved) plate held firm by a spring.

So important were King's improvements that the firm's board of directors voted him a \$5,000 bonus, most of which he took in company stock. King was second only to O. F. Winchester in company salary.

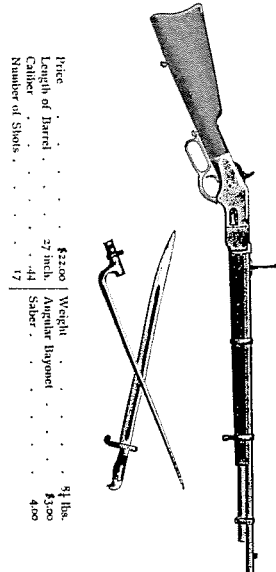
Despite the model designation of 1866, production quantities did not reach the market until 1867. The board had voted to authorize 5,000 rifles and carbines in a resolution of early March 1867, and another 10,000 were voted in mid-February 1868. The first Model 1866s were commonly known in the arms trade as "improved Henrys." References to the 1866 in newspapers and in journals were generous and not infrequent. *The Scientific American* of October 14, 1868, noted: "We have lately examined the Winchester repeating rifle . . . which was submitted to a series of trials by the Federal Military Commission of Switzerland. . . . The rifle is elegant in appearance, compact, strong, and of excellent workmanship. On examination we find its working parts very simple, and not apparently liable to derangement."

The 1866 was advertised in carbine, rifle, and musket (with bayonet lug) configurations, but they are divided by today's collectors into four basic technical variations:

First Model—Tang serial marking hidden by buttstock, Henry-style profile at hammer area of frame, flat cover to loading gate, barrel marking with Henry and King patent dates, flattish frame



MUSKET



does not flare to meet forend, two screws on upper tang, serial number range from 12476 (first 1866) to approximately 15500, made only in carbine and rifle configurations.

Second Model—Tang serial marking hidden by buttstock (through c. 19000 serial range), frame flares upon meeting forend, more graceful curve to frame at hammer area, most specimens with Henry and King patent barrel marking, approximate serial range 15500–25000, only in rifle and carbine style.

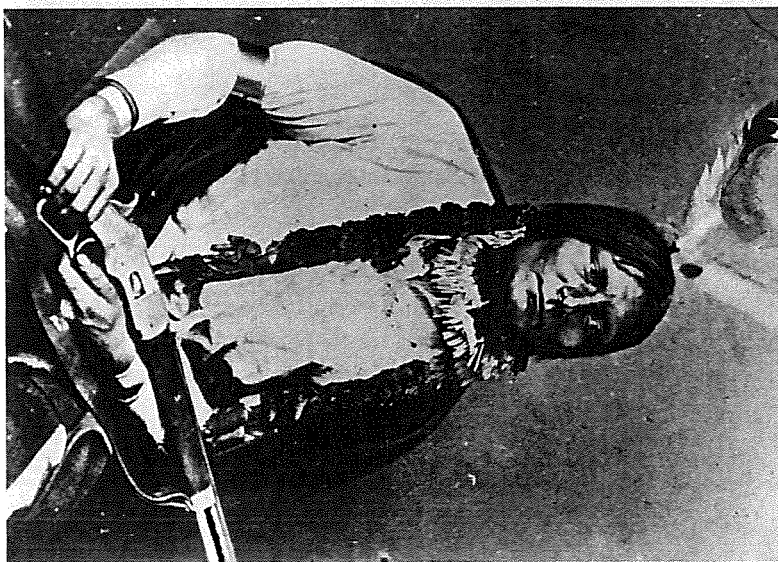
Third Model—Serial marking on lower tang behind trigger, less pronounced frame profile at hammer area, King's Patent and New Haven barrel marking, frame flares to meet forend, approximate serial range 25000–149000.

Fourth Model—Script serial number on lower

The 1866 musket, as pictured in the factory's September 1st, 1882, catalogue. The bayonet styles were termed *saber* and *angular*.

Bottom, rare First Model or "Flat-side" 1866 rifle, number 15109, with such early features as diamond-escutcheoned forend lacking forend cap, Henry styling to areas of the frame, and serial numbering on side of tang (covered by buttstock). Even earlier rifles had flat loading-port covers. The top rifle, number 36259, is one of the earliest examples of signed engravings by C. F. Ulrich; the initials C.F.U. are minutely inscribed on frame bottom behind the trigger.

Exhibit 31
00517

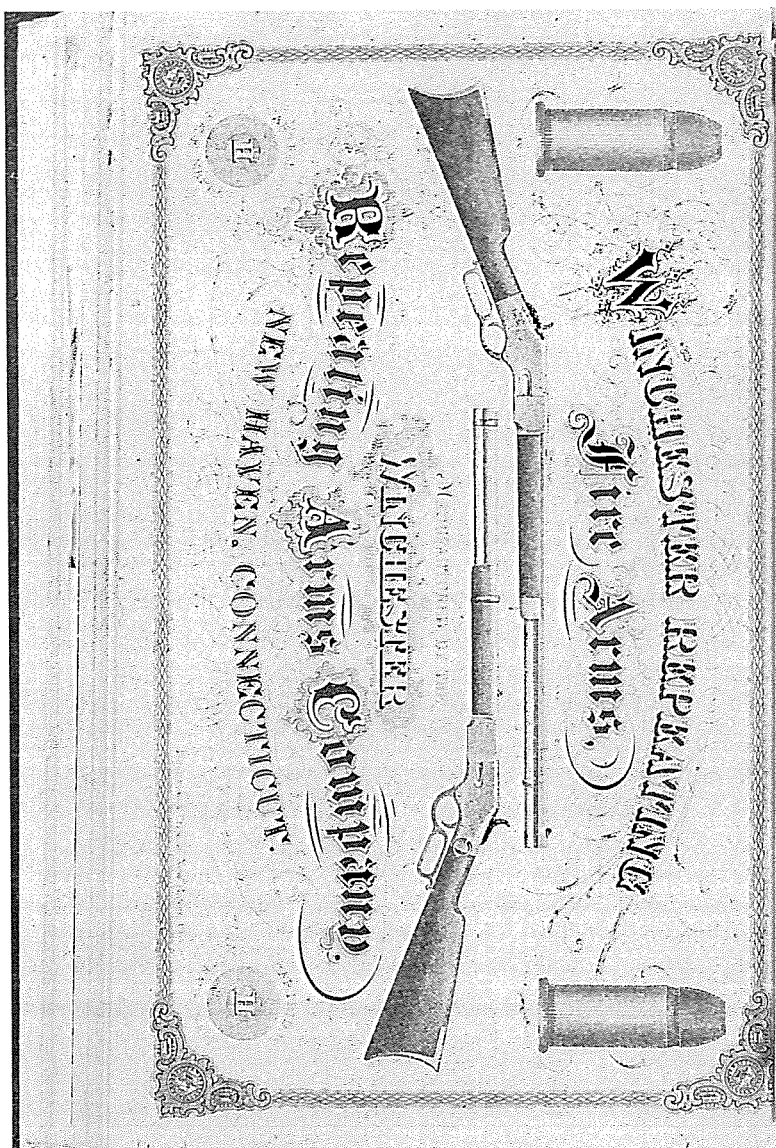


tang at area of lever latch, frame flares to meet forend, frame profile less pronounced than predecessor, Third Model barrel marking, approximate serial range 149000-170101.

By 1868 the Yellow Boy already had a wide reputation. In his book *Buffalo Land*, William E. Webb wrote of his 1866 carbine, which he carried across the plains:

I became very fond of a carbine combining the Henry and King patents. It weighed but seven and one-half

Chief Poundmaker of the Crees and his Model 1866 rifle, with sling attached.



Model 1866 advertisement shows the rifle and carbine versions, and the rimfire cartridge with H headstamp. Note the artist's desire to show the loading port and saddle ring on the carbine; only the latter belongs on the left side.



Exhibit 31
00519



The butt of this trapper's 1866 carbine has Indian-style tack decorations. Contemporary photograph by J. F. Rowe of Portage la Prairie, Manitoba, Canada.

From the private arms collection of Mexican President Porfirio Diaz, Model 1866 number 21921 boasts a Mexican eagle carved in relief on the ivory stock. Ivory-stocked longarms rank high in American firearms rarities. So rare is the Diaz carbine that it is known to collectors as the ivory-stocked Winchester.

Unusual Victorian decorative motifs with running deer and a female nude grace this C. F. Ulrich-engraved show gun. Barrels were seldom decorated on the Model 1866, and the scrollwork and silver band inlays on this specimen are added indications of exclusivity.

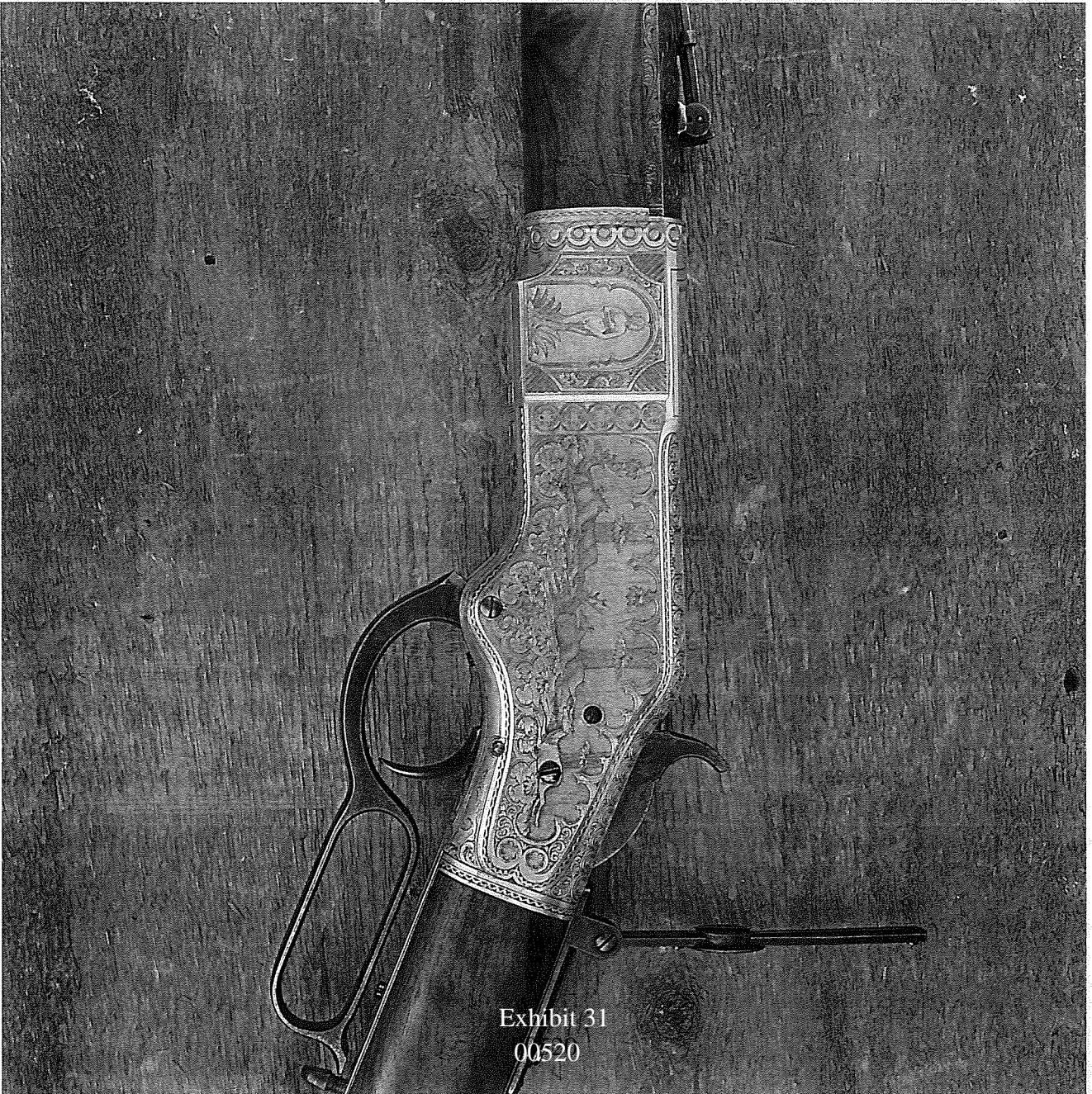


Exhibit 31
00520

Serial number 79863 is an Ulrich masterpiece, and has been attributed to John. A near twin to this cased rifle, number 84015, bears the signature of John's brother Conrad F. Since both John and Conrad studied under Gustave Young, it is not surprising to find such closeness of style, quality, and execution. The casing is of bird's-eye maple, with special hardwood edging, and the interior is lined with green velvet. Such period cases are much sought-after.

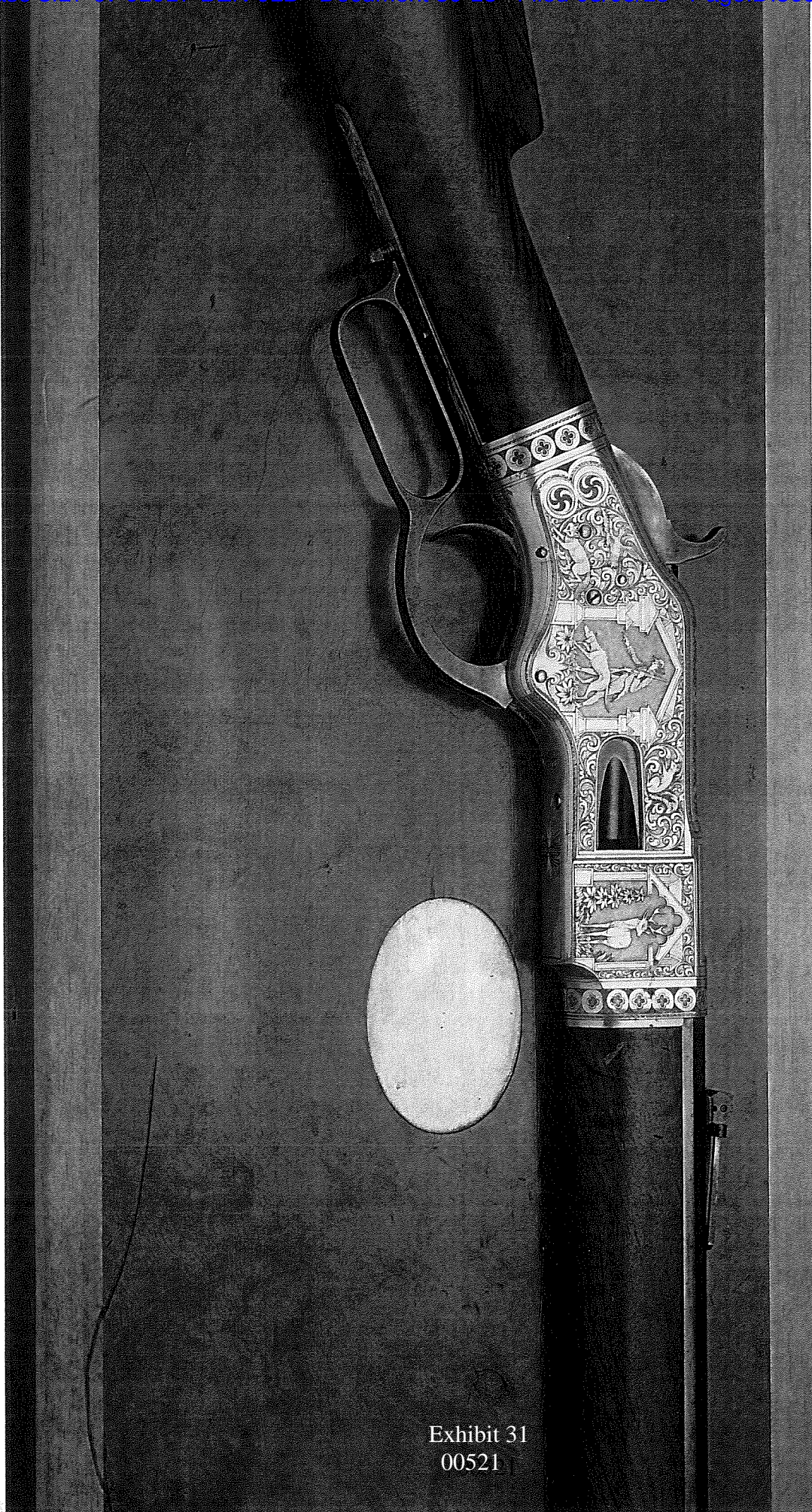


Exhibit 31
00521

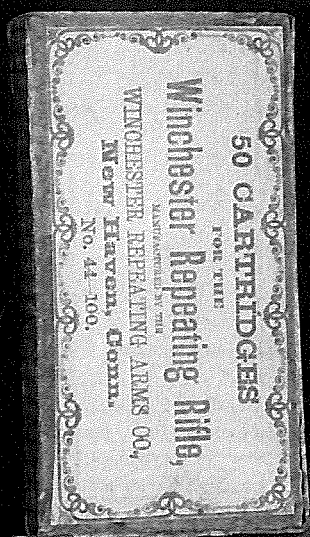
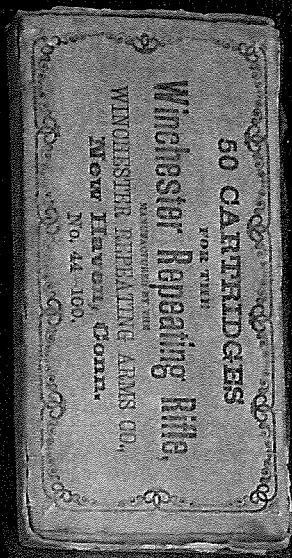


Exhibit 31
00522



pounds, and could be fired rapidly twelve times without replenishing the magazine. Hung by a strap to the shoulder, this weapon can be dropped across the saddle in front, and held there very firmly by a slight pressure of the body . . . with a little practice, the magazine of the gun may be refilled without checking the horse. So light is this Henry and King weapon that I have often held it out with one hand like a pistol, and fired.

In response to the rapid-fire capability of the 1866, and indeed to the Henry, the Indians labeled these guns the "many shots" or "heap-firing." Model 1866 and Henry rifles were used against General George Armstrong Custer at the famous Last Stand; besides being outnumbered, Custer's men were generally outgunned—a Henry or an 1866 having far more firepower than the single-shot Springfield trapdoor carbines which were the issue longarm for the cavalymen.

Some comments in a Winchester broadside of the late 1860s noted certain of the advantages of the 1866:

The advantage that this Gun possesses over all others for single individuals traveling through a wild country, where there is reason to expect a sudden attack either from robbers or Indians, cannot be over-estimated, as it is well known to all who have used a gun to any extent . . . that there is a little uncertainty of its going off, but with this Gun there can be no such feeling, because even though a Cartridge should miss fire, it is drawn from the barrel with *unfailing certainty*, and another placed in its stead, and fired in just *half a second*, thereby giving two chances, even though the enemy should be within twenty feet at the firing of the

A distinguished lineup of deluxe Model 1866 rifles, each of show-gun quality, and each with a gold-plated frame. Attributed to John and Conrad F. Ulrich, with the possibility of at least one by brother Herman. No signed rifles by Herman have been located by collectors.



Titans of the overland rails. A. J. Russell's c. 1868-69 photograph shows a Union Pacific directors' meeting in a private railroad car. Seated starting imperiously at the camera is Thomas C. Durant, with John Duff on his left and Sidney Dillon on his right. Both Duff and Dillon later became UP presidents. Consulting Engineer Silas Seymour is at far left. Above the central mirror are crossed pairs of Model 1866 rifles and 1851 Navy Colls. At the directors' feet, spittoons at the ready.

L. D. Nimschke's engraving masterpiece the "Solid Silver" Winchester, made for presentation from the President of Peru, José Balta, to the President of Bolivia, Mariano Melgarejo. Frame, forend, buttplate, and carrier block are all of silver, which is believed to have been supplied to Winchester from the rich mines of Peru. Signed by the engraver seven times, including on frame bottom: L. D. NIMSCHKE ENG. N.Y. Photographed on a page documenting the rifle, from the author's book *L. D. Nimschke Firearms Engraver*, a reprint edition of Nimschke's own engraving scrapbook.

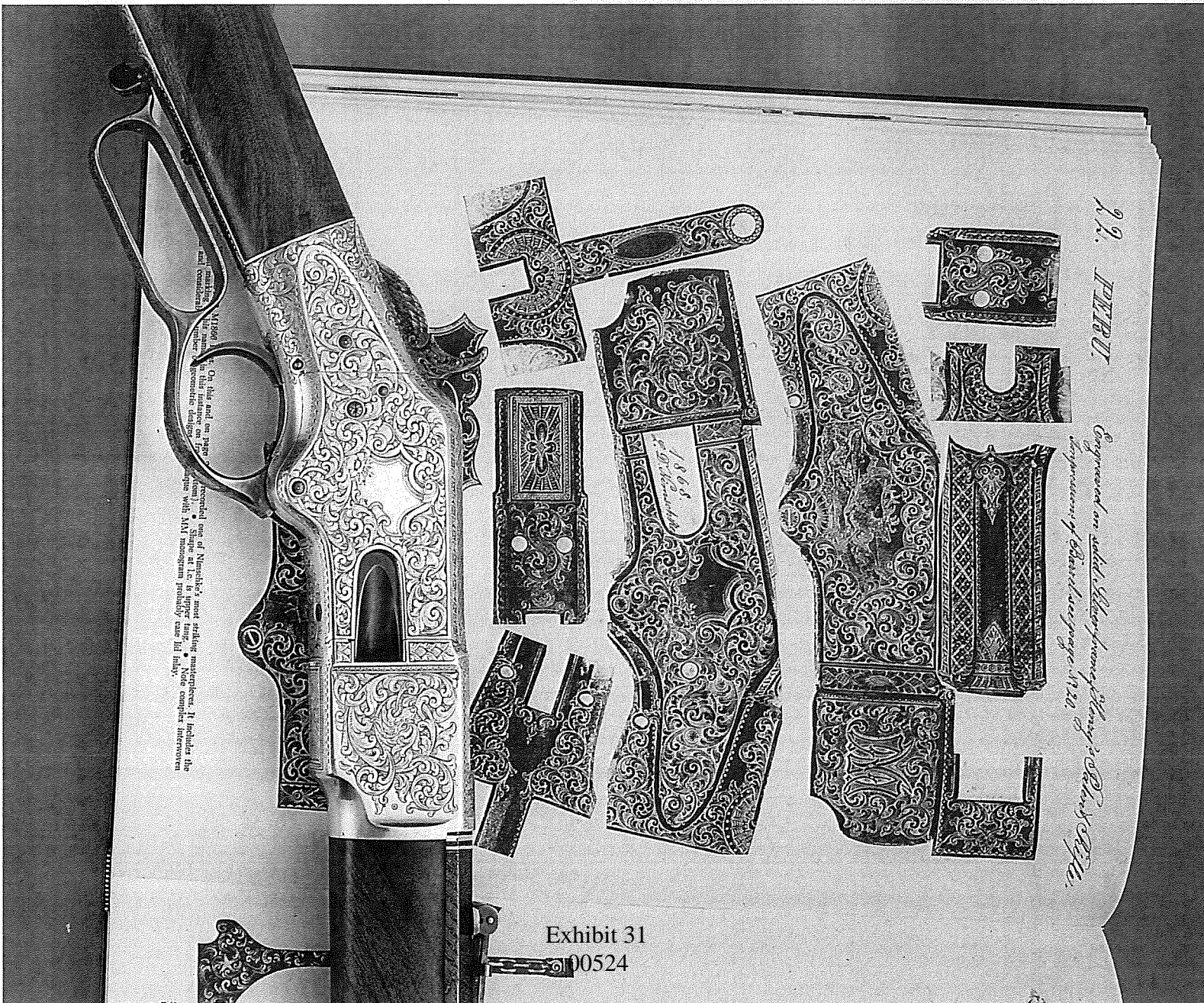
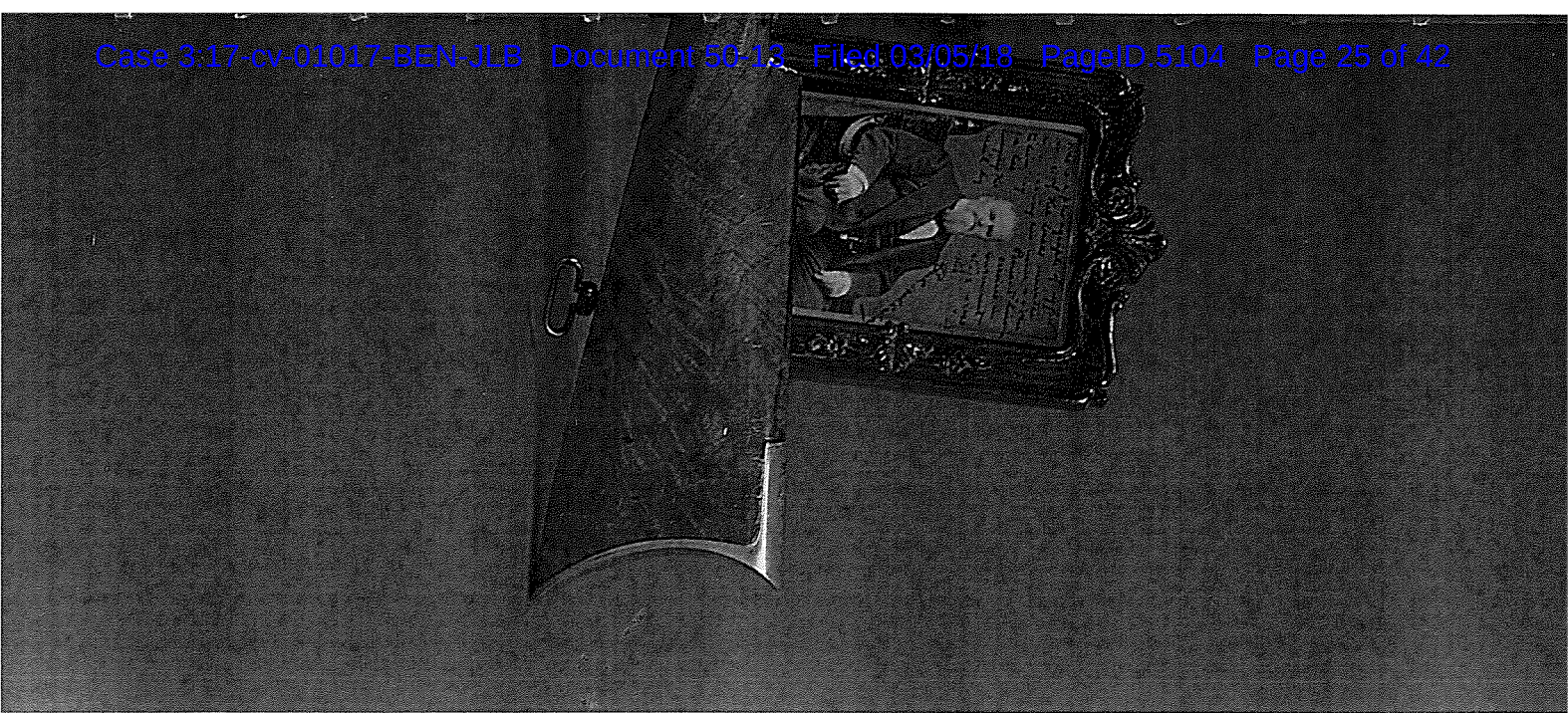


Exhibit 31

00524



Exhibit 31
00525



first shot, which is something that no other Rifle yet built is capable of doing . . . this Gun is what has long been wanted; it is so simple in its construction, that a child ten years old can with half an hours instruction, load and fire it with perfect safety, it being impossible to get a cartridge into it otherwise than right.

A quite pointed recommendation of the Model 1866 was made by Vice Admiral Jasper H. Selwyn, Royal Navy, who stated (1882, London):

I have been for a long time a consistent advocate of the magazine gun known as the Winchester, or the Winchester-Henry as it is also called . . . I saw personally in Turkey during the [Russo-Turkish War of 1877] the Circassian cavalry all armed with the Winchester-Henry [1866] carbine. My friend Reouf Pasha . . . told me he was reconnoitering at Yeni Zahrah with only his personal bodyguard of some thirty Circassians. A Cossack regiment, some 600 strong, came down and surrounded him. It was toward nightfall; he got his Circassian guard off their horses and made them all lie down, they and their horses. He said to them: "Now, my children, we are in a mess, and must sell ourselves dearly to the Ruski." The Cossacks formed around them, thinking they had only to prevent their escape, but in five minutes so many of the Cossacks were killed, not one of the Circassians being touched, that the Cossacks decided to leave them alone and to go away. That shows the value of magazine weapons.

Henry M. Stanley, in *How I Found Livingstone in Central Africa*, alluded to his leaving Zanzibar with a Winchester and a Henry "sixteen shooter." The

Stagecoach king Ben Holladay was the proud owner of 1866 number 38586, and of the accompanying gold-inscribed canes and elegant silver-and-gilt punch bowl. The bowl was a gift from Lewis Leland, proprietor of the Occidental Hotel, San Francisco. The side shown is engraved with a stagecoach scene; the other side of the bowl is engraved with a steamship motif. These items were later prized by pioneer Western gun and memorabilia collector Parker Lyon, whose Pony Express Museum, Pasadena, exhibited over one million objects of the Old West.

Winchester appears to have been a Model 1866 rifle, with which he shot at hippopotamus: "The Winchester rifle (calibre 44), a present from the Hon. Edward Joy Morris—our Minister in Constantinople—did no more than slightly tap them." When leaving Livingstone, Stanley left the Henry, a revolver, two rifles, and 1,500 cartridges. The grateful recipient later acknowledged his appreciation by letter. He thought the Henry's cartridges were "not satisfactory, but everything else gives so much satisfaction that I could not grumble though I were bilious."

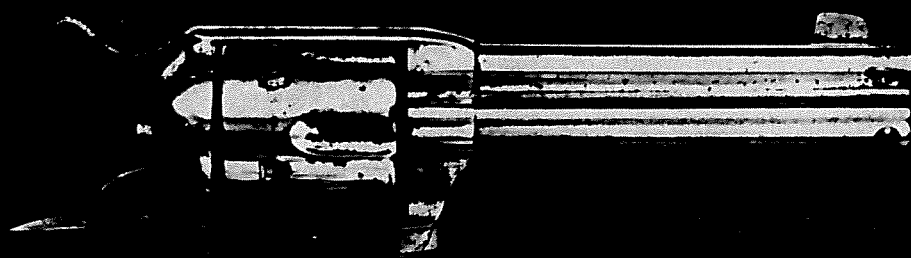
Although the international sales for the 1866 were substantial, the major market for the guns was North America, and the prime sales were in the West. Among the agents were such renowned frontier emporiums as Freund & Brother, with stores in Salt Lake City, Cheyenne, and Laramie; Liddle and Kaeding of San Francisco; John P. Lower of Denver; and C. S. Kingsley of Idaho City. Not a few sales came from the powerful jobbers and dealers of the major Eastern and Midwestern cities, among them Cooper & Pond, John P. Moore & Sons, and Schuyler, Hartley & Graham of New York, William Read & Sons of Boston, J. C. Grubb & Company of Philadelphia, Charles Folsom of Chicago, and William Golcher of St. Paul. In St. Louis (with an office in New York as well), Henry Folsom & Company was still another Winchester outlet.

A statistical analysis of factory shipping ledgers undertaken by the late author John E. Parsons revealed some interesting facts about the Model 1866s of serial range 125000 and above. Of the 44,739 guns shipped, 35,402 were carbines, 3,914 were muskets, and 5,423 were rifles. Nickel-finished carbines numbered only 420, rifles only twenty-three, and muskets eighty-six; for half-nickel finishes the totals were thirteen carbines and thirteen rifles. Silver-plated guns totaled 245 rifles and two carbines; sixteen carbines were gold-plated, as were seven muskets and two rifles; nine

EXHIBIT 32



FIREARMS



of the
AMERICAN




1866-1894

LOUIS A GARAVAGLIA and CHARLES G WORMAN

00528

Exhibit 32



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covering that had been shrunken onto the barrel. Poor Nelson and his "leather gun" furnished the butt of many a joke for a good while thereafter.²⁵

More widely used in the West than the Sharps & Hankins were two lever-action repeaters, the Spencer and the Henry, and the Colt side-hammer revolving rifle. The Colt, of course, had reached the frontier before either of the other two; although it was a percussion arm, western dealers such as Curry and Liddle & Kaeding of San Francisco, and Henderson & Co. of Prescott, Arizona, continued advertising it through the late 1860s. For an expedition against the Indians in Colorado late in 1868, one Mr. Hall loaned Irving Howbert:

an excellent horse and a Colt's rifle, a kind of gun that I had not seen before nor, for that matter, have I seen one like it since. It was a gun built exactly on the principle of a Colt's revolver. The trouble with it was that one never knew just how many shots might go off at once.

Ten years later one of the men trailing Dull Knife's band of Cheyennes northward, Sol Rees, found that "in trying to work the cylinder of my revolver, the last cartridge had slipped back, and the cylinder would not work . . . I then went back to a man named Ingalls, and got a Colt's repeating rifle."²⁶

Owing to the success of metallic-cartridge repeaters with tubular magazines, the popularity of the revolving rifle was fast disappearing. And yet by 1865 Remington had seen fit to introduce a revolving rifle of its own, basically a New Model handgun fitted with buttstock and long octagon barrel. Made initially as a .36 or .44 percussion arm, and later modified to take metallic cartridges, the Remington was available with barrel lengths from 24 to 28 inches. Advertisements for this rifle and other Remington arms, which appeared in the *Arizona Miner*, *Dallas Herald*, *Elko Independent*, and other western papers through the late 1860s, usually referred potential purchasers to the Remington agencies in St. Louis and San Francisco rather than to individual dealers; evidently the sales of the firm's revolving rifle never equaled those of Colt's. Even less popular was the cylinder rifle made by Morgan Rood of Denver; although Rood advertised this gun from the early 1860s through the mid-1870s, the demand, if one existed at all, was extremely limited.²⁷

THE SPENCER AND THE HENRY

Sales of the Spencer and the Henry far outstripped those of any revolving rifle used in the postwar West. While the Spencer had been the clear choice of the

military, the Henry proved a strong competitor in the civilian market of the late 1860s; from 1865 through 1871 dealers in California, Oregon, Nevada, Arizona, Colorado, Nebraska, and undoubtedly in other parts of the West as well, sold both guns, and one saw about as much use on the plains as the other. Soon after Edward Ordway arrived in Denver in the spring of 1866, he wrote,

I met Riley in Groves' [Gove's?] Gunshop. We met there for the same purpose—gun cleaning. He had a Henry and I a Spencer carbine. As there were some other men there . . . conversation turned to a discussion of the merits and defects of firearms in general. The majority were of the opinion that they would not lay down a muzzle-loader for any machine gun. One man insisted that given a hundred and fifty yards start he could outrun all the sixteen shots in a Henry. Another fellow would not take the gift of a Spencer carbine for the good reason that the luckiest man on the earth was never known to hit anything he shot at. Others offering their testimony along the same line, caused us to adjourn to a corral outside of town that was built of pine lumber with plenty of knots in the boards. I offered to bet a ten dollar hat that I could knock out seven knots that I would mark at thirty yards off hand, and do the trick in less than twenty seconds with the seven shots in my gun. One skeptic in the crowd gleefully accepted the bet and sorrowfully paid it. Riley asked me if I could do that every time, and I told him that with a fair amount of luck I could. Then he told me that he was [boss and] part owner of a bull train . . . and if I was game enough to take the chances he would take me on as an extra, naming a remuneration that struck me as so very liberal that I did not hesitate to accept it. . . .

While William Breakenridge was in eastern Colorado about 1867:

a band of six Indians ran through the edge of town close to the soldiers' barracks and attempted to cut the ropes on several horses that were picketed there. . . . The men all ran out and one of them took my Springfield . . . [I] had to stop to get another. It was a Spencer carbine which loaded in the stock with seven cartridges, held in by a spring . . . I fired at one [Indian] . . . I felt sure that I had hit him and tried to throw another shell into the gun, when I found that the spring that held the cartridges in the breech had come out and all the shells had fallen out of the gun.²⁸

After traveling through Kansas in the early summer of 1867, William Bell, another Spencer user, wrote a

graphic description of a fortified stage station near Fort Wallace:

Standing side by side, and built of wood and stone, are the stables and the ranche in which the drivers and the ostlers live. Behind is a corralle, or yard, divided off from the plain by a wall of stones . . . A little subterranean passage, about five feet by three, leads from the stables to the house. Another one leads from the stables to a pit dug in the ground, about ten yards distant. This pit is about eight or ten feet square, is roofed with stone supported on wood, and just on a level with the ground portholes open on all sides. The roof is raised but little above the general level of the ground; more, however, at this station than at most of them. Another narrow subterraneous passage leads from the house to a second pit, commanding the other side of the station; while a third passage runs from the corralle to a larger pit, commanding the rear. In both houses, many repeating Spencer and Henry breech-loading rifles—the former carrying seven, and the latter eighteen [*sic*] charges—lie loaded and ready to hand; while over each little fort a black flag waves, which the red-men know well means “no quarter” for them. When attacked, the men creep into these pits, and, thus protected, keep up a tremendous fire through the portholes. Two or three men, with a couple of breech-loaders each, are a match for almost any number of assailants. I cannot say how many times these little forts have been used since their construction, but during the three weeks we were in the neighbourhood, the station was attacked twice. . . .²⁹

Some of the civilians at the Hayfield Fight of 1867 also used the Spencer, as did teamsters on the wagon trains hauling freight up the Bozeman Trail in 1868. The reports of army officers who inspected these trains included the following notes:

Nº Guns: 4 Spencer and 7 Muskets—Am 150 Rounds.


Nº Arms: 7 Spencer and 7 Enfield Rifles.
Ammunition: 200 Rounds Spencer Cartridges.

Nº Arms: 7 Spencer and 9 other Rifles—Ammunition—200 Rounds Spencer and 75 Rounds Musket Cartridges.

Arms—24 Spencer Carbines—7 Springfield Muskets—Ammunition—1300 Rounds Spencer Cartridges—Arms Unserviceable—3 Spencer and 2 Springfield Rifles.³⁰

The chief competitors of the stagecoach lines—the railroads—also made use of the Spencer. Union Pacific

CHARLES SLOTTERBEK



Gun Maker,

LAKEPORT, LAKE COUNTY, CAL.

Keeps every Description of

GUNS, RIFLES, AND PISTOLS,

TELESCOPE RIFLES a Specialty.

Also, Henry's, Spencer's, Sharp's, &c. Breech-Loading Rifles, with Fixed Ammunition for the same; also, Powder, Shot, Bullets, Wadding, of all descriptions, etc., and Cartridge Cases of all sizes, for Breech-Loading Shot Guns, already filled, or filled to order at short notice.

GUNS, RIFLES and PISTOLS MADE TO ORDER,

The Shooting of which cannot be excelled by those of any other maker in the world.

REPAIRING

Of all kinds of Firearms done with neatness and dispatch.

Work Guaranteed in all Cases.

L. A. Paulson's Handbook and Directory of Yolo, Solano, Napa Lake, Sonoma, and Marin Counties [California] 1878-79, p. 196. (Courtesy Bancroft Library, University of California)

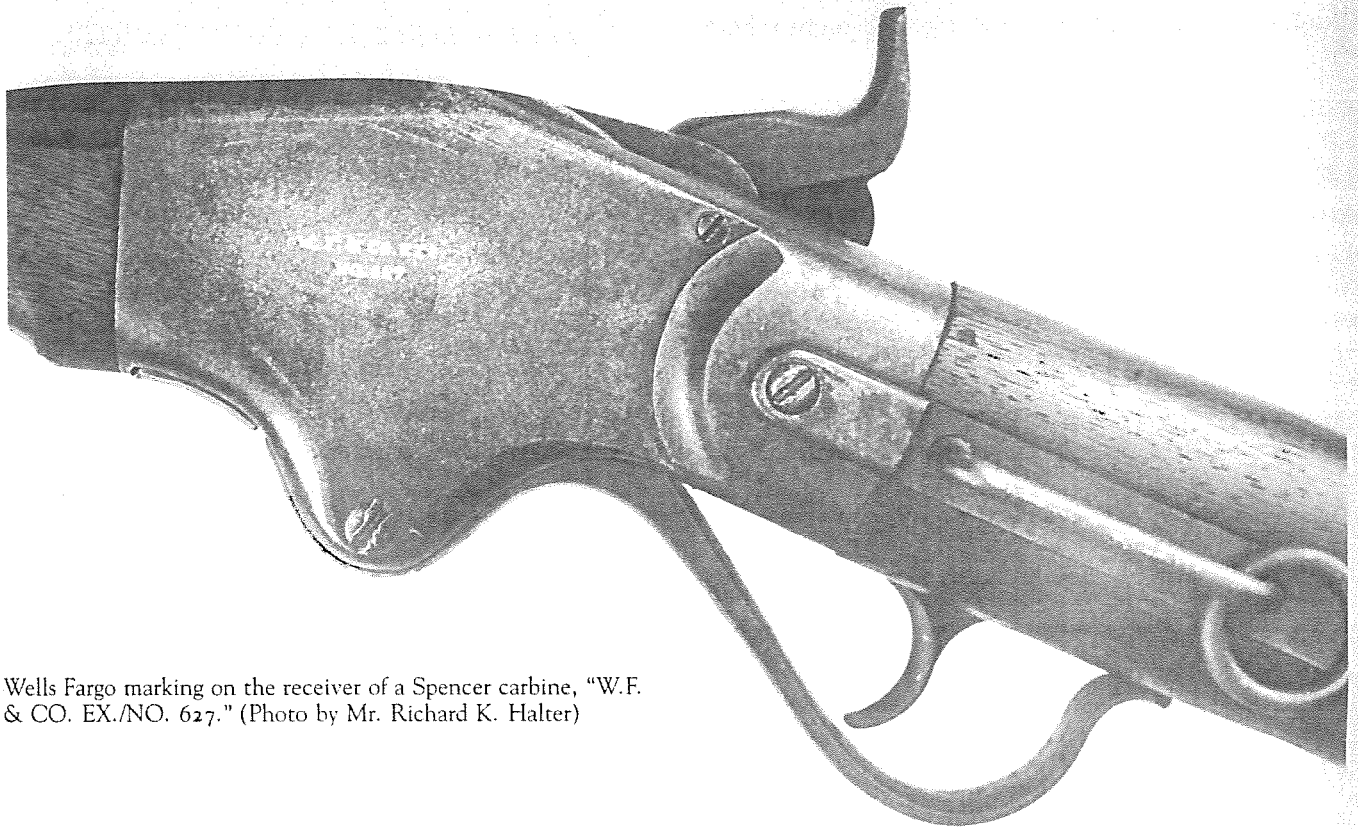
workers had them, as did the crewmen of other roads; in the summer of 1870, as the last stretch of Kansas Pacific track went down east of Denver, young John Armor visited the site and noted that “the government had furnished about thirty-five Spencer repeater rifles (seven shots), mostly carbines (the short rifles), and plenty of government ammunition for defense against the Indians.”³¹

Individual users of the Spencer were numerous, but one of the more interesting was a mysterious stranger who rode into a Colorado camp late in 1871:

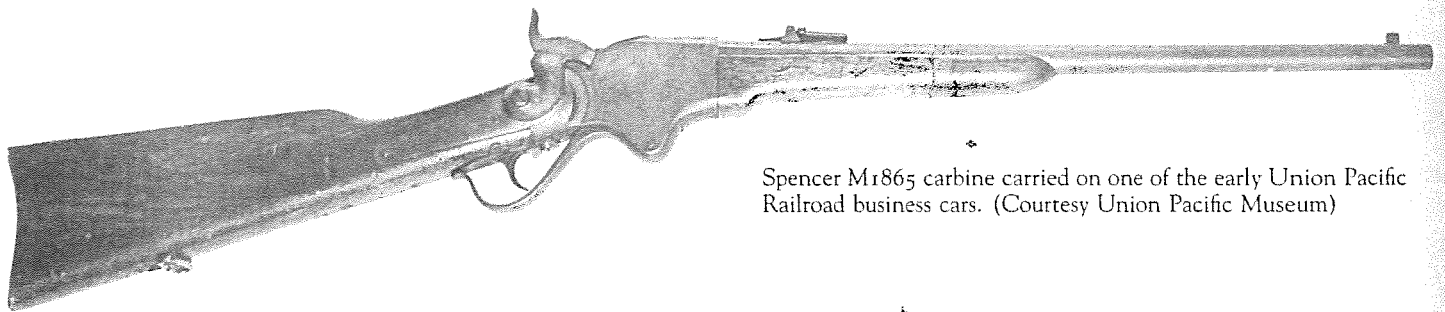
He . . . was neatly and rather stylishly dressed. . . . His only ornament was a short, magazine rifle known as the Spencer carbine, a weapon of large calibre and carrying eight cartridges . . . during the time he was with us, never for a single instant was he

00551

Exhibit 32



Wells Fargo marking on the receiver of a Spencer carbine, "W.F. & CO. EX./NO. 627." (Photo by Mr. Richard K. Halter)



Spencer M1865 carbine carried on one of the early Union Pacific Railroad business cars. (Courtesy Union Pacific Museum)

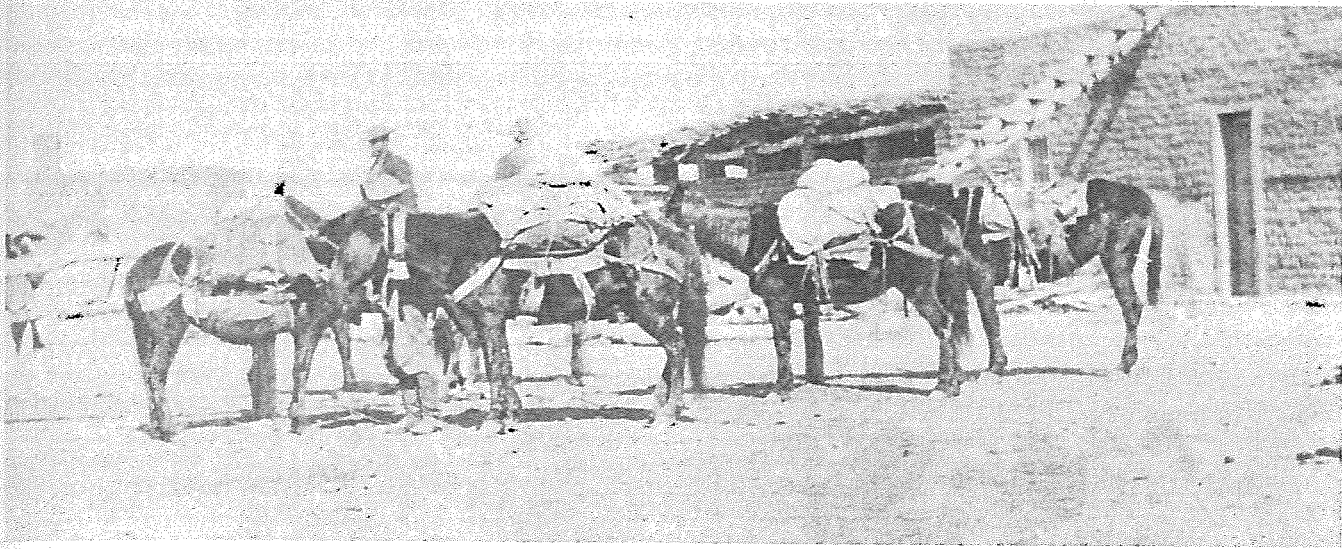
without that gun in his possession. Awake or asleep, it was always in his hand. . . .³²

Only slightly less popular was the Henry. Edward Ordway left a stirring account of the Henry's use by a bull train on the Bozeman Trail in 1866:

We scouted the hills and creek but no signs of Indians did we see, not even the wave of a feather or glitter of a mirror on distant hills. But that was not considered a favorable sign, for as the old timers put it all in one terse sentence, "You are never safe from Indians until you can see them." After crossing the divide between Cheyenne and Powder River

one morning pony tracks were seen near a small creek some distance above where the road crossed. The sign proved that a small party of Indians had been there the day before . . . and Riley was too old a hand in the game to take a needless chance. One of his wagons had for a part of its load, arms and ammunition, and among the lot were some cases of Henry rifles. I do not suppose at this late day that there are now living many who remember anything about that long ago discarded firearm, nor that it was the legitimate parent of all the magazine guns in use now. It was short ranged and could do but little damage beyond two hundred yards, but it

RIFLES



Prospectors, probably in the southwestern U.S. A Spencer military-style rifle is hung from the saddle on the mount at far right. (Courtesy Arizona Historical Society)

was as near mechanically perfect as any machine gun could be made, and in the hands of men of that day sixteen shots could be fired with astonishing rapidity. Riley broke open some boxes and dealt out two rifles and ammunition to each man in the outfit. [Then,] about ten o'clock [our Pawnee scouts] discovered a war party of seventy five or eighty quietly waiting in a small valley, and [their] telescopic eyes soon made out another party coming to join the others. The Pawnees knew that they were planning to make a surprise attack and they lost no time in getting back to the train. A few words from them to Riley and the order was given, "Corral!" The bull teams swung around into place with the mules and horse teams in the center. The wagons [were] chained together, wheels locked and everything made fast, with but a short space of time to spare until the Indians came in sight, and but few seconds elapsed until the men were under the wagons, each with his rifle at rest through a wheel. They did not come on in a bunch, but scattered out over a wide space. When they saw that everything was arranged for their reception they all rounded up and appeared to be holding a council of war. They had evidently planned to make the attack while the train was strung out on the road, and perhaps, but for the daring of our scouts, it might have happened that way. As the case then stood they had to change their tactics, which they did in short order and began the offense in the old way by



From a photograph taken by Charles T. Smith, Topeka, Kansas. At left, an M1860 Spencer carbine, and at right a Colt M1855 percussion revolving rifle. (Courtesy Mr. Herb Peck, Jr.)

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PART II: CIVILIAN ARMS



Hunters in South Park, Colorado, probably in the 1880s. The man at left holds a Spencer carbine, while the man third from right has a Sharps. (Courtesy Mr. Malcolm Collier)

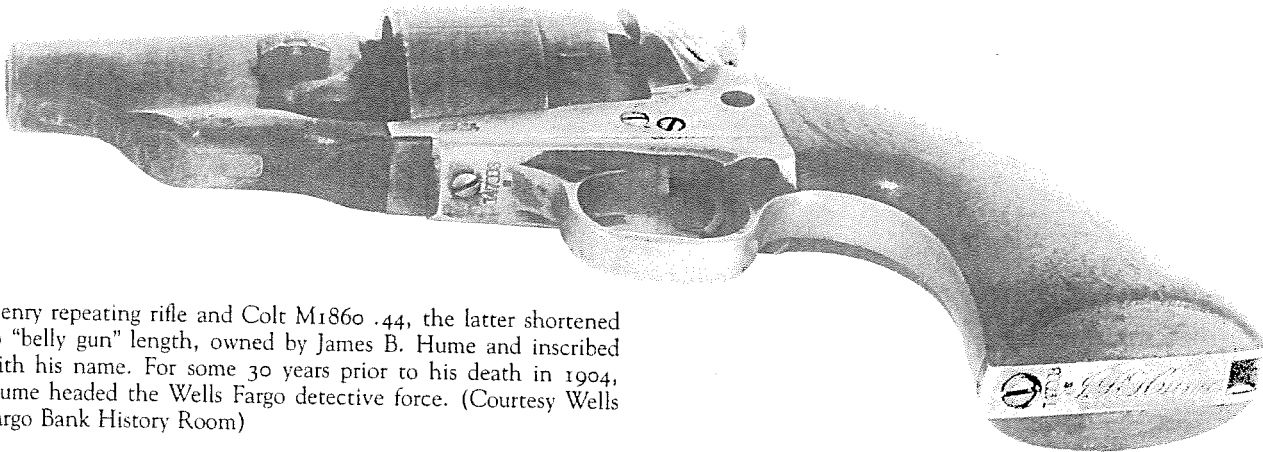
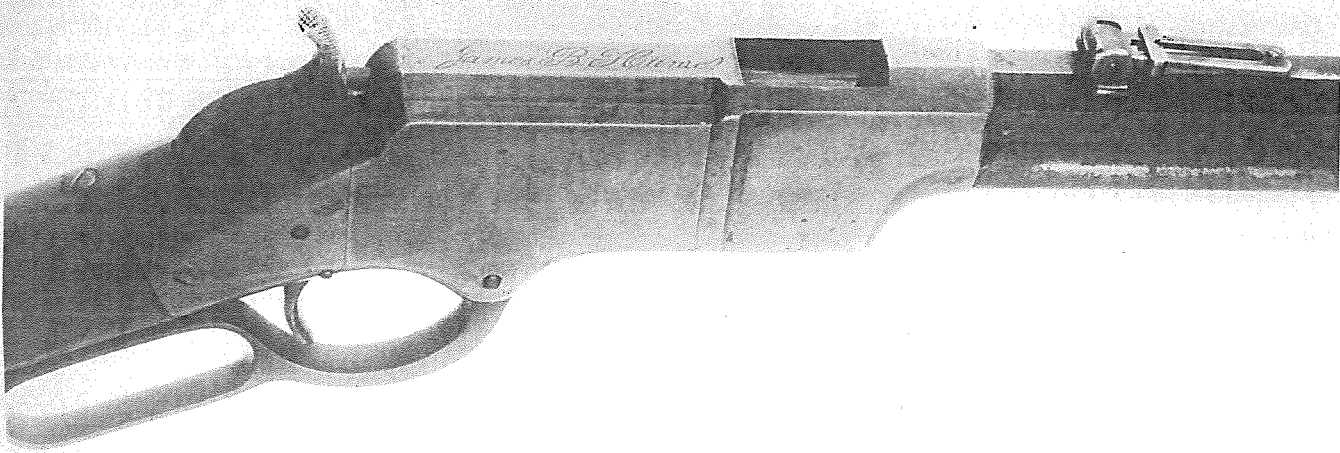
SCHOLL & HOLMES,
 No. 66 South C street, Virginia,
 (Next Door North of W. F. & Co.'s Office,)
 —DEALERS IN—
GUNS,
PISTOLS,
RIFLES.
 And Ammunition!

Also, for Sale at low rates
HENRY'S PATENT RIFLES,
 Capable of discharging fifteen bullets per minute.
 Parties bound for Boise and Idaho will do well
 to call upon us, as we will sell all kinds of Fire-
 arms at the lowest living prices.
REVOLVERS, of all patterns, constantly on
 hand and for sale.
 Repairing and Loading done with dispatch.
 Remember the place—
66 South C street, Virginia. [ju20]

Gold Hill (Nevada) Daily News, July 1865.

circling around, making feints at charging, and all the tricks wherein they were devilishly proficient, for the purpose of drawing our fire at a long range, and then charging in on empty guns. That they got no reply from the old muzzle-loaders, and not knowing the rod we had in pickle for them, was positively a puzzle they could not solve, but [they] kept drawing a little nearer until perhaps their patience became exhausted and [with] no resistance against their maneuvers, they made a simultaneous dash on all sides, and coming within the limits of the rifle range the Henrys began to play a tattoo the like of which they had never heard before. . . . To say that the Indians were astonished at the storm of lead that met them would be but a weak expression. A gatling gun would not have surprised them more. It was but a very few minutes after we began to fire until they were gathering up their dead and wounded and nothing short of total annihilation would have stopped them from doing that—and they were scurrying away toward the shelter of the hills, wiser if not happier Indians. The magic of the white man's guns was a long way past their understanding. They let us alone while in their territory. In less than an hour after the last shot was fired the train was rolling along as merrily as though nothing had happened.³³

RIFLES



Henry repeating rifle and Colt M1860 .44, the latter shortened to "belly gun" length, owned by James B. Hume and inscribed with his name. For some 30 years prior to his death in 1904, Hume headed the Wells Fargo detective force. (Courtesy Wells Fargo Bank History Room)

When Andrew Simmons and his party traveled down the Missouri by Mackinaw boat in the summer of 1866, they were well equipped with Henrys. Simmons told of others who were less well armed, and who paid dearly for it:

Toward evening we descried a party of white men on the right bank, hove to, and went ashore. They proved to be a party of seven, engaged in chopping wood for steamboats. . . . These men were armed with Hawkins rifles, which, being muzzle-loading, were greatly inferior to the breech-loading cartridge guns then in use. We warned them of their danger, but with [their] energy and enterprise they possessed also the courage and recklessness of all pioneers. They said they were ready to take chances. Poor fellows! The chances were too strong for them, for only a few days afterwards a body of Sioux Indians

came upon them. They made a desperate defence, but were overpowered and every one of them massacred.

A short distance downriver Simmons and his companions encountered their own problems:

It was evident we had come up with a large party of Sioux who were about to attack us, and we must make the best of the situation. Despite our labor at the oars, the current swept us down in direct range of the spot occupied by the Indians, who, before we had finished fastening our boat, opened fire upon us with about fifty shots, which fortunately whistled over our heads. . . . Before they could correct their aim for another fire, we were behind a breastwork hastily extemporized by throwing up our blankets and baggage against the exposed gunwale of the boat. This they pierced with bullets thick as hail,

PART II: CIVILIAN ARMS

but the protection it afforded us was ample, and we soon got ready to return their leaden compliments. Each of our Henry rifles contained sixteen cartridges when we opened fire, and the distance being about one hundred and fifty yards to the bluff, which was literally swarming with savages, not more than ten minutes elapsed until every one of them had disappeared. The fearful death howl, however, assured us that our fire had not been in vain.³⁴

The two scouts killed in the Fetterman Massacre in December of 1866 also carried Henrys, and probably took a heavy toll of their attackers before they fell. Ironically, a Henry rifle was to help avenge the Fetterman disaster. After the Hayfield Fight of 1867, Finn Burnett, a Spencer-wielding participant of that battle, wrote:

I don't believe there is another man living, or that ever lived, who has killed as many Indians in a day as [D. A.] Colvin did on the occasion of the hayfield fight. He was armed with a sixteen-shot repeating rifle, and had a thousand rounds of ammunition. He was a dead shot, and if he missed an Indian in that fight none of us ever knew it. He fired about three hundred shots that day. . . . As he did most of his shooting at distances of from twenty to seventy-five yards, it was almost impossible for him to miss. . . . He was shooting steadily from nine-thirty in the morning until five o'clock in the afternoon, and the ground around where he was stationed was literally covered with empty shells from his rifle.³⁵

Members of the Davy Expedition, which left Minnesota for Montana in the same year, brought along various carbines, shotguns, revolvers, and more than 30 Henry rifles. Philippe Regis de Trobriand took note of the Henry carried by a Dakota scout, and even the famous journalist Henry M. Stanley mentioned the arm: "It has been impressed on us . . . that when travelling in this wild [Kansas] country we should carry slung to our waist a museum of arms, such as a bowie knife, a brace of revolvers, and a Henry rifle." In 1868 the well-known scout Luther "Yellowstone" Kelly paid about fifty dollars for a Henry at Fort Berthold: "With the Henry and the stubby little .44 caliber cartridges that went with it I killed many a buffalo, as well as other game, and it stood me in good hand when I was forced to defend myself in encounters with hostile Indians." One of these encounters involved a sudden meeting with two Sioux, who got off the first shot:

One was armed with a good double-barreled gun; the other had only a bow and some arrows . . . my horse began to kick and jump. I knew that he had

been shot, and that it would be impossible to hold him still, so I had to jump to the ground. In jumping, I fell full length, and while I was trying to get on my feet, one of the Sioux ran up to within six feet of me, took aim, and fired, I would be dead now if the gun had gone off; but since the percussion cap missed fire, I did not lose any time in firing back, and my enemy fell dead, a bullet through his head. Then it was like a duel with the other one who kept under cover behind a tree trunk, where he shot arrows at me. . . . Since I could still fire fifteen shots without reloading . . . I started to fire carefully at my man. The last tree he hid behind was not big enough to cover him. . . .

Walter Trumbull, who lived near Fort Ellis about 1870, wrote that "we citizens carried an assorted armory, consisting of Henry, Ballard, and Spencer rifles, revolvers, and bowie knives."³⁶

Not all the Henry's owners were enthusiastic about it. Frank Canton, whose party traveled through Indian Territory in 1869, noted later that their arms comprised "some old Henry rifles, which were rim fire and not much good, but we all had good six-shooters."³⁷

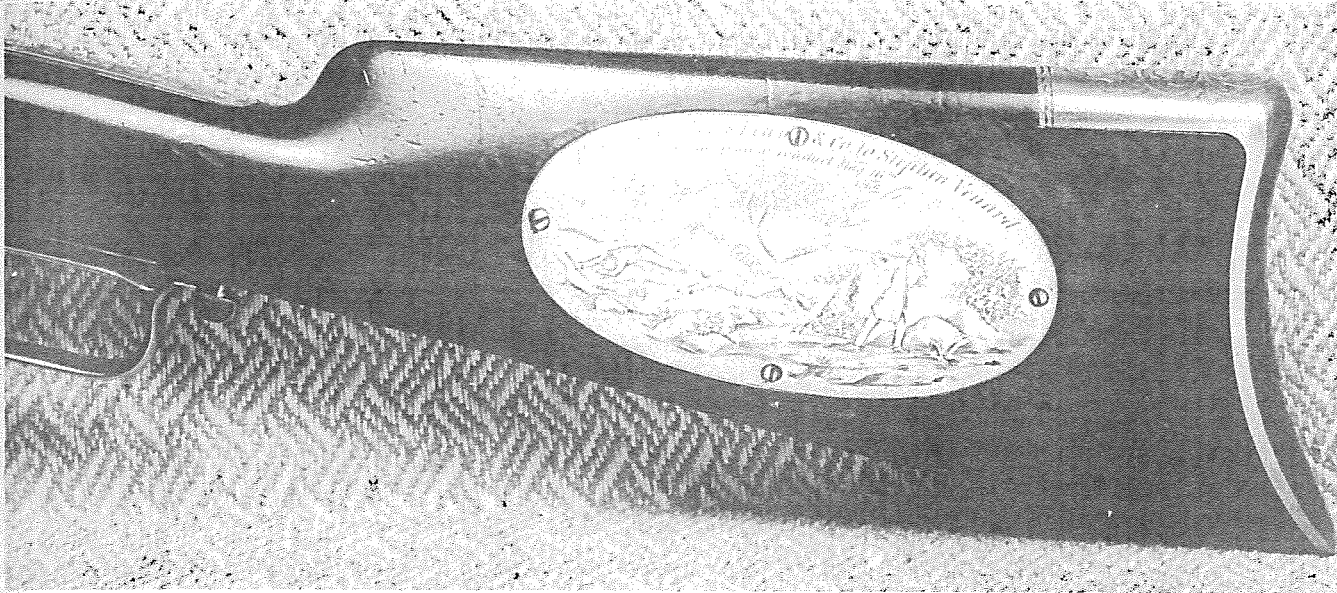
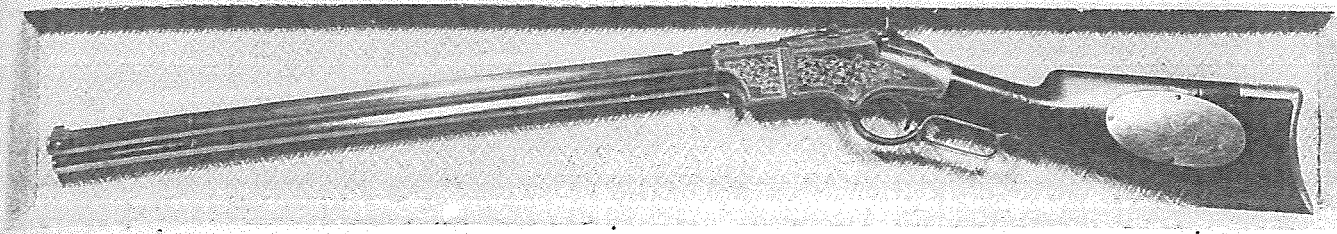
James Cook, however, had a different opinion. When he first came to the plains after the war he bought a muzzle-loader, which he later traded for a Spencer. On one occasion, while he was working for Texas cattleman Ben Slaughter, Slaughter told him to shoot a cow for camp meat:

[Cook] pulled the Spencer carbine which I was carrying, pointed it toward the heifer, and exclaimed, "There is a good one." Mr. Slaughter started his horse toward me, fairly yelling, "Hold on, young man; don't you see that's a T-Diamond?" "Yes," I replied, "What brand is that?" "I reckon that's my brand," was the answer. "We don't kill that kind in this country. Kill an LOW or a WBG"—meaning anyone's brand but his own. "They taste better."

But Cook did not like his Spencer because of its low-velocity ammunition; he termed it "a real 'humdinger'; the person using it could often hear its bullet hum as it whirled end-over-end through the air." Then, one summer day in the early 1870s:

a Mexican rode into camp with an almost new Henry rifle on his saddle. He wanted to buy some cartridges for it. We had no Henry rifle shells, but did have some Spencer ammunition, and I succeeded in trading him, for his Henry, my Spencer carbine and what cartridges I had. . . . This rifle proved to be most accurate shooting piece, and I had the sat-

RIFLES



About 4 A.M. on May 16, 1866, three armed bandits held up a Wells Fargo stagecoach near Nevada City, Calif. Former Nevada City town marshal Stephen Venard took up the robbers' trail alone and by noon had recovered the stolen money, killing the three bandits with only four shots from his Henry repeating rifle. A

grateful Wells Fargo presented Venard with a \$3000 reward and this new engraved Henry. The plaque set in the stock is inscribed "Presented by WELLS FARGO & CO. to Stephen Venard for his gallant conduct May 16th 1866." (Courtesy Wells Fargo Bank History Room)

isfaction of knowing that nobody in Texas had a better shooting iron than I.³⁸

Both the Henry and the Spencer were used in the West well into the 1880s. Christopher Spencer's real success, however, had come during the war, with the sale of more than 100,000 of his military arms to the Union and state governments. When these guns flooded the civilian market in the late 1860s, they greatly hindered the sales of Spencer's .56-.46 sporting rifles, which sold for higher prices than his military-surplus arms. Some Spencer sporters did reach the frontier; from 1867 through 1871, for example, Curry of San Francisco advertised the Spencer in both military and sporting versions. In addition to the factory-made sporters, frontier gunsmiths sometimes fitted Spencer actions with heavy octagon barrels, barrels which occasionally bore the names of Hawken, Dimick, Robert

Liddle, or A. J. Plate. The modification did not always stop there, however, and often included double set triggers and graceful stocks which, like the barrels, were reminiscent of the muzzle-loading plains rifle.³⁹

But in making thousands upon thousands of guns for the military, Spencer had simply produced himself out of the postwar arms market. By 1869 his company had failed, its remaining assets bought by none other than Oliver Winchester, head of the firm which had manufactured the Henry. Into Winchester's hands, in fact, was to fall the biggest share of the West's repeating-rifle market.

THE FIRST WINCHESTER

Winchester did not conquer the market with the Henry rifle. Despite its commercial success, the arm's drawbacks—the long open slot in the underside of the

PART II: CIVILIAN ARMS




Edward L. Schieffelin's pick and Henry rifle (#2197), displayed with a contemporary canteen at the Tombstone (Arizona) Courthouse State Historical Park. Prospecting for silver in 1877 in the Apache-occupied San Pedro Valley, he was warned that all he would find would be his tombstone. That warning inspired the name for one of his silver strikes and, two years later, the name

for the town that grew from the miners' camp. He sold his silver claims in the area in 1880 for \$300,000, but instead of living comfortably he grew restless and resumed prospecting elsewhere in the West and Alaska until his death in 1897. (Photo by Mr. James L. Kidd, courtesy Mr. Hollis N. Cook)

San Francisco.
WILSON & EVANS,
 643 CLAY ST., SAN FRANCISCO,
 Manufacturers and Importers
 OF
 RIFLES, SHOT GUNS AND GUN MATERIALS
 Of every Description.

ALSO IMPORTERS OF ENGLISH,
 French and American Fishing Tackle,
 which we offer both wholesale and
 retail at 20 PER CENT. BELOW ANY
 OTHER HOUSE on the Pacific Coast.
 Also Shot Pouches and Powder Flasks,
 and WOSTENHOLM'S POCKET CUTLERY in great variety.
 We are also the appointed agents for HENRY'S
 and SPENCER'S RIFLES and COLT'S and SMITH &
 WESSON'S PISTOLS, all of which we offer at the lowest
 possible prices, on terms warranted with integrity.
 N. B.—Repairing in all the branches at moderate
 prices.



Portland Oregonian, October 1867.

REWARD

WELLS, FARGO & CO.'S EXPRESS BOX
 on SONORA AND MILTON STAGE ROUTE, was **ROBBED**
 this morning, near Reynolds' Ferry, by one man, masked and
 armed with sixteen shooter and double-barreled shot gun. We
 will pay

\$250

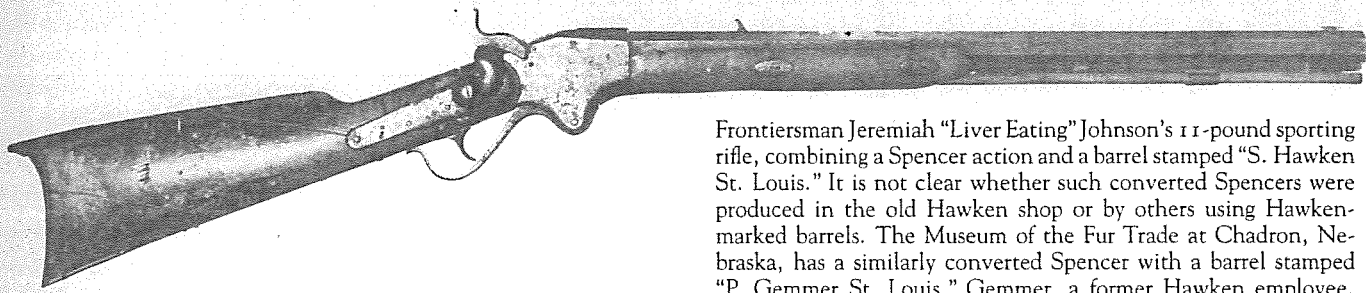
for **ARREST** and **CONVICTION** of the Robber.

JNO. J. VALENTINE, Gen. Supt

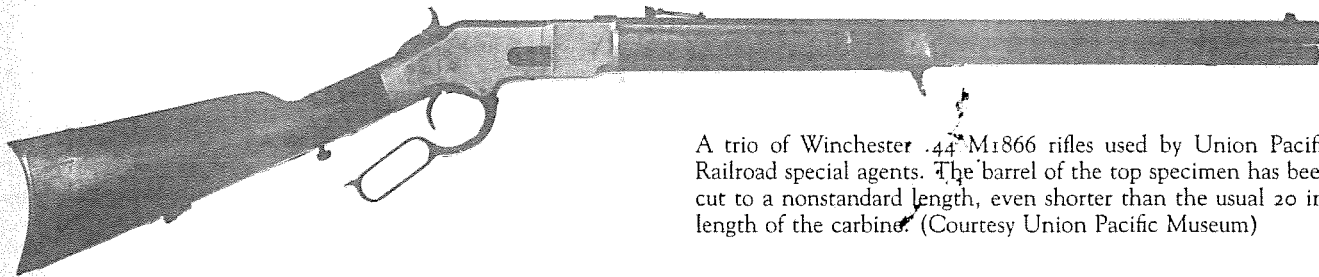
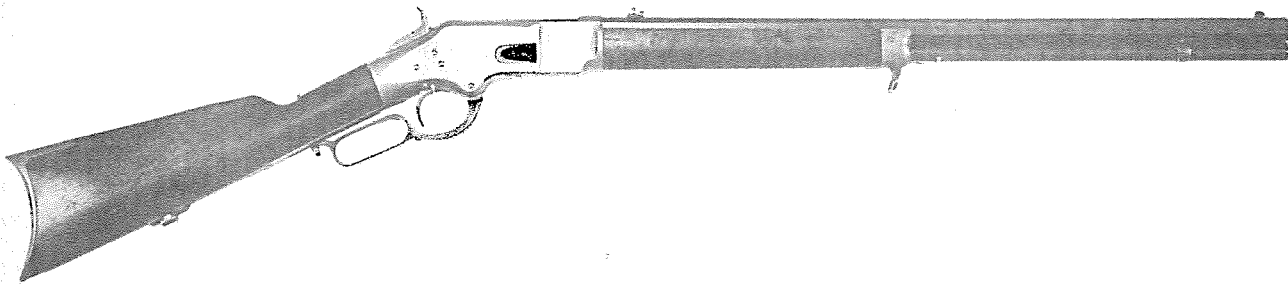
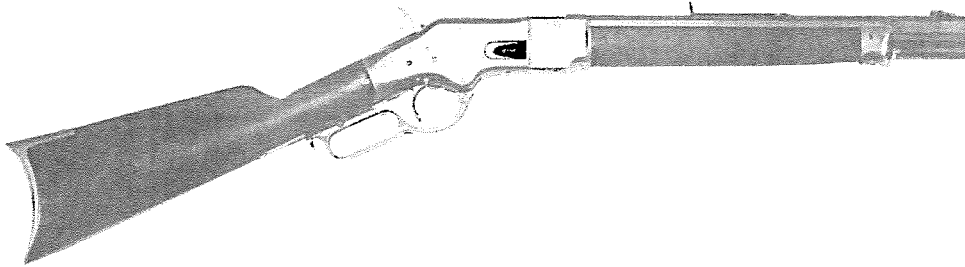
San Francisco, July 26, 1875.

One identifying characteristic of a stagecoach robber being sought in 1875 was the rifle he carried. The Henry had a popular nickname of "sixteen shooter," a term sometimes applied as well to the M1866 Winchester, although the '66 rifle had a magazine capacity of 17 cartridges. (Photo by Mr. Richard K. Halter, courtesy the late Mr. Willis E. Neuwirth)

RIFLES



Frontiersman Jeremiah "Liver Eating" Johnson's 11-pound sporting rifle, combining a Spencer action and a barrel stamped "S. Hawken St. Louis." It is not clear whether such converted Spencers were produced in the old Hawken shop or by others using Hawken-marked barrels. The Museum of the Fur Trade at Chadron, Nebraska, has a similarly converted Spencer with a barrel stamped "P. Gemmer St. Louis." Gemmer, a former Hawken employee, took over operation of the Hawken shop in 1865. (Courtesy Museum of the Fur Trade)



A trio of Winchester .44" M1866 rifles used by Union Pacific Railroad special agents. The barrel of the top specimen has been cut to a nonstandard length, even shorter than the usual 20 in. length of the carbine. (Courtesy Union Pacific Museum)

magazine tube, and the requirement for loading the tube from the front—started Winchester and his engineers working on improvements as early as mid-1865. Although several loading systems came under consideration, the design finally adopted was that patented by Nelson King, Winchester's new superintendent, in May of 1866. Positioned under the barrel as in the Henry, King's magazine tube was open only

at the rear, where it entered the receiver, and was partially protected by a wood forestock. To load, the shooter simply pushed the cartridges, one after another, inward and forward through a spring-tempered loading gate in the right side of the receiver.⁴¹

The commercial success of a rifle employing the new magazine system seemed to be assured, and in May of 1866, at the time King patented his magazine,

PART II: CIVILIAN ARMS

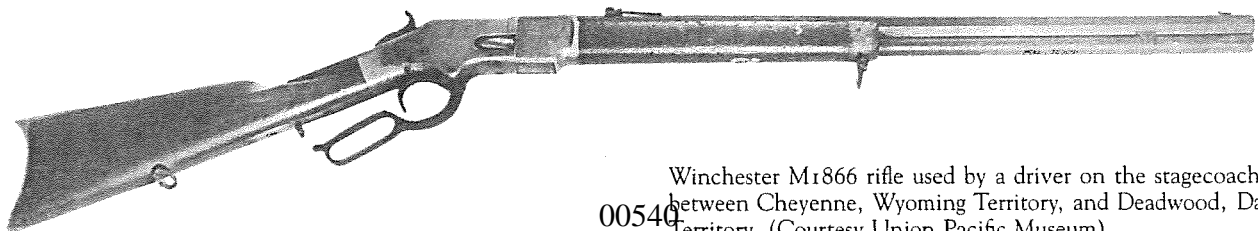


An 1872 scene at Major Pease's ranch on the Yellowstone River in Montana. The tamed elk calf's mother was perhaps killed with the Winchester M1866 rifle leaning against the corner of the sod-roofed cabin. (U.S. Geological Survey photo, courtesy National Archives)

Winchester changed the name of his firm from the Henry Repeating Rifle Company (previously the New Haven Arms Company) to the Winchester Repeating Arms Company.

Aside from its vastly improved magazine, the first rifle to bear the Winchester name—later called the Model 1866—had a brass receiver, which housed the

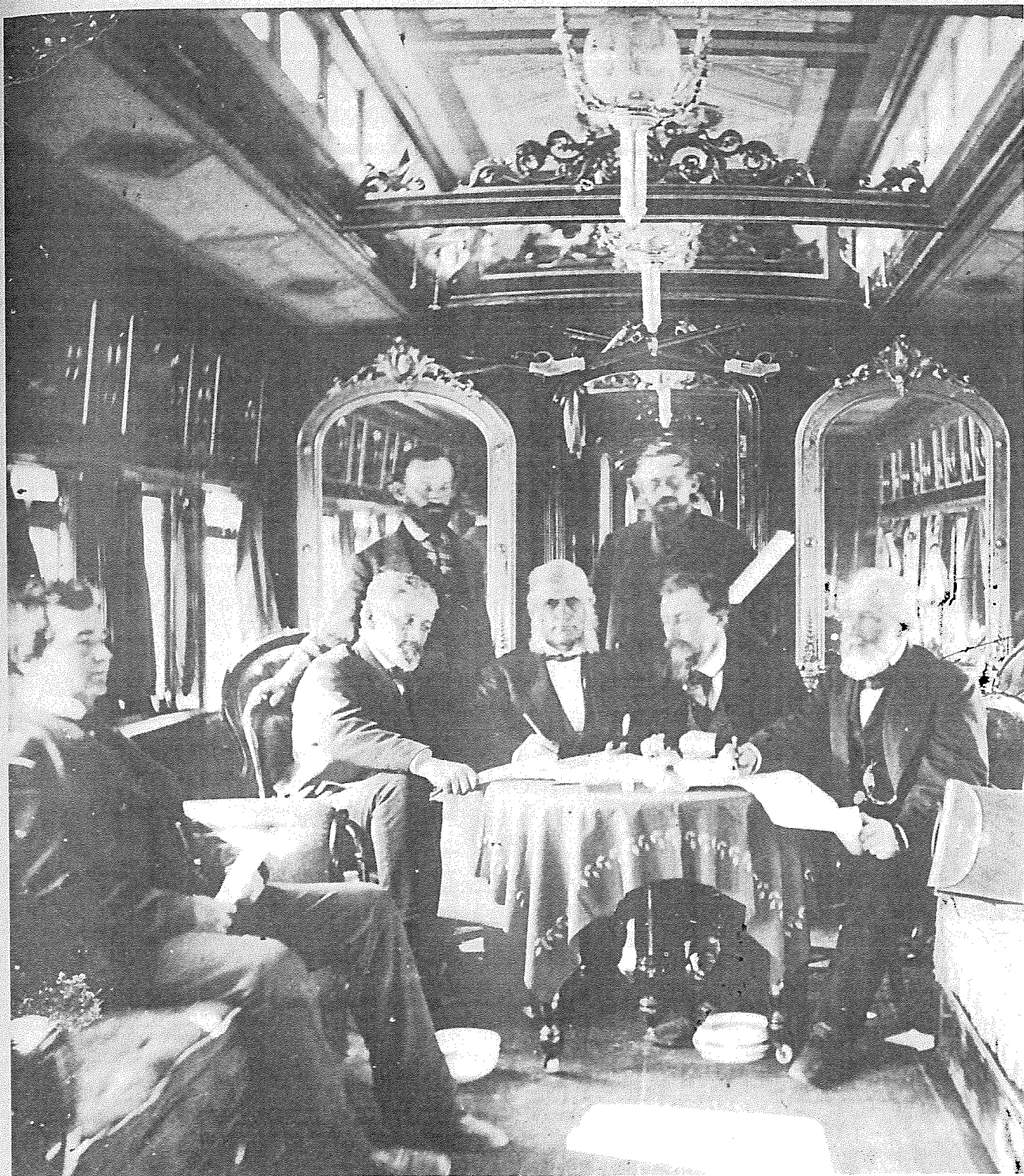
same toggle-link action used in the Henry. Moreover, it chambered the same cartridge, a .44 rimfire round with a bullet of about 200 grains and a 28 grain powder charge. Two standard versions of the 1866 Winchester were available: a rifle with a 24 in. octagon barrel, and a carbine with a 20 in. round barrel. A little extra money, however, would buy a fancy stock, fancy sights,



Winchester M1866 rifle used by a driver on the stagecoach line between Cheyenne, Wyoming Territory, and Deadwood, Dakota territory. (Courtesy Union Pacific Museum)

00540
Exhibit 32

RIFLES



Directors of the Union Pacific Railroad meet in Thomas C. Durant's private car, lavishly furnished with crystal chandeliers, fancy mirrors, and china spittoons, as well as a pair of Winchester M1866 rifles and a pair of Colt-type percussion revolvers, probably M1851 Navies (c. 1868). (Courtesy Union Pacific Museum)



Winchester Repeating Rifles!

Firing Two Shots a Second, as a Repeater, and Twenty Shots a Minute as a Single Breach-Loader.

These powerful, accurate, and wonderfully effective weapons, carrying eighteen charges, which can be fired in nine seconds, are now ready for the market, and are sold by all responsible Gun Dealers throughout the country. For information send for circulars and pamphlets to the WINCHESTER REPEATING ARMS CO., New Haven, Conn. oct7w229

Leavenworth (Kansas) *Times and Conservative*, October 1868.

or fancy metalwork such as plating and engraving. With the magazine fully loaded and a round in the chamber, the rifle would hold a maximum of eighteen cartridges; similarly loaded, the carbine would hold fourteen. Because the Winchester and the Henry were sometimes used side by side on the frontier, the Henry might be mistakenly called an "eighteen shooter," or the Winchester a "sixteen shooter," by a casual observer.⁴²

Although manufacture of the arm began in 1866, there were evidently no domestic sales until 1867. Company officials recalled that, except for one or two sample arms, the first two carbines sold in this country went to Major H. G. Litchfield, adjutant for the Department of the Platte, in late August of 1867. However, a small quantity may have left the factory before that: in the spring of 1867 a cavalry detachment in Wyoming surprised a band of Indians about to attack a wagon train on the Platte River; Finn Burnett and two soldiers chased one Indian into a hollow, where he put up a stiff fight before going down. Burnett "took from him the first Winchester rifle I had ever seen."⁴³

Apparently neither Winchester nor its dealers made much of an effort to promote the new arms until 1868. They were advertised in Galveston and Brownsville papers in February of that year, and in March the Freund brothers, with large advertisements in the *Cheyenne Leader* and the *Frontier Index*, proclaimed

Dupont's Gunpowder, Safety Fuse,

—AND—

WINCHESTER REPEATING ARMS.

DUPONT'S Superior Mining Powder (saltpetre), F FF-FFF.

DUPONT'S Blasting Powder, in air-tight corrugated Iron Kegs, C-F-FF-FFF.

DUPONT'S Celebrated Brand, Diamond Grain, Nos. 1, 2, 3 and 4, in 1 lb. and ½ lb. canisters.

DUPONT'S Unrivalled Brands, Eagle Duck and Eagle Rifle, Nos. 1, 2, 3, in half kegs, qr. kegs, 5 lb. tins, and in 1 lb. and ½ lb. canisters.

DUPONT'S Standard Rifle, Fg-FFg-FFFg, in kegs, half kegs and qr. kegs, and in 1 lb., ½ lb., and ¼ lb. canisters.

DUPONT'S Superior Rifle, A. F. & Co., F-FF-FFF, in kegs, half kegs, qr. kegs, and in 1 lb., ½ lb. and ¼ lb. canisters.

DUPONT'S Cannon, Musket, Meal and Fuse Powder.

EAGLE SAFETY FUSE (manufactured near Santa Cruz, Cal. by the L. S. & P. Co.) Constantly on hand full supplies of their Celebrated Brands, Waterproof and Submarine, Triple Taped, Double Taped, Single Taped and Hemp Fuse. Fuse made especially to explode the Giant Powder and Hercules Powder Caps.

The above named Fuse are warranted equal to any made in the world.

WINCHESTER REPEATING ARMS (Henry's Improved) and Fixed Ammunition.

A large and complete stock of these celebrated arms constantly on hand, to wit:

Repeating Sporting Rifles—Oiled Stocks.

Repeating Sporting Rifles—Varnished Stocks.

Gold, Silver and Nickel-plated Rifles—beautifully Engraved.

Repeating Carabines—Oiled Stocks.

Repeating Carabines—Gold, Silver and Nickel-Plated and Engraved.

Muskets—Angular or Sword Bayonets.

Full stock constantly on hand of all the different parts of the Winchester Arms.

Cartridges in cases (Brent's H.), manufactured by the W. R. A. Co. expressly for their arms.

A full and complete stock of the above named merchandise always on hand and for sale by

JOHN SKINKER, Sole Agent,

5421 G. 1000

105 Battery Street, S. F.

San Francisco Mining and Scientific Press, March 1872.

themselves "Sole Agents For the Whole West For the Celebrated Winchester's Patent Repeating Rifle And Carbine." A. D. McAusland of Omaha also advertised the Winchester in 1868, and in October of that year the Winchester firm itself placed ads in the *Omaha Republican* and the *Leavenworth Times & Conservative*, complete with illustrations of the carbine. An early and famous carbine that went West was the special-order arm acquired by Gen. Grenville Dodge, chief engineer for the Union Pacific railroad. This gun (se-



First camp of the John Wesley Powell expedition to explore and map the present state of Utah. A M1866 Winchester rifle leans against a clump of willows to the left of the tripod. During the 1860s and 1870s photographers such as William H. Jackson, Timothy O'Sullivan, and E. O. Beaman (who took this photo in

1871) created lasting images of the West and its inhabitants, despite the difficulties posed by their primitive equipment and techniques. (U.S. Geological Survey photo, courtesy National Archives)

rial no. 14,998) has a sporting-rifle buttplate and fancy wood; the left side of its frame is engraved: "Genl G. M. Dodge/U.P.R.R."⁴⁴

Distribution of the 1866 Winchester grew rapidly during and after 1868. William E. Webb, who traveled across the plains in that year, wrote that:

I became very fond of a carbine combining the Henry and King patents. It weighed but seven and one-half pounds, and could be fired rapidly twelve times without replenishing the magazine. Hung by a strap to the shoulder, this weapon can be dropped across the saddle in front, and held there very firmly by a slight pressure of the body . . . and with a little practice, the magazine of the gun may be refilled without checking the horse. So light is this Henry and King weapon that I have often held it out with one hand like a pistol, and fired.

Charles Nessiter's party, which left Fort Belknap for Denver in 1868, took along "nine Winchester repeating rifles," four English double rifles, and a double-barreled, eight-bore duck gun (which when loaded

with about two ounces of shot in each barrel "would be grand at close quarters"); two Caddo scouts who accompanied the party had Spencer carbines. During a three-day on-and-off fight with Comanches, the Winchesters proved to be the most effective arms.⁴⁵

Traveling across the frontier a year or two later, J. S. Campion and his men found that "our rifles especially interested the Indians, being of a pattern they had never seen before, for they were a then lately invented arm—Winchester's improved Henry's . . . Ours were carbine size, having, when loaded, fourteen shots in them." Winchesters also constituted the principal armament for the two parties that explored the Colorado River in 1869 and 1871.⁴⁶

The popularity of the 1866 Winchester on the frontier continued to increase even after the company brought out an improved model in 1873. But a good many westerners would have nothing to do with the early Winchesters or other repeaters, for reasons they considered very sound, and not until the 1880s did the repeating rifle assert its dominance over the single-shot breechloader.