

THE PALIMPSEST

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The First Mississippi Bridge

In the third quarter of the Nineteenth Century a struggle was going on in the Mississippi Valley between the forces behind north and south traffic and similar forces whose direction lay across the continent from east to west. It was a contest between the old lines of migration and the new; between the South and the East; between the slow and cheap transportation by water, and the rapid but more expensive transportation by rail; and it arrayed St. Louis and Chicago against each other in an intense rivalry.

It was a struggle in which the river interests played a losing game. The steamboat could only follow the water systems, while the railroad companies could lay their rails almost anywhere. A crisis came when an audacious railroad flung its rails across the path of the Mississippi steamboats at Rock Island.

In the early fifties the firm of Sheffield and Farnam completed the construction of the Michigan

Southern Railroad into Chicago, and this was but the preface to the building of the Chicago and Rock Island Railroad by the same firm from Chicago to the Mississippi River. The first train on this line reached the bank of the river at Rock Island in 1854 — and came naturally and positively to a halt.

Mr. Joseph E. Sheffield, patron of the Sheffield Scientific School at Yale University, now retired from active construction work, but his partner, Henry Farnam, continued his interest and activity in railroad building. He associated himself with a group of men from Iowa, Illinois, and the East, who organized the Mississippi and Missouri Railroad. This company projected a railway beginning at Davenport, across the river from the railhead at Rock Island, and crossing the State of Iowa to the Missouri River at Council Bluffs.

In order to unite these two railroads and make continuous the line of rails across the Valley, it was necessary to bridge the Mississippi River. In all the length of the stream from St. Paul to the Gulf of Mexico no bridges existed. It was a navigable waterway consecrated by nature, so thought the steamboat interests, to the north and south commerce.

The railroad interests, however, were little disposed to give consideration to such traditions, and on January 17, 1853, they secured the passage of a law by the Illinois legislature incorporating the Railroad Bridge Company, and authorizing it to build, maintain, and use a railroad bridge over the

Mississippi River, or that portion lying within the State of Illinois at or near Rock Island.

Henry Farnam was president of the bridge company and was chief engineer in the construction work. The Railroad Bridge Company issued bonds which were guaranteed by the two railroad companies, and commenced operations. They had authority only to build across that portion of the river lying within the State of Illinois, but they made an agreement whereby they coöperated with the Mississippi and Missouri Railroad Company which could act under the authority of the laws of Iowa in the construction work on the Iowa side of the boundary. The latter company had secured from Antoine Le Claire a deed to the Iowa bank of the river at the required spot, and hence a right of way from the shore to the middle of the channel.

The construction really involved three portions: a bridge across the narrow arm of the river between the Illinois shore and the Island, a line of tracks across Rock Island, and the long bridge between the Island and the Iowa shore. The channel of the river passed the west side of the Island, and down the middle of this channel ran the boundary line between the two States. The bridge was of wooden superstructure and rested upon six piers between the Island and the western shore. Three piers were within the Iowa boundary and three on Illinois bottom. Of the latter three, the one nearest to Iowa was a large circular stone pier. It had a width of

45 feet and was prolonged up and down stream by guard piers until it reached a length of 386 feet. On this large pier rested the turntable or revolving section of the bridge which when turned at right angles to the rest of the bridge left an opening of 116 feet on the Illinois side of the pier and 111 feet on the Iowa side. Boats found the Illinois opening the more satisfactory because of eddies at the foot of the long pier on the Iowa side, and the latter was not used. The ordinary spans of the bridge had openings of 250 feet in the clear and through these went the lumber rafts — some as wide as 170 feet — and the boats without chimneys.

The opponents of this construction did not wait for the bridge to be built before beginning their attack. The Secretary of War directed the United States District Attorney for the northern district of Illinois to apply for an injunction to prevent the construction of a railroad across the Island and of bridges over the river. The case — that of the *United States v. Railroad Bridge Company et al.* — came before the United States Circuit Court in July, 1855. The presiding judge was John McLean, Associate Justice of the Supreme Court. The matter at issue was largely the right to cross the Island, which was government property, but the question of the obstruction presented by the bridges was also involved. Judge McLean upheld the right of the bridge company and overruled the demand for an injunction.

So the work proceeded. In the latter part of April, 1856, the bridge was completed and the first train pulled across to Davenport, much to the joy of the people of Iowa. Use of the new bridge, however, was soon interrupted. The steamboat *Effie Afton*, attempting to go through the Illinois opening on May 6th, was wrecked against the piers. The boat caught fire and was destroyed, the flames also consuming the wooden span east of the draw, thus putting the bridge out of commission. Over four months elapsed before repairs could be completed so as to allow trains to resume the crossing of the bridge.

The owners of the *Effie Afton* now brought suit against the bridge company for damages, the boat having been completely destroyed. This case — *Hurd et al. v. Railroad Bridge Company* — came to trial before Justice John McLean in the United States Circuit Court in September, 1857. Abraham Lincoln was one of the attorneys for the bridge company, and a report of his argument to the jury is printed in the pages following the present article. His colleagues as counsel for the defense were Joseph Knox of Rock Island and N. B. Judd of Chicago, while the counsel for the plaintiffs were H. M. Wead of Peoria and T. D. Lincoln of Cincinnati.

The testimony was voluminous, the plaintiffs relying largely upon the statements of steamboat pilots and captains who for the most part declared the

bridge a nuisance and a great obstruction to the navigation of the river. Prominent engineers were called upon the stand by both parties to the suit. In the end, however, the jury failed to agree and was discharged.

The feeling between river and railroad men was naturally not quieted by this outcome of the trial. The House of Representatives of the United States Congress, on January 4, 1858, instructed the Committee on Commerce to inquire if the railroad bridge across the Mississippi River at Rock Island was a serious obstruction to the navigation of that river, and if so to report to the House what action, if any, was necessary on the part of the government to cause such obstruction to be removed.

The committee made the investigation and came to the conclusion that the bridge *did* constitute a material and dangerous obstruction to the navigation of the river but they believed "that the courts have full and ample power to remedy any evil that may exist in that regard. At present they are disinclined to recommend any action by Congress in the premises".

Then came James Ward, a St. Louis steamboat owner, who on May 7, 1858, filed a bill in the United States District Court for the Southern Division of the State of Iowa asking that the bridge be declared a nuisance and ordered removed. Again voluminous testimony was taken. On the final hearing in November, 1859, Judge John M. Love gave his decision

upholding the complaint. He declared the bridge "a common and public nuisance", and ordered the Mississippi and Missouri Railroad Company to remove the three piers and their superstructure, which lay within the State of Iowa.

The attitude of Judge Love to the question of river versus railroad is shown in his opinion. "It involves", he said, "a question of public policy as well as private right. We must, therefore, continue the precedent which is to be established". He commented on the fact that Dubuque and Lyons were already contemplating bridges, and that probably McGregor, La Crosse, Muscatine, Burlington, Keokuk, Quincy, Hannibal, and St. Louis would follow. "Thus", he said, "if this precedent be established, we shall probably, in no great period of time, have railroad bridges upon the Mississippi River at every forty or fifty miles of its course." Such an impending catastrophe as this apparently had considerable weight in bringing him to a decision.

The piers, however, were not torn out, for the Mississippi and Missouri Railroad Company appealed the case to the United States Supreme Court. An interesting feature of Judge Love's decision lay in the fact that although the river commerce went largely through the Illinois opening and the difficulties of the steamboat men were in the passage of this regular channel east of the turntable pier, the outcome of the suit was to order torn out the Iowa part of the bridge, which side was not used by

steamboats, leaving the turntable and Illinois channel unchanged. The removal of the Iowa piers would in no way better steamboat traffic for the eddy would still exist on the Iowa side as long as the turntable pier was left untouched, and the latter could not be affected by Judge Love's court because it was upon the Illinois side of the boundary. Nevertheless the carrying out of the decree would have effectually put an end to the river crossing, for the old proverb "a half a loaf is better than none" does not apply to bridges.

The appeal came before the United States Supreme Court at its December term, 1862, and that court, though not by a unanimous decision, reversed the decision of the District Court and permitted the bridge to remain. The general attitude of the Court toward bridges is shown in the last paragraph of Judge Catron's opinion. Speaking of the insistence of the river men on the free navigation of the *whole* river from bank to bank, he remarked:

"According to this assumption, no lawful bridge could be built across the Mississippi anywhere. Nor could harbors or rivers be improved; nor could the great facilities to commerce, accomplished by the invention of railroads, be made available where great rivers had to be crossed."

The realization of the necessity of bridge crossings even over navigable streams had become widespread, and each year the railroads found less to fear in their contest on this point with the river interests.

The original bridge, however, did not have a long existence. In the sixties the United States Government resumed the use of the Island for military purposes. This led to an agreement in 1867 between government officials and the Chicago, Rock Island and Pacific Railroad Company, whereby the company was granted a new right of way across the western or lower point of the Island. A new bridge was to be built at this point, the government and the railroad each to bear half the cost, the bridge to be the property of the government and the railroad to have right of way over it. Upon the completion of the new bridge, the old bridge and tracks were to be removed. The new bridge was completed in 1873.

The original bridge across the Mississippi River thus had a life time of less than twenty years. For a decade its stone piers and wooden spans were the focus of a struggle that involved large issues. In 1921 Mr. Henry W. Farnam, of New Haven, a son of the builder of the bridge, visited the scene of his father's construction work. He found on the Island an ancient stone pier overgrown with vegetation — the only relic and monument of the veteran bridge that first spanned the Father of Waters.

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