

Memorial and the bridge case - L. 18.



CHAPMAN

1852 SEVENTY YEARS OF SERVICE 1922



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Judge Grant said in part: "How propitious is this day. How wonderfully good is that Divine Intelligence which has made it possible for you and me to stand here today and actually visualize this growing path across this mighty river—a path over which the 'iron horse' of the future will soon be speeding on its westward way of conquest. One by one, we, who have stood here today beneath the brightness of God's sunshine, will lay aside our work, our responsibilities and our pleasures and pass beyond the vale, but never in the history of time will this vast expanse of water be void of this crossing which is in its building at this hour."

But how soon was this very path to be upturned and made almost impassable to the "iron horse" of Judge Grant's declaring, through the jealousies and selfishness so inherent in mankind.

EARLY BRIDGE TROUBLES.

Those favorable to the waterways, and naturally opposed to the construction of the bridge, did not await the completion of the project before starting upon their destructive campaign.

"I am becoming fearful that our tenacity of the lower end of the island with our bridge and track will be questioned," said

break ground upon the island for the purpose of building a bridge to said island, or to use any rock or earth thereon, or to bring any laborers upon the island." In fact, gentlemen, we seem to be about done for the present."

"No," exclaimed Mr. Judd, who had silently been listening to the colloquy. "We have just begun. We will be as silent about our business as possible and some young district attorney busy-ing himself over this affair will do the rest."

And thus it proved. 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.—(6 McLean 517)—came before the United States Circuit Court in July, 1855. The presiding judge was John McLean, associate justice of the Supreme Court. The matter of 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.



"Now tell me, how fast does the water run under here?"

Mr. Farnam when discussing this phase of opposition with the two railroad presidents, Messrs. Jervis and Dix, in company with Mr. Judd.

"We have certain rights under our two charters," suggested Mr. Jervis, "as well as under that of the Railroad Bridge Company, and also under the Act of Congress of August 4, 1852, which grants rights of way to all rail and plank roads or macadam and turnpike companies through the public lands of the United States."

"I wrote the Secretary of War, Mr. Jefferson Davis, on March 8th," volunteered Mr. Dix, "calling attention to our argument as submitted, claiming right of way under this very act, but he advised on March 14th that the grant asked for would not be given."

"Now here comes these waterway adherents," exclaimed Mr. Farnam, "who has evidently misrepresented our case to such an extent that the custodian of the island, Mr. Danforth, has written the Secretary of War advising of the 'depredations' which we are now supposed to be perpetrating on the island."

"Yes," admitted Mr. Jervis slowly, "Mr. Warner has received notice under date of April 19th, stating, 'you are forbidden to

THE BRIDGE COMPLETED.

And on the morning of April 21, 1856, this wonderful structure stood forth complete and expectant of its load. On April 7, 1856, the Davenport "Democrat" recorded the fact that:

"There are four new locomotives at Rock Island waiting the completion of the new bridge to come across, named 'Nebraska,' 'Iowa City,' 'Kansas' and 'Ft. Des Moines.'"

On the 19th excitement was intense, because the "Democrat" carried a news item stating: "Engine and cars were seen to come as far across the new bridge as the draw."

And on the 21st: "The locomotive 'Des Moines' crossed the bridge to the Iowa shore."

And the following day: "Three locomotives, coupled together with two tenders and eight passenger cars, crossed the new bridge today."

Who can sense the satisfaction of these pioneers in their realization that the path of progress was even then opening in manifold strength toward them? What must have been the thought of achievement on the part of Mr. Farnam, Mr. Warner and Stone and Boomer when they witnessed the crossing of this moving load aggregating the extreme weight of 67 net

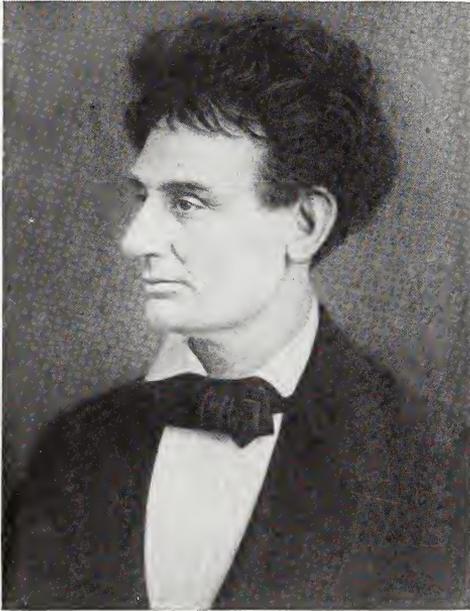
tons! Alas! when we think of one of our modern trains of this day—2,200 tons—we quickly gather a concrete idea of the development in our railroad during a generation.

And then came disaster!

THE BRIDGE DESTROYED.

Who can tell the true story of the Effie Afton, that Louisville-New Orleans packet sent north from St. Louis on her first trip? Who can describe the impelling thought that controlled this boat on the morning of May 6th—fourteen days after the crossing of the first train—when the boat proceeded some two hundred feet above the draw pier and then, one of her side wheels stopping, she swung in against the bridge? Who can tell just how the stove tipped over that set fire to the boat and which, in its burning, destroyed the span where it struck? Is it possible that Parker, the pilot, might solve the riddle were he here?

And after the owners of the Effie Afton had brought suit against the Bridge Company for damages, Norman B. Judd, Henry Farnam and Joseph Knox of Rock Island sat together



"Well, gentlemen, there is only one man in this country who can take this case and win it, and that is Abraham Lincoln."

over their cigars in the lobby of the Tremont Hotel, discussing the case.

"This man Hurd and his associates will, undoubtedly, secure a favorable verdict in the lower court," reasoned Mr. Knox. "owing to the prevailing sentiment."

"Well, we still have the United States Circuit Court open to us," commented Mr. Judd.

"And will need a strong, popular man to handle the case," interjected Mr. Knox.

"Well, gentlemen," said Mr. Judd, "there is only one man in this country who can take this case and win it, and that is Abraham Lincoln."

"And who is Abraham Lincoln?" queried Mr. Farnam.

"A young lawyer from Sangamon County," laughed Mr. Judd. "One of the best men to state a case forcibly and convincingly that I ever heard. And his personality will appeal to any judge or jury hereabouts. I heard him first at the waterways convention here in Chicago back in 1847 when we were after President Polk's scalp for vetoing as unconstitutional the bill which Congress had passed for the improvement of rivers and the construction of harbors in our Lake Michigan."

"Let's get him up here tomorrow," said Mr. Farnam, "and discuss the matter."

"I suggest," quietly interposed Mr. Judd, "that we take him in your private car and go to Rock Island, let him look the ground over, then abide by his opinion."

ABRAHAM LINCOLN AT THE BRIDGE.

So it happened that, a few days later, a young lad fifteen years old, sitting far out from the shore on one of the bridge spans watching the driftwood running with the river currents beneath, was accosted by a tall, dark-haired, genial man who stood beside him.

"Do you live around here, my boy?" he asked.

"Yes, sir," the lad replied, "in Davenport."

"And what might your name be?" asked Mr. Lincoln, for it was he.

"Brayton, Bud Brayton, they call me," replied the lad. "My dad helped build this railroad."

"Oh, I see," laughed Mr. Lincoln, and then composing himself beside the lad on the end of the bridge ties, his long legs hanging down towards the flowing water underneath, he continued, "And I suppose you know all about this river?"

"Well, I guess I do," replied the boy, looking up into the kindly face before him. "It was here when I was born and—and it's been here ever since."

"Well, well," laughed Mr. Lincoln, "I'm mighty glad I walked out here where there is not so much opinion and a little more fact. Now, tell me, how fast does this water run under here. Have you ever thought of that?"

"No," stated the other, "never have, but I know how to find out."

"I knew you did," smiled Mr. Lincoln. "Tell me how, will you?"

"Of course," returned the boy, "if you sight the logs and brush coming down the river, you'll see they swing out from the island up there about 300 yards, and then they swing in again right here under the bridge. Have you got a watch?" he queried, turning suddenly to the listening man.

"Right here," replied Mr. Lincoln, drawing a big silver time-piece from his vest pocket.

"Well, when I spy a log swinging out from the island," the boy exclaimed, "I'll tell you, and you take the time. Then, when it comes here under us, you can take it again and then we've got the distance and the time. Can't we figure it that way?"

And so it was in this wise that this man of the great heart and simple manner learned what he most wanted to know of the currents of this great river, through the intelligence and understanding of this boy, Benjamin R. Brayton, who, in after years, served the Rock Island Railroad faithfully as engineer, for a long period of time.

A few years hence, when the voice of the great emancipator was hushed, this boy, then nearing manhood, recalled ever afterward, in loving memory, a vision of his meeting with the great Lincoln and those hours spent with him on the Rock Island bridge above the muddy currents of the Mississippi.

When 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, Mr. Lincoln, when addressing the jury, said he did not propose to assail anybody; that he expected to grow earnest as he proceeded, but not ill-natured. He alluded to the astonishing growth of Illinois, owing to the great westward travel. "Illinois has grown within my memory," he said, "to a population of a million and a half. This current of travel," he continued, "has its rights as well as that of the north and south. This particular railroad line has a great importance and the statement of its business during a little less than a year shows this importance. It is in evidence that 12,586 freight cars and 74,179 passengers have passed over this bridge. Navigation was closed four months last year and during this time, while the river was of no use, this road and bridge were valuable." It was at this time that he predicted that more traffic would cross the river on the bridge than would ever pass beneath it.

Mr. Lincoln said there was no practicability in the project of building a tunnel under the river, for there "is not a tunnel that is a successful project in this world. A suspension bridge cannot be built so high but that the chimneys of the boats will grow up till they cannot pass. The steamboat men will take pains to make them grow. The cars of a railroad cannot, without immense expense, rise high enough to get even with a suspension bridge, or go low enough to get through a tunnel; such expense is unreasonable.

"The plaintiffs have to establish that the bridge is a material obstruction and that they have managed their boat with reasonable care and skill. As to the last point, high winds have nothing to do with it, for it was not a windy day. They must

show due skill and care. Difficulties going down stream will not do, for they were going up stream. My investigation of the river currents show they help, instead of hinder, the passage of boats." Mr. Lincoln said he had much more to say, many things he could suggest to the jury, but he wished to close, to save time, reciting information he had obtained from the Brayton boy about the river currents.

In the end, however, the jury failed to agree and was discharged.



"This building here shall be the first depot of any railroad in Iowa."

It was then that Congressman J. W. (Long John) Wentworth, in an impassioned plea before the House of Representatives for the maintenance of the bridge, succeeded in having Congress, on January 4, 1858, instruct the Committee on Commerce (from which has developed our present Interstate Commerce Commission) to investigate and report "if the railroad bridge across the Mississippi river at Rock Island, Ill., was, in fact, a serious obstruction to the navigation of that river."

The committee reported that "the bridge does constitute a material and dangerous obstruction to the navigation of the river, but it is our belief "that the courts have full and ample power to remedy any evil that may exist in that regard. At present we 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, Southern Division of Iowa, praying that the "bridge be declared a nuisance and ordered removed."

Judge John M. Love rendered his decision, declaring 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."

But this was not done, because an appeal made to the United States Supreme Court came before that body in December, 1862, reversed the decision of the District Court and permitted the bridge to remain and forever settled the controversy, in the words of Associate Judge Catron:

"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."

And Judge Grant's words, uttered years before, when the cornerstone was laid, became a prophecy:

"Never in the history of time will this vast expanse of water be void of this crossing, which is in the building at this hour."

THE MISSISSIPPI AND MISSOURI RAILROAD.

BRIGHT and dazzling came the sun to Davenport, across the Mississippi from the prairies of Illinois, on Thursday, September 1, 1853.

It was well after ten o'clock, when the two bands of the City began playing in front of the LeClaire house, on Fifth Street, and shortly a parade formed, under the direction of the Marshal of the Day, Mr. A. C. Fulton. First came the Odd Fellows, in full regalia, then the Turn Verein, and a large float containing forty or more of Strong Burnell's saw mill men. The assem-

bled people of Davenport, Rock Island and surrounding towns, then followed.

It was not long before the parade came to a pause at Fifth and Rock Island Streets, before a gayly decorated stand upon which the speakers of the day were waiting.

To the right of the platform, towards the river, the incompleat abutment of the great bridge was plainly visible.

These people, these fathers and mothers of a sturdy generation, were assembled, in companionship with their children, to witness the consummation of their fondest hopes—the commencement of the first railroad in their beloved State.

A short while before this day, they had gathered here to witness the laying of the corner stone of the great bridge, which was then beginning to take shape and show progress, and now, they were again assembled, to witness the turning of the first spadeful of Iowa soil, in consecration of their hopes and endeavors to the one great cause—a railroad.

They knew full well, that, across the river in Illinois, those constantly approaching parallel lines of iron rail would soon find an ending at the river's edge, and these people of Iowa were expectantly awaiting the first call from the "wonderful locomotive," as it paused on the opposite bank, hesitant, yet willing to follow the iron path of these peoples' building.

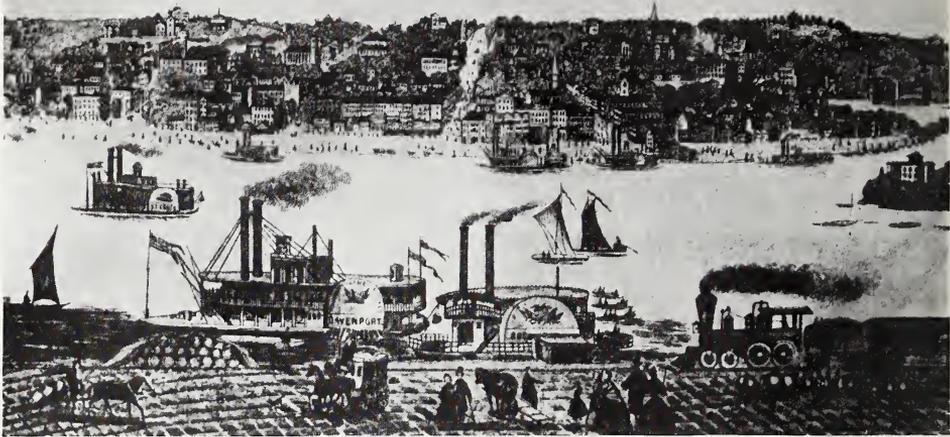
After the Rev. A. Louderbeck had invoked a Divine blessing upon the work and "Upon those who gave their time and services to this great undertaking," the Hon. John P. Cook, addressed the gathering and paid marked tribute to the "Railroad King of the West," Mr. Henry Farnam, and to Mr. Carmichael, the contractor.

THE FIRST EARTH TURNED.

Then Mr. Fulton said, "The time is here for the turning of Iowa's virgin soil in consummation of the effort and thought that has been directed to one project—the bringing of the "iron horse" to the far-stretching prairies of our beloved State. Here among us today, is one countryman, a friend and loyal citizen, who has ever turned a listening ear to the call for assistance in gaining this end. Therefore, who has the greater right to carry forward the first shovel of earth in this vast enterprise, than Antoine LeClaire?"



Engineer Samuel B. Reed in his tent on the frontier west of Davenport with profile and map of the M. & M. Railroad before him.



"Bright and dazzling came the sun to Davenport, September 1, 1853."

As LeClaire stepped from the speaker's platform, the cheers of those assembled were heard across the river in Rock Island. With spade and wheelbarrow, he proceeded to level away the ground in accordance with center stakes set in line with the great bridge, placed a new red cedar tie thereupon, and tamped the earth firmly around about it. This was the first touch given to the GREAT ROCK ISLAND—the original railroad in Iowa. And of the seedling, then planted, who can say that the tree branches therefrom are not sturdy and strong.

As Antoine LeClaire returned to the platform, he looked over the upturned faces before him and said:

"This day is propitious to the generations of this State and I feel highly honored in having been selected as the one to accomplish this beginning. Years ago the great Chief Keokuk gave me freely of the lands hereabout, and I, in turn, am giving freely to this railroad of these lands, for right of way for its tracks and for its shops and yards. This building here," indicating the home built years before for his wife, "shall be, if desired, the first depot of any railroad in Iowa."

Samuel B. Reed, who had served as construction engineer of the Michigan Southern and Northern Indiana Railroad, the first to reach Chicago from the east, and who was at this time actively engaged in building the Chicago and Rock Island Railroad to the Mississippi, was even, on this memorable day, vitally occupied with the preliminaries for constructing this great integral part of the ROCK ISLAND SYSTEM—that part of the Mississippi and Missouri Railroad extending from Davenport 55 miles distant to Iowa City, the capital of the State.

Peter A. Dey had been selected as chief engineer and he collaborated, to a great extent, in the construction work.

To him, in 1855, came a young engineer from the Illinois Central Railroad and began work as an axman. He soon advanced to the position of assistant engineer of the Mississippi and Missouri Railroad and was entrusted by Messrs. Farnam and Durant to ascertain the most practical route beyond the Missouri river for a railroad to the Pacific ocean, in order that their road in Iowa might have a proper connection. This man was Grenville M. Dodge, to whom, possibly, more than to any other man, lies the credit for selecting the route now followed by the "Rocky Mountain Limited" train de luxe of the Rock Island.

He made a thorough reconnaissance from Davenport by way of Des Moines to Council Bluffs. The only inhabitants between these points were a few hunters and trappers, and he found at Council Bluffs simply a Mormon settlement—the last outpost of civilization on the road to far-off California.

The central and western part of the States at this date was almost wholly unsettled. During the succeeding years, up to 1857, he vigorously carried on his railway surveys in the

location of the road of the Mississippi and Missouri, now constituting the Iowa Division of the Chicago, Rock Island & Pacific Railway Company. It is demonstrable from all his work of this character that he has had few equals, and no superiors, as a locating engineer, instinctively grasping, as he always has, the topography of the country involved and securing for those railroads the best possible line.

During the year 1857 Abraham Lincoln, then counsel for Illinois railroads, visited Council Bluffs and conferred with General Dodge with reference to a Pacific railroad and its future. These matters were in the mind of Mr. Lincoln when he became President, and when the Union Pacific bill was under consideration in Congress in 1863, and the President was called to act in the matter, General Dodge was in command at Corinth, Miss. He then and there received a telegraphic communication to visit Washington to confer with the President concerning this gigantic project.

April 16, 1855, witnessed the arrival, at Rock Island, of three cars of iron rail, which had reached Chicago from England before the close of lake navigation the winter before, and which were quickly ferried across the river to the Davenport side.

THE FIRST RAIL IS LAID.

On June 29, 1855, the first railroad rail in Iowa was laid, and before another representative gathering the first spike was



"The first railroad wheel in Iowa began to turn."