

Bridging the Mississippi

The same year Dey and Dodge set out to find the best route across Iowa to Omaha, Henry Farnam sponsored an unusual bill through the Illinois legislature. The bill incorporated the Railroad Bridge Company on January 17, 1853, and permitted the company to cross the Mississippi River within the state of Illinois at or near Rock Island. Farnam was president and chief engineer of the new company. Bonds of the bridge firm were guaranteed by the Chicago & Rock Island and the Mississippi & Missouri railroads.

An agreement was made with the M&M whereby it would cooperate in building the Iowa portion of the bridge. The colorful Antoine Le Claire deeded the necessary land on the west side of the river. All in all, the project involved three parts: a span across the narrow section of the river between the Illinois shore and "Rock Island," a right of way across the island, and a long bridge between the island and the Iowa shore. The boundary between the two states ran roughly down the middle of the channel, which was west of the island.

To complicate matters, the island was owned by the Federal Government. When it is realized no

bridge had heretofore been constructed across the navigable Mississippi from St. Paul to the Gulf of Mexico, the significance of the project is apparent. To the railroads it meant a new era of rapid and relatively inexpensive shipment of goods and passengers across the Nation's largest river. By contrast, ferries were cumbersome, slow and expensive. To steamboat interests it spelled the end of their supremacy on the Mississippi, which was their stronghold. Besides, a bridge was regarded as a nuisance that hampered navigation. It took little foresight to envision these "nuisances" all along the Mississippi River as railroads spread westward.

It is not surprising that river interests did not wait for the bridge to be constructed before marshalling their forces. Pressure was brought upon the Secretary of War to prevent construction on the Government's island and construction of the bridges over the river. This led the United States Attorney for the Southern District of Illinois to secure an injunction against the bridge firm.

The case of the *United States v. Railroad Bridge Company et al.*, came before the United States Circuit Court in July, 1855. John McLean, Assistant Justice of the Supreme Court, presided. The issue was primarily the right to cross the island, although the matter of obstruction to navigation was also involved. Judge McLean decided in favor of the Bridge Company, and the injunc-

tion was overruled. Thus round one went to the railroad.

In the interim, work continued on the wooden Howe truss bridge across the Father of Waters. The structure to span the main body of the river would have five stone piers, plus a larger, stone foundation for the draw span, to be located on the Illinois side west of the third pier. Small boats and rafts could easily navigate the 250 feet between the piers. But steamboats, with their tall smoke stacks, would be obliged to go through a narrower opening, provided by a draw-span when opened for river traffic. The entire structure was completed late in April, 1856, affording a unique gateway to Iowa.

All went well until the fateful day of May 6, when the steamboat *Effie Afton* was wrecked against the piers in attempting to pass through the bridge. The boat caught fire and was destroyed, as was part of the wooden span east of the draw, along with the draw, which likewise went up in flames. It was over four months before the bridge was sufficiently repaired to admit trains.

The owners of the *Effie Afton* lost no time in bringing suit against the Bridge Company. Notwithstanding that there was some evidence to indicate the boat might have been purposely wrecked, the river men hoped to recoup heavy damages by proving the span a menace to navigation. Each side had much at stake and buttressed their forces

for a decisive showdown. The case of *Hurd et al., v. Railroad Bridge Company* came up in the United States Circuit Court in September, 1857. Once again Justice McLean presided. A young lawyer, Abraham Lincoln, who had previously won an important case for the Illinois Central Railroad, was retained by the bridge firm. Although Lincoln and others as counsel for the defense ably acquitted themselves, the jury failed to agree and was discharged. The second round ended in a draw.

Both sides, however, knew that it was an uneasy truce, as feeling between river men and railroaders ran high. The United States House of Representatives appointed a committee to inquire into the whole affair. The committee conceded that the Rock Island bridge did pose a hazard to navigation but felt "that the courts have full and ample power to remedy any evil that may exist in that regard."

Court action was soon forthcoming when James Ward, a St. Louis steamboat operator, filed a bill in the United States Circuit Court of the Southern District of Iowa, asking that the bridge be removed. When the final hearing was held before Judge John M. Love in November, 1859, the judge upheld the complainant and declared the bridge "a common and public nuisance." Furthermore, the court ordered that the three piers and their superstructure, on the Iowa side of the bridge, be removed.

In view of this adverse decision, the Bridge Company had only one recourse before razing their bridge — at least the Iowa side of it. That was to appeal to the United States Supreme Court. The case was accordingly heard before that august body in December, 1862. In this instance the decision of the lower court was reversed, and the bridge was allowed to remain. In somewhat different words the Supreme Court reiterated the statement of Lincoln who said: "But there is a travel from east to west, whose demands are not less important than that of the river. . . . This current of travel has its rights, as well as that north and south. . . . the statement of its business during a little less than a year shows this importance. It is in evidence that from September 8, 1856, to August 8, 1857, 12,586 freight cars and 74,179 passengers passed over this bridge. . . . This shows that this bridge must be treated with respect in this court and is not to be kicked about with contempt."

The Rock Island, which built the first bridge across the Mississippi, not only won the right to keep its own bridge, but in doing so opened the way for other railroads to cross that river with impunity.