



Written for the February 2019 Regional Gun Auction - #1032

Logan Metesh
02/08/2019

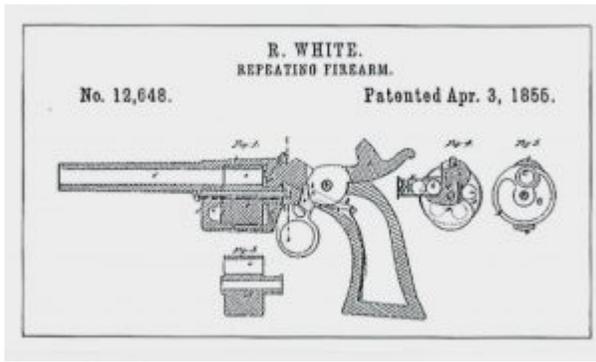


Lot 422: Smith & Wesson No. 2 Army revolver

Patent infringement is an age-old problem, and the firearms industry is not immune to its troubles.

One of the most important design breakthroughs in terms of handgun development was the bored-through cylinder. In 1849, while working for Colt, a man named Rollin White took parts from condemned guns and began experimenting with their cylinder design. Patented in April 1855, his new design allowed self-contained metallic cartridges to be inserted and extracted with ease from the rear of the cylinder. Since the age of Sam Colt's cap-and-ball revolvers still reigned supreme (at least until the patent expired a year later in 1856), this was quite the new development, both in terms of arms and ammunition. White left Colt within a year of securing his patent, partly due to the fact that Sam Colt refused to license it from him. Even though Colt had allowed White to work on the design using extra Colt parts, he viewed the bored-through cylinder as nothing more than a novelty.

Undeterred, White took his new idea to Smith & Wesson. They came to an agreement that paid White a licensing fee of \$497 up front and a 25-cent royalty for each revolver they sold using his design. With the country soon involved in a civil war and seeing that there would be an increased need for arms, White opened "Rollin White Arms Company" about 100 miles from Smith & Wesson. There, he made revolvers under his patent and sold most of them directly to S&W to keep up with demand. By 1864, he had sold the business



to Lowell Arms Company. Unfortunately, they continued making guns using White's design, which infringed on his patent, so he sued them. All told, Lowell made approximately 7,500 revolvers before the suit was over.

The battle with Lowell Arms Company began a long process of litigation between White and S&W that involved lawsuits against a large number of small gun manufacturers. Most of the time, White and S&W won the cases. Sometimes the offending company was forced to pay royalties; other times, they were bought out and the guns were re-marked with

White's patent info before being sold. One of the key pieces of brilliance on Smith & Wesson's part in their royalty agreement with Rollin White was that he was responsible for paying his own court costs when it came to defending his patent. So even though S&W was paying White for each revolver they made, most of his royalties were tied up in court fees.

Indeed, White at one point or another filed suit against manufacturers such as Moore's Patent Firearms Company (later the National Arms Company which would be bought up by Colt), Manhattan Firearms Co, Merwin & Bray, and Allen & Wheelock. Not to mention other manufacturers such as William P. Uhlinger who knowingly manufactured patent-infringing revolvers with "trade names" to hide who was truly making them. His "D. D. Cone" marked revolvers are a prime example of this. In addition to misleading "trade names" some of Uhlinger's revolvers were also marked with the incorrect city, and others weren't marked at all.



Here we can see the striking similarities between Plant's Mfg First Model, a cupfire revolver designed to circumvent White's patent, and a Smith & Wesson Model No. 2 (bottom).

When White was denied a patent extension in 1870, he decided to petition Congress on the grounds that he hadn't been fairly compensated by S&W under the agreement he signed. It is estimated that S&W had made the modern equivalent of \$17.5M from White's design and that they had only paid him the modern equivalent of \$1.2M in royalties. White's petition passed in both houses of Congress, but was vetoed by President (and former Civil War general) Ulysses S. Grant. One of the reasons he cited was from Chief of Ordnance Alexander Dyer, who called White's patent an "inconvenience and embarrassment" to the military because it prevented manufacturers from creating revolvers with his innovative design during a time of war.

Even though Rollin White had a great design that we still use today in revolvers, his bad business deal with Smith & Wesson led to his financial ruin. He gave up on recouping his losses through Congress in 1877 and he died in 1892.



Lot 4252: Two Antique Smith & Wesson Single Action Revolvers. The bottom revolver was manufactured for S&W by the Rollin White Arms Co.

There are two important guns in this lot for the February Regional Auction. The Smith & Wesson revolver is called a Model No. 1 Second Issue and the White revolver is known as a Pocket model. The guns are visually quite similar, with the uneducated eye unlikely to spot the differences right away. Both fire .22 Short rimfire cartridges, have square butt frames, rosewood grips, spur triggers, and octagonal barrels. However, there are some differences between the two. The S&W is a tip-up design, with a hinged barrel that swings up and out of the way to remove the cylinder. The White uses a center pin that is pulled out of the frame to release the cylinder.

Offered here is an opportunity to tell the S&W/White story with two revolvers – one made by Smith & Wesson and one made by Rollin White Arms Company – while only having to bid on a single lot. Don't miss this pair of guns with a fascinating history of arms development, patent infringement, and legal system

caution.



Opposite side. The top is a S&W No. 1 Second Issue.