

The 'Confederate' Winchester

By Benjamin P. Michel

I am well aware and as all of you who know me also know, I have no expertise to justify talking about Winchesters. All of you who are knowledgeable about Winchesters know that the company did not begin production under that name until after the surrender at Appomattox. So, what on earth is meant by a "Confederate" Winchester? Bear with me for a while and I will explain.

My story begins with a telephone call I received from a friend, Frank Townsend, about 35 years ago. Frank and I had become acquainted about the time he had opened a small militaria shop near my house. Frank was a collector of British uniforms and badges. That was his primary interest rather than weapons. As a result, I would get an occasional call from Frank when someone brought a gun into his shop to sell or trade. On the night of this particular call, I had just sat down to dinner (Frank's shop was only open certain nights and on the weekend). I suppose I was a little impatient with Frank's effort to describe a gun which had been brought to his shop. He said it was about three or four feet long, the wooden stock extending about half way up the barrel and that it had the name Pomeroy on it. I, of course, knew immediately what he had. It had to be a cut down model 1816 musket originally made under contract by Lemuel Pomeroy of Pittsfield, Massachusetts. It must be one of many such guns which had been shortened to serve as a shotgun after it had served its useful life as a military weapon.

I told Frank that I had no interest but he was insistent. In his words, this was a "beautiful gun" and I must come to his shop to see it because the owner wanted to sell it and Frank did not know what would be a fair price.

Even though I had no interest, I wanted to humor my friend. I agreed to go to his shop once I finished my dinner. Needless to say, the gun was no cut down surplus musket. What Frank had was an M1866 Winchester, very early production, engraved (Figure 1), with two presentations. The first presentation

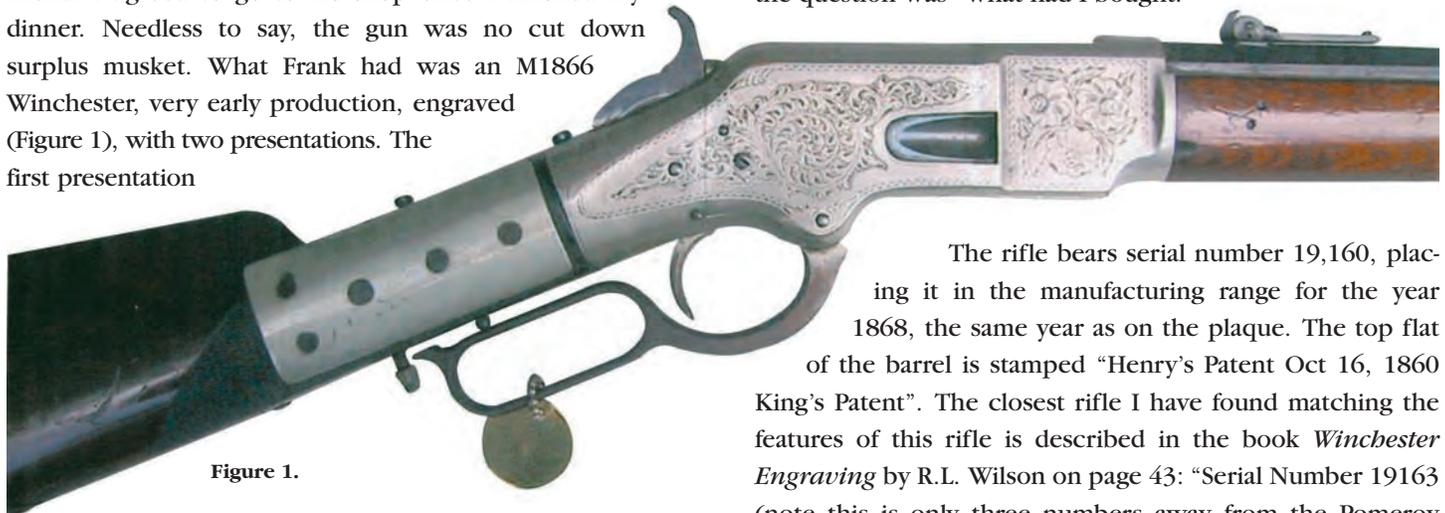


Figure 1.



appears on a large silver shield inlaid into the left side of the butt stock indicating it was presented on May 15, 1868 to M.M. Pomeroy of La Crosse, Wisconsin (Figure 2). The second presentation appears on the butt plate, engraved on the lid to the cleaning rod recess in the stock, and reads "from M.M. Pomeroy to Col. James E. Jones, Sept. 1873" (Figure 3). Needless to say, I was interested.

I asked Frank the price of the gun but was told the owner had not set a price and that Frank did not know what to offer. I told Frank to pay whatever the owner wanted. I felt pretty safe that a gun like that, walking into a small shop in Bloomfield, New Jersey, was unlikely to be overpriced. Frank asked if the owner would not set a price and wanted an offer, what amount should he say. I named a figure and then spent the next few weeks anxiously waiting to hear from Frank as to whether he had closed the deal. Finally he called and quoted me a price at which the rifle could be mine at only slightly more than the figure I had named. Now the question was "what had I bought?"

The rifle bears serial number 19,160, placing it in the manufacturing range for the year 1868, the same year as on the plaque. The top flat of the barrel is stamped "Henry's Patent Oct 16, 1860 King's Patent". The closest rifle I have found matching the features of this rifle is described in the book *Winchester Engraving* by R.L. Wilson on page 43: "Serial Number 19163 (note this is only three numbers away from the Pomeroy



Figure 2.

rifle) Model 1866 rifle with Henry's Patent barrel markings and a specimen of very late Henry style engraving. Silver plated frame, select walnut stocks."¹ It is then credited to Thurston Van Horn's collection.

So who was M.M. Pomeroy and what is the significance of the date May 15, 1868 and, what was Pomeroy's connection to Colonel Jones, whoever he was? At the time, between my law practice and other demands, I had no time to pursue the answers to these questions. The first opportunity to begin such an investigation occurred years later when I was representing Merril Dow Pharmaceuticals. My work involved the investigation of the last of the claims brought in the United States and Canada on behalf of children born with anomalies (birth defects) that were said to have been caused by their mothers' taking Thalidomide during pregnancy. These claims were brought in most cases some twenty years after the children were born in order to prevent the statute of limitations running on their claims once they reached adulthood. As such, it was necessary to investigate circumstances which had occurred decades in the past. To do this, I traveled this country and Canada. Among the many places I had to go was none other than La Crosse, Wisconsin. There was a doctor in La Crosse whose testimony I needed. With some foresight, I arranged my stay in La Crosse to give me additional time to see what I could find out about Mr. Pomeroy and the events in La Crosse of May 15, 1868.

To do this, I logically went to the local library where I was given access to the microfilm of the newspaper published around that date, called the La Crosse Democrat. Bleary-eyed, I spooled through the microfilm reels without success in identifying any special local event which had occurred on May 15, 1868, much less any reference to the presentation of this rifle. I decided that it must have taken some time to secure the rifle and have the plaque prepared, so I continued to search the



Figure 3.

paper for months after May, still to no avail. I was getting discouraged, needless to say, when my associate, looking over my shoulder at the microfilm reader screen asked me what name I was looking for. When I said it was a person named M.M. Pomeroy, she smugly suggested that I try looking at the masthead of the paper. Having ignored the masthead in my search of the paper's content, it took but a moment to see that M.M. Pomeroy was none other than the publisher of the paper. Not only did this discovery solve some of the initial mystery of who this man was, it also led to solving the mystery of the strange box-like object which appears under Pomeroy's name on the inscription. (see Figure 2)

That question was solved by the letters to the publisher which were printed in the paper addressed "Dear Brick", an apparent reference to what I later found out was Pomeroy's nickname. The strange block on the plaque was simply a depiction of the name "Brick" by which Pomeroy was known locally.

The date on the plaque (May of 1868) also made sense as Pomeroy's newspaper had virulently opposed the ongoing effort at that time on the part of the 'radical Republicans' in the United States Congress to remove Andrew Johnson as President by impeachment. The date, I believed, celebrated the defeat in that month of the radical Republicans' attempt to convict President Johnson.

So now I know who Mr. Pomeroy was, what the depiction of a block refers to on the plaque and, presumably, what the date refers to. Or do I?

When Andrew Johnson became President upon the assassination of Abraham Lincoln, he inherited Lincoln's Cabinet, including the Secretary of War, Edwin Stanton. Stanton was continuously outspoken in his differences with Johnson. Because of this, to prevent Johnson from replacing Stanton, Congress passed the Tenure of Office Act in 1867.

The act required Senate approval before the President could fire any official who had been approved by the Senate. When Johnson nonetheless suspended Stanton, the radical Republicans in Congress seized upon this as a means of removing Johnson as President. The House of Representatives voted to impeach Johnson by a vote of 126 to 47.² The premise was that Johnson had violated the Tenure of Office Act by suspending Stanton and that this constituted a “high crime” for which he could be impeached. Johnson’s trial in the Senate began on March 30, 1868 but did not reach a vote until May of that year.

On May 16, 1868, the day *following* the date on the plaque, the historic vote was held with the result that the effort to convict Johnson had failed, albeit by the narrowest of margins. Only 35 out of 54 Senators voted for conviction, one short of the two-thirds majority required. The final deciding ‘not guilty’ vote was cast by Senator Ross of Kansas.³ Ross’ former friends are said to have thereafter turned away when they encountered him. By his vote, Ross sacrificed everything personal and professional, taking a stand for what he believed to be the only right course of action.⁴ His stance, and that of other Senators who voted with him, is described in John F. Kennedy’s book *Profiles in Courage*.

Despite the fact that May 15, 1868 is a day prior to which the actual vote was taken, it is impossible to read Pomeroy’s diatribes in the days leading up to the vote—railing against the radical Republicans in all respects—but in particular in their effort to remove Johnson from office—and not conclude that the presentation of this rifle is associated with the events in Washington for which Pomeroy had fought so hard.

This brings us to the question of who was this man, M.M. Pomeroy, beyond editor of a newspaper in La Crosse, Wisconsin? Why was he so vested in defeating the efforts of the radical Republicans to remove Andrew Johnson as President of the United States?

Pomeroy’s life is far too complex to treat in depth in anything short of a book. Born in Elmira, New York in 1833, he worked at various newspapers in New York and Canada before founding his first paper in Corning, New York. That paper was followed by a succession of others, including the La Crosse Democrat, which he started in 1860.⁵ He acquired his nickname of “Brick” when the Louisville, Kentucky Journal reprinted a humorous satire he had written and commented that the writer must be a “perfect brick”.⁶ In 1869, Pomeroy, while continuing to publish the La Crosse Democrat, moved to New York where he fell in with the notorious Boss Tweed. Tweed apparently gave Pomeroy the financing he needed to start a paper there, the *New York Democrat*, to be sympathetic to Tammany Hall and thereby

receive, in return, the award of city printing contracts. In New York Pomeroy also founded his own weekday paper, *Pomeroy’s Democrat*.⁷

After he fell out with Tweed, Pomeroy’s next move was to Chicago where he published another paper under the same name. That paper’s masthead proclaimed it to be the “Leading Democratic Paper of the West” which had been “removed from New York January 1, 1876 to Chicago”. In Chicago, he became a leader in the Greenback Movement and was the Greenback Party’s nominee as candidate for President of the United States. When that movement collapsed in 1879, he returned to La Crosse to restart *The Democrat* but within months he had moved on again, this time to Denver, Colorado.⁸

I have yet to obtain first-hand confirmation of all of Pomeroy’s activities in Denver, and the secondary sources I do have raise serious questions about his various involvements. He did start up another newspaper which he called *The Great West*. It reportedly became the most popular paper in the state. Interestingly, something about the content was sufficiently notable to cause the Denver postmaster to ban its circulation through the mail. I have been unable to confirm the reason for that but, in any event, Pomeroy is said to have used his influence in Washington to reverse that ban.⁹

Denver was at that time in the center of an economic boom thanks to silver discoveries. Pomeroy apparently was not slow to join in, forming among his various business ventures the Great West Mining and Milling Company, the Black Hawk Mining and Milling Company, the Buckeye Mining Company in addition to a brick manufacturing company, a powder company, an electric supply company, a shipping company, a transportation firm, an artesian water company and, last but by no means least, ownership of the largest chicken farm in Colorado.¹⁰

Perhaps most colorful of Pomeroy’s Colorado enterprises was the Atlantic-Pacific Tunnel. This venture contemplated excavating a passage for railroad travel under the Rocky Mountains for 100 miles, an ambitious plan to say the least. There is evidence that between 1890 and 1892, work on this tunnel was done, one side tunneled over 4,000 feet and the other about 1,500 feet before the work was abandoned. Promotional materials for the tunnel project list Pomeroy as it’s “President and General Manager” with offices in the World Building in New York City (see Figure 3). Although Pomeroy was apparently successful in raising funds for this tunnel—he called it “the greatest mining enterprise ever projected in Colorado”—securing several million dollars in investors’ funds and traveling to Europe in this effort, the project collapsed after the silver crash of 1893. Not unexpectedly in such cases, questions were raised about

Pomeroy's use of the funds he raised and he was indicted by a Colorado grand jury for "malfeasance in office". The matter never came to court and nothing ever came of the charges leveled at Pomeroy.¹¹

During his successful years in Denver, Pomeroy enjoyed the good life. He lived in a \$65,000 mansion, an extraordinary sum at the time. The house had been built, appropriately enough, entirely of brick, the first of its kind in Denver. With the failure of his business ventures, Pomeroy was forced to file for bankruptcy and was subjected to numerous lawsuits. By the time things were collapsing around him, Pomeroy had returned to New York. Pomeroy died in 1896 and his ashes, at his wish, were scattered from the Brooklyn Bridge.¹²

In addition to his many newspaper publications, Pomeroy wrote numerous pamphlets and at least seven books, one of which purported to be a biography of the notorious General Benjamin F. Butler. Actually, it was more of an expose. Butler had represented Pomeroy's first wife when she divorced him and Pomeroy had given Butler the moniker of "spoon thief" for his conduct in New Orleans, a matter of lasting embarrassment for the General. No love lost there.

So we know who Mr. Pomeroy was—what is the Confederate connection? although Pomeroy was publishing in northern Wisconsin throughout the Civil War, his sympathies were plainly with the south. In his editorials, he urged that the south be appeased, writing on June 2, 1863 about a month before the northern victories at Gettysburg and Vicksburg that "the history of this war shows that we are not a match for the south."¹³ That same year, he supported Clement L. Vallandigham, an outspoken southern sympathizer, in his bid to be governor of Ohio. As the war progressed, rather than softening his views, his editorials have been described as nothing less than "increasingly inflammatory". He described the Union army officers as "tools" of a "wicked, unjust, unprincipled, tyrannical and despotic administration".¹⁴ He was no less restrained when attacking Lincoln personally. In an editorial which Pomeroy published in 1864 he characterized Lincoln as "the widow maker of the nineteenth century" and called the President both a "traitor and murderer".¹⁵ Pomeroy even managed to go south during the war to report events for his own and other newspapers, including the Chicago Times. Somehow during this same time it is believed he was able to cross the Union lines and into Confederate territory.¹⁶

Pomeroy remained no less a southern sympathizer after the war. On the front page of the paper he published on the same day as on the presentation plaque, May 15, 1868, he reported on an inscription found at the tomb of Confederate General Albert Sidney Johnson when the General's remains were being removed to a final resting

place in Texas. In that article is Pomeroy's own description of General Johnson as both a "hero and patriot".¹⁷

When the editor of the *La Crosse Republican* wrote an article charging that Pomeroy had been the leader of a treasonable organization responsible for Lincoln's assassination—the Knights of the Golden Circle—the story was given national publicity by Horace Greeley in his paper, *the New York Tribune*. Rather than hurting Pomeroy as Greeley intended, he and his paper, *the Democrat*, became nationally known and the paper thereafter received tens of thousands of subscriptions from the residents of former Confederate states.¹⁸ In fact, so well respected had Pomeroy become in the former Confederate states, among the honors he received was the offer from a small institution of higher learning in the valley of Virginia, then known as Washington College, to be its commencement speaker. As many of you know, it was to Washington College, now known as Washington and Lee University, that General Lee had gone to spend his final years as the school's president. A matter of no small interest to me as one of that school's proud graduates.

I have had little success in my efforts to learn about Colonel Jones to whom Pomeroy presented the rifle in 1873 and nothing to indicate under what circumstances Pomeroy decided to make this subsequent presentation of the rifle to Colonel Jones. I have located the obituary published by *The New York Times* for Colonel Jones who died in 1918. The obituary describes Colonel Jones as having been for many years the superintendent of the New York Aquarium and a Deputy Collector of Customs during the administration of President Grover Cleveland. Apparently, Colonel Jones lived a long and full life as he was 90 years of age at the time of his death, served in the Civil War as a Captain in the Quartermasters Corps and was brevetted three times for meritorious conduct. He also served as a Deputy United States Marshall in the southern district of Kansas.¹⁹ In an article which appeared in the *New York Times*, at the time in 1898 when Colonel Jones became associated with the New York Aquarium, Colonel Jones comes through as a man of good humor, describing the seals as his favorites because the way they squirt water over the people. In his words "this is just too funny for anything, except to the person who gets squirted."²⁰

Pomeroy may have become acquainted with Colonel Jones when Pomeroy initially became involved in New York Democratic politics in the early 1870s. Both were certainly involved with the Tammany Hall political machine, or they may have come into contact with one another when out west.

Our former distinguished member and my good friend, Ralph Arnold, used to tell a story of a child's parents who were frustrated in their inability to find anything that seemed to interest their child. Everything bored the child until one

day his parents bought him a book about penguins. The boy could not seem to put the book down. Every day he was immersed in every word and picture in the book until one day when he was seen writing something in the book. Assuming what he had written was the key to finding other things that could hold their child's interest, much less this intently, the parents could hardly wait to read what he had written. Once the child had fallen asleep, they carefully opened the book and read the following "this book contains more information about penguins than anyone could possibly want to know."

I hope I have not bored you with more about the history surrounding Brick Pomeroy and his rifle than anyone could possibly want to know. I thank you for your patience in taking this journey with me.

NOTES

1. Wilson, R.L., *Winchester Engraving*, published by Beinfield Books, Palm Springs, California, 1989, p. 41.
2. Smith, Gene, *High Crimes & Misdemeanors, The Impeachment and Trial of Andrew Johnson*, published by William Morrow and Company, New York, New York, 1977, p. 235.
3. Ibid, p. 293.
4. Ibid, p. 294.
5. New York Times Obituary published May 31, 1896 "*Brick*" Pomeroy Dead.
6. Unpublished Manuscript, author not identified, dated 11/16/40 with initials KV, p. 4.
7. Ibid, p. 16.
8. Ibid, p. 18-19.
9. Atchley, Danny V., *The West's Greatest Failure*, published in *The Golden West* published by Stagecoach Publishing Company, Rockville Centre, New York, April 1973, pp. 10, 50-51.

10. Ibid, p. 50.
11. Ibid, p. 51.
12. Ibid, p. 51.
13. La Crosse Democrat, June 2, 1863.
14. Manuscript, p. 12.
15. Ibid, p. 14.
16. Ibid, pp. 10, 16.
17. La Crosse Democrat, May 15, 1868,
18. Manuscript, p. 14.
19. New York Times Obituary published January 4, 1918, *Colonel James E. Jones*.
20. New York Times Article published April 10, 1898, *Col. Jones at Aquarium*.

ACKNOWLEDGMENT

I am indebted for their assistance in my search for background information on "Brick" Pomeroy to the staffs of the La Crosse Public Library and the Murphy Library of the University of Wisconsin, both of La Crosse, Wisconsin and to the staff of the Wisconsin Historical Society in Madison, Wisconsin. In addition to the sources cited in the Notes, there is an extensive biography of Pomeroy in the form of a doctoral thesis written by Ruth A. Tucker entitled *M.M. "Brick" Pomeroy: Forgotten Man of the Nineteenth Century*. It is available online from the Murphy Library. An excellent article on Pomeroy's activities during the Civil War by renowned historian, Frank Klement, published in the Wisconsin Magazine of History entitled "*Brick*" Pomeroy, *Copperhead and Curmudgeon* is also available online. A paper submitted in 1953 in partial fulfillment of course requirements in the Department of History in the Graduate College of the State University of Iowa entitled *Mark M. Pomeroy: Copperhead Editor: A Study in Transition* by Harry Frederick Banasberg is available online from the La Crosse Public Library Digital Library Collection. As my search is far from over, all assistance is appreciated.