H. W. Blodgett,
502 Broad St.

Waukegan, Ill., April 30th 1896

Dear Mrs. Judd

Yours of the 28th inst asking for my recollections of the Rock Island Bridge Case, and the part Mr. Lincoln took in it is at hand, and I cheerfully respond to your request so far as my memory will permit.

The Case was heard at Chicago in the fall of 1854 before Judges McLean and Drummond of the United States Circuit Court, all the records of it were destroyed in the "Great Fire" at Chicago in Oct. 1871; and all the Attorneys who took an active part on the hearing, with perhaps the exception of Col. Broadhead of St. Louis are dead - I was in attendance on the trial, having been one of the Juniors who took the testimony and prepared the Case for hearing, Mr. Geo. C. Campbell then of Ottawa being my assistant in

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that work -

The Attorneys for the Bridge Company were Mr. Abraham Lincoln, Mr. N. B. Judd Mr. B. C. Cook and Mr. Joseph Knox; and the Attorneys opposed to the Bridge Co. were Mr. T. D. Lincoln of Cincinnati, Col. Broadhead of St. Louis, (and a Smith Col. Glover of St. Louis) Mr. Samuel F. Miller (then of Keokuk Iowa and later Mr. Justice Miller of the Supreme Court of the United States) Mr. James Grant of Davenport Iowa; and I have an impression there was another gentleman from Iowa on the Anti Bridge side, but am not sure and cannot recall the name -

The Case was a very important one as it involved the right to Bridge the Mississippi River, as its Central question, and much interest was felt in it by the public at large -

The opponents of the Bridge were actively the Steamboat owners on the River, and incidentally the business men in some of the

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Cities and towns along the river, who felt that they might be injured by the diversion of business into other channels if the policy of bridging the river should prevail.

The two points relied upon and by the Opponents of the Bridge were.

1st That the river was the great water way for the Commerce of the Valley and could not legally be obstructed by a bridge.

2d That this particular bridge was so located with reference to the Channel of the river at that point as to make it a peril to all water craft navigating the river, and an unnecessary obstruction to Navigation.

The first proposition had not at that time been passed upon by the Supreme Court of the United States, although the Wheeling Bridge Case involved the question, but the Court had evaded a decision upon it by holding that

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the Wheeling bridge was so low as to be an unnecessary obstruction to the use of the river by steamboats—
The discussion of the first proposition on the part of the Bridge Company devolved mainly upon Mr. Lincoln.

I listened with much interest to his argument on this point, and which I was not surprised by it as a specially Eloquent Effort (as the word Eloquent is usually understood) I have always considered it as one of the ablest Efforts I ever heard from Mr. Lincoln at the bar— His illustrations were apt and forcible, his statements clear and logical. And his reasons in favor of the policy (and necessarily the right) to bridge the river and thereby encourage the settlement and building up of the vast area of fertile Country [illegible] west of it were broad and statesman like.

The point of his argument was in his statement that <u>one man had as good a right to cross a river as another had</u>

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to sail up or down it — That these were equal and mutual rights which must be exercised so as not to interfere with each other — like the right to cross a street or highway and the right to pass along it — From this undeniable right to cross the river he then proceeded to discuss the means for crossing — Must it always be by canoe or ferry boat? Must the products of all the boundless fertile country lying west of the river for all time be compelled to stop on its western bank be unloaded from the cars and loaded upon a boat and after the transit across the river, be reloaded into cars on the other side to continue their journey East?

In this connection he drew a vivid picture of the future of the great west lying beyond the river, and argued that the necessities of commerce demanded that bridges across the river must be a conceded right which the steamboat interests ought not

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to be allowed to successfully resist. And thereby stay the progress of development and Civilization in the region to the west—

While I cannot recall a word or sentence of the argument I will remember its effect on all who listened to it— And the decision of the Court fully sustained the right to bridge so long as it did not unnecessarily obstruct navigation—

Among those who were in attendance on the trial and who are yet living were Mr. F. H. Winston then a partner of Mr. Judd— Mr. L. H. Davis then a young lawyer in Chicago, and now in the Insurance business there— My brother Wells H. Blodgett now of St Louis; and undoubtedly there were many others whom I do not now recollect.

I do not remember any newspaper report of the trial or arguments, but if there was any it was undoubtedly

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in the Chicago Tribune.
Mr. Hitt was a Reporter at that
time and may have reported the
Argument or Report of them for
the press—
Mr. Timothy D. Lincoln of Cincinnati
was the leading Counsel in the
Opposition to the bridge, and as he
was a very methodical man, he
may have pursued memoranda or
even stenographic reports, if there were
any, of the trial; and a search of
the books in his office might
bring something of interest to light.
You can use this or such parts
of it as you choose to aid Miss
Tarbell in her work; and I will
cheerfully supply any thing else
I am able from my memory, for
I can only draw on my memory, as
all the books in
my office in this place as well as those
in the old office of Blodgett & Woolson
have been destroyed by fire—
It also occurs to me that Mr. Cooke

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Vold office in Ottawa, further
land in Ottawa for ten years or
more after that trial, may be
worth looking over for data on
the subject of the trial -

Yours Cordially

A. V. Blodgett

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