



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

49766-3

Martinsburg, WV 25405

www.atf.gov

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3311/300-981

OCT 17 2013

This refers to the submitted Winchester, Model 1873 Saddle Ring Carbine, received by the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), May 31, 2013, as well as all recent correspondence in connection with this item. You submitted this firearm for consideration for removal from the provisions of the National Firearms Act (NFA).

As you are aware, the term "firearm" as defined in the NFA, 26 U.S.C. Section 5845(a) (3), includes a rifle having a barrel or barrels of less than 16 inches in length. It is unlawful for anyone to possess an NFA firearm that is not registered in accordance with the provisions of the NFA.

However, Section 5845(a)(3) also states that this term shall not include a weapon which the Attorney General "finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon."

Based on the information you provided, as well as our research and examination, FTB has determined the following firearm is primarily a collector's item and is not likely to be used as a weapon. Accordingly, the firearm is hereby removed from the provision of the NFA:

Winchester, 1873 Saddle Ring Carbine, .44 W.C.F. caliber, serial number 604237B; with factory-fitted 14-inch barrel.

As you may be aware, a regulation implementing Federal firearms laws, 27 CFR Section 478.11 defines C&R firearms as those "which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as an offensive or defensive weapons."

To be recognized as C&R items, this section specifies that firearms must fall within one of the following categories:

- (a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas of such firearms.*
- (b) Firearms which are certified by the curator of a municipal, State or Federal museum which exhibits firearms to be curios or relics of museum interest; and*
- (c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.*

Proof of qualification of a particular firearm under category (c) may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available except as collector's items or that the value of like firearms available in ordinary commercial channels is substantially less.

Our research has confirmed that the submitted firearm was manufactured at least 50 years prior to the current date, as described in category (a) above. Accordingly, we have found the above listed firearm to be a curio or relic ("C&R") item as defined in 27 CFR Section 478.11. This determination authorizes licensed collectors to acquire, hold, or dispose of it as a C&R firearm subject to the provisions of 18 U.S.C. Chapter 44 and 27 CFR Part 478. It remains a "firearm" as defined in 18 U.S.C. Section 921(a) (3).

We thank you for your inquiry and trust that the foregoing has been responsive to your request. The carbine will be returned to you using your Federal Express account number.

Sincerely yours,



for
Earl Griffith

Chief, Firearms Technology Branch



December 17, 2012

The manufacturer's data for Model 1873, serial number 604237, as extracted from the original Winchester records housed in the museum, are as follows:

Serial number applied on January 25, 1906

Type: Carbine

Caliber: 44

Barrel Length: 14 inches

Received in warehouse on March 1, 1906

Ship date and Order number blank on record

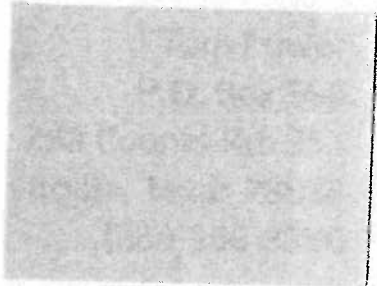
No other information is available for this serial number.

Sincerely yours,

Jessica A. Bennett
Records Specialist
Cody Firearms Museum

Letter for Model 1873 serial number 604237, page 1 of 1

This Factory Letter is a staff interpretation of handwritten, abbreviated records. Some errors may occur in transcription. This letter makes no representations concerning the authenticity, value, or ownership history of the firearm to which it pertains. It should be noted that some replicas and reproductions bear serial numbers identical to the original firearms.



Office of BATFE / Firearms Technology Branch
244 Needy Road
Martinsburg, WV. 25405

Re: Winchester Model 1873 Carbine serial number 604237b. .44 caliber original 14" barrel. Made in 1906.

Hello,

Per instructions from BATFE Agent Steve Bauer, I am sending this Winchester carbine to your office for inspection and subsequent classification as a Curio and Relic according to BATFE regulations.

Along with the carbine I have included the original copy of the Winchester Firearms Museum letter verifying the original shipment of this gun in 1906 and specifying a 14" barrel.

I have also sent copies of pages from "Winchester Model 1873 - A Tribute" by James Gordon. They describe the unique qualities of these short barrel carbines and a survey of their rarity. Also included is a copy of the page in the "Winchester Handbook" by George Madis about 14" carbines.

My FFL for Curio and Relic collecting and a paid return shipping label are also included.

I thank you in advance for your prompt attention to this matter and your aid in classifying this Winchester as the rare collectible that it is.

Yours Truly,



A few dealers lists and some foreign price lists offered twelve inch barrel carbines, but fourteen inch barrels for carbines, as on this baby, were the shortest length made for American customers.

MAGAZINES

Full length magazines were standard for carbines and rifles. Carbines with standard twenty-inch barrels have a magazine capacity of twelve cartridges. Full length magazines for twenty-four inch rifles carried fifteen cartridges. Muskets have a magazine capacity of seventeen cartridges. While it was seldom mentioned, Winchester recommended that

TABLE V
SURVEY of CARBINES by BARREL LENGTH and CALIBER

Barrel Length	Caliber			Total
	32	38	44	
14"	1	2	3	6
15"	2		24	26
16"	2	1	14	17
17"			7	7
18"			3	3
20"	46	77	579	702
23"			1	1
Total	51	80	631	762

