



Mercer County Historical Society Newsletter

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Editor: Mary Jane Sticklen

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Mercer County Historical Society & Essley-Noble Museum

1406 - SE 2nd Avenue
Aledo, IL 61231
Phone: 309/582-2280

Hours:

April – Oct: Wed, Sat, Sun 1-5:00pm
Nov - March: Saturdays 12:00-4:00pm



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MCHS Genealogy Dept.
PO Box 269
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Jim Runyon
756 State Hwy 94
Aledo, IL 61231
309-582-7762



Website:

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Abraham Lincoln in Western Illinois - Part III

Jacob S. Hurd et al vs The Railroad Bridge Company

By: Michael Zecher

The 1850's were a time of westward expansion in the United States. Up until this point in time, the primary means of transporting large quantities of commercial goods to the undeveloped west had been over land via wagons and stage coaches or by utilizing inland waterways through canals and rivers. In general, roads were few and poorly maintained. Goods or people travelling via land from New York to Davenport could expect a six week journey. Travel utilizing a combination of river and stage coach transportation cut the trip duration to about 3 weeks. Expansion of rail transportation into this area offered a very attractive alternative to merchants and travelers since it cut the total travel time from New York to Davenport IA to about 2½ days. Goods leaving Chicago could arrive via rail in Davenport in only 6 hours. Naturally, the expansion of rail transportation presented a serious threat to businessmen who made their living transporting goods via rivers and other waterways.

In January of 1853, the state of Illinois gave permission to the Railroad Bridge Company to build a bridge over the Mississippi River at Rock Island Illinois. Rock Island was a strategic location for the railroad because it served as a key link between cities like Chicago and New York City and "the west". While railroad bridges had already been constructed over various other rivers, this was the first to cross the "Mighty Miss". The new bridge opened in April of 1856, and consisted of five 250 foot spans, plus a 286 foot pivoting span that allowed various boats to pass.

On May 6, 1856, Captain Nathaniel Parker prepared the *Effie Afton*, a double side wheel steam ship, to cross through the open bridge span. The *Effie Afton*, one of the fastest and largest steam ships on this part of the Mississippi at 235 ft long and 35 feet wide, was en route from Cincinnati OH to St Paul MN with 200 passengers and a full load of commercial goods on board. As it entered the span, it lost control, turned 90 degrees sideways, and stuck one of the bridge piers. The top-heavy boat hit so hard that the right side paddlewheel came out of the water, and the left side of the deck flooded. The impact also caused coals from several burners to fall out of the fireboxes and set the boat on fire. As people were escaping the boat by climbing on to the bridge, the bridge itself caught on fire. Ultimately, the *Effie Afton* sank into the river and the burning bridge span collapsed.

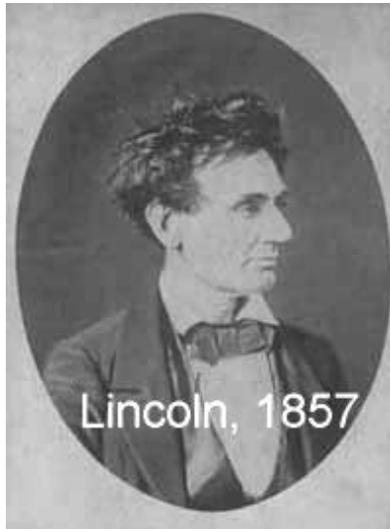
Jacob Hurd, the owner of the *Effie Afton*, filed suit in the ILCircuit Court for Cook County against the Railroad Bridge Company for damages resulting from the loss of his ship and

Cargo claiming that the bridge presented a hazardous obstacle for river traffic. The Railroad Bridge Company filed a counter-suit against Hurd claiming that the *Effie Afton* had intentionally struck the bridge. The case was transferred to the US Circuit Court for Northern Illinois under the presiding supervision of US Supreme Court Justice John McLean.

Norman B Judd, a prominent Chicago lawyer, served as the lead defense counsel, and selected two other lawyers to assist him. One of those lawyers was a circuit riding lawyer from down state Illinois with 23 years of legal experience named Abraham Lincoln. The other was Rock Island's Joseph Knox. Why Judd selected Lincoln is not precisely known. By this time, Lincoln had developed a solid state-wide reputation as a lawyer, however, it could have been due to Lincoln's prior legal experience with both railroad and bridge cases. The fact that Lincoln had piloted a flatboat of commercial goods down the Mississippi to New Orleans in his youth and that all three men were involved in the newly developing Republican Party may also have contributed to his decision.

Because of the animosity that had been brewing between railroad supporters, and rivermen (especially those living in the hub of western river transportation - St Louis), the trial was well publicized by several newspapers. The St Louis Chamber of Commerce supported Hurd in his suit by retaining his lead prosecution lawyer, while eastern businessmen supported the Railroad Bridge Company. There was a lot at stake based on the outcome of this trial. If Hurd won, the bridge would most likely be torn down and other companies looking to build similar bridges across navigable waterways would be discouraged from doing so. Likewise, a win for the Railroad Bridge Company could open the door to numerous other bridges being constructed and cause the collapse of river transportation as the primary means for transporting goods to the west.

During 15 days in September of 1857, a jury was selected, and over 100 witnesses and depositions were presented before the court. While Judd developed the primary defense strategy, Lincoln was actively involved in the cross-examination of witnesses. More importantly, he delivered the closing argument, which summarized the defense's case just prior to final jury deliberations.



NOTE: Legend claims that Lincoln, in an effort to develop first-hand knowledge of river conditions, visited the site of the accident to observe sticks thrown into the river as they floated through the bridge span. Unfortunately, this story did not appear until 1905, 48 years after the trial, when it was published in the *Davenport Democrat* newspaper. During the trial, Lincoln readily recalled his firsthand experiences in piloting a flatboat of goods down the Mississippi to New Orleans, but never mentioned any experiences he had at the site of the Rock Island bridge. Unfortunately, there are no contemporary accounts from witnesses to verify the story.

The jury deliberated only a little more than four hours before reporting to Justice McLean that inflamed juror passions would not allow them to reach a consensus decision, causing Justice McLean to discharge the jury. While neither side officially won the case, it was considered as a victory for the railroad because the now repaired bridge still stood.

The case was retried Chicago in May of 1859 in Chicago, but this time, Abraham Lincoln was not involved in the proceedings, and the court dismissed the case prior to any second trial. Litigation between the two parties continued until December 1862 when the US Supreme Court set aside a lower court ruling that would have

required the demolition of a portion of the bridge.

Lincoln never recorded his thoughts about the Rock Island bridge case, perhaps because it did not result in a victory for his defense team. It could have also been due to the fact that his defense team, led by Judd, had stacked the deck in the railroad's favor. Through a series of legal maneuvers, the team had the trial conducted in a city that was rapidly becoming a hub for rail transportation, before several jurors with interest in rail and/or bridge development, and in front of a judge who had previously demonstrated sympathy to railroads. In any event, Lincoln did not consider the case as significant to his legal or political career.

For more information on the Effie Afton incident and trial, please see [Hell Gate of The Mississippi - The Effie Afton Trial and Abraham Lincoln's Role in It](#) by Larry A Riney ©2006 published by Talesman Press, which served as the primary source for the information presented in this article.

Curator's Corner

By Veda Meriwether

I enjoyed the visitors to the museum on Antique Days along with our entertainment of wheelwright and rope making project. The murals were painted with great reviews from the public. Refreshment donated for the visitors was greatly appreciated. I am looking forward to the newest Web Site for the museum along with E-mail for our members and visitors, which will be installed in the near future. We also have an answering machine that will allow our callers to leave messages. So, I am looking forward to hearing from you.



Winter Open Hours

The Essley-Noble Museum will be open Saturdays 12:00 until 4:00 during the normally closed months of November - March. This is a change from our previous policy of being closed during the Winter season and will allow genealogists more opportunities for research. The main building may be toured as well, although the machine shed and school house will normally be closed.

The curator needs uninterrupted hours for performing her duties during other days of the week so, by action of the Board of Directors, the curator may charge a \$15 fee for requests to open the museum at times other than the normal open hours.



GRAHAM LEE 1821-1908

By Charles Lee

We, as a country, are very fortunate to have had a remarkable group of men with wisdom, judgment and vision who established our enduring democracy. Mercer County, on a much smaller scale, also had a group of early pioneers who singly and in small groups working together set the direction for the county to follow through the years. Who were these people? This article introduces one of them, Graham Lee, who settled on land in the Hamlet area in 1845.

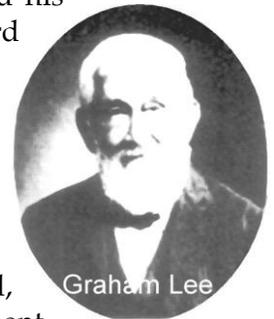
Graham was born in Salisbury, CT in 1821. After an uneventful early life, he joined the crew of the whaling ship Nimrod which sailed from New Bedford, MA in November 1842 and returned in January 1845. During that two year period he exhibited character traits which guided him through life. Before the Nimrod sailed he wrote his sister that, although he knew nothing about nautical life, he intended to work hard

at every task assigned him and volunteer for others so as to become a skilled ship mate. He also kept a daily personal log as his father had suggested. While many of the entries are comments on the wind and weather, they are interspersed with fascinating episodes. One such episode occurred when his whale boat was trying to haul in a whale. As the whale fought the crew's lines it accidentally stove in the whale boat. Some of the crew were lost almost immediately while others, including Graham, fought for their lives. He noted in his log that some prayed for survival. Although he was devout, Graham decided it was too late for prayer and he would have to let his lifetime actions speak for him. Graham and one other crewman were the only survivors. A copy of his log is available for reading in the library.

After a few months at home, Graham set out overland for Mercer County. He was joined in this by his younger brother Henry. In Ohio he purchased a thousand sheep which the two brothers and a hired hand herded the rest off the way, averaging about ten miles a day. They arrived in late summer 1845. Upon arrival, Graham tended the sheep while Henry constructed rudimentary living arrangements for the approaching winter. It is interesting to note that when the sheep were shorn Graham took the wool by wagon to Chicago where he sold it or bartered it for durable goods.

Henry subsequently married and moved to a farm in the Millersburg area. He was an active participant in community development efforts and served as Mercer Township Trustee and County Surveyor for many years while raising a family of eight children.

As Graham built and improved his farm he married Mary Howard Candor. She had arrived in Mercer County as a child with her parents in the mid-1830's. Together they had eight children, but only two survived to adulthood. Graham was active in local, county and state development



efforts. He was elected vice president of the State Board of Agriculture in 1864 and served until 1870. This board had many responsibilities in the implementation of the Land Grant legislation, including the founding of the University of Illinois. Graham was one of the University's first trustees and his oldest son Elisha was the first graduate from Mercer County. All eight of Elisha's children,

including five daughters, subsequently graduated from there as well. During this period, Graham had a major role in establishing a state school in Jacksonville for handicapped children and served as the president of its board of trustees for several years.

After the death of his first wife, Graham married Anna Fisher and had six children, five of whom survived to adulthood. Closer to home, Graham was active in the establishment of several beneficial community projects. For example, he was the moderator of the town meeting held at Gingles Corner which established the organization of Perryton Township. He was its first elected supervisor. He was involved in the establishment of the Presbyterian Church in Hamlet. He started the Graham Lee Cemetery which has been enlarged over the years and is now the Hamlet Cemetery. The first post office in the area was established in his house as was the first library. He was the first president of the Library Association of Hamlet. And he was one of the founders and first president of the Mutual Fire and Lightning Insurance Company of Hamlet.

After the death of his wife, Graham sold his beloved farm and moved to Aledo while his children finished high school. He then moved back to Hamlet living with his son Elisha until his death in 1908. He could look back with satisfaction on a very successful life of hard work, personal achievement, and major contributions to the public good.



Fall Open Meeting

Charles B. Lee of Alexandria, VA, will present "An Aledoan's Military Life" at the MCHS's fall meeting at 7:00 p.m. on Monday, Oct. 19 at the Essley-Noble Museum. A social hour will follow

"Charlie" was a 1945 Aledo High School graduate. He received his B.S. from the U.S. Military Academy, West Point, in 1949. He served in the U.S. Army 24 years, (1949-73) during both the Korean and Vietnam Wars. Then, Mr. Lee served 16 years in the Federal Highway Administration before retiring in 1990. Charlie's great grandfather, Graham Lee (see story in this issue) was an early Mercer County settler. Graham Lee and his brother pioneered in Perryton Township, south of Hamlet, in 1845.



Become a History Detective

Board member Sandi Sharer is inviting anyone to help her with researching Mercer County history, especially with her "Adopt a Civil War Soldier"

project (See Summer '09 newsletter.). Sandi is looking for help with compiling personal information for Civil War soldiers from Mercer Co. to go with a photo album that she has made available to the public. Sandi also wants to finish compiling a marriage index for the county, as well as a variety of other projects. Sandi lives in Moline, but would like to arrange special open hours at the museum for her committee to do research. If you are interested in helping, or have questions, phone Sandi at 309-764-1528, or leave a message at the museum. This would be an excellent way to combat the Winter doldrums.



Antique Days - 50th Anniversary

We celebrated the 50th anniversary of the opening of the Essley-Noble

Museum during Antique Days on Sept. 12. Visitors were treated to a number of special events. Wheelwright

Tom Sveum and family from Janesville, WI, returned to heat and place the rims on the freight wagon



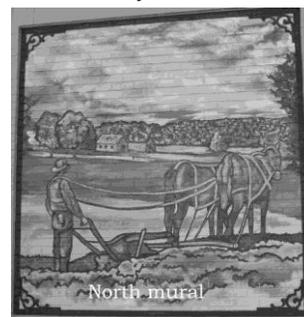
wheels that he made. A huge **thank you** to Tom for donating his time and expertise!

Artist Mike Clark painted two murals on the front of the Essley-Noble main building. If you have not already checked these out, be sure to stop by. The horse-drawn plow represents the settlement of Mercer Co. and the mail wagon is from our own machine shed.

Thank you to Ronn



Dillavou who let visitors try his corn sheller and to Dave Frieden and Jim Holmes who helped make rope. Jim Runyon represented the historical society in portraying early merchant and community leader Hugh Morrison giving an Aledo downtown tour.



Judith Bridgford

Judith L. Bridgford from Millersburg passed away Aug. 23, 2009. She was a dedicated MCHS board member and for a time was in charge of the 5th grade tours. Judith attended Aledo High School and graduated from Purdue University with a degree in home economics, marrying Bradley S. Bridgford in 1959. She was a school teacher for 27 years with the Westmer School District and was a member and deacon of College Avenue Presbyterian Church, singing with the choir. She was also a member of Chapter H PEO, the Oakview Country Club and Phi Mu national sorority.

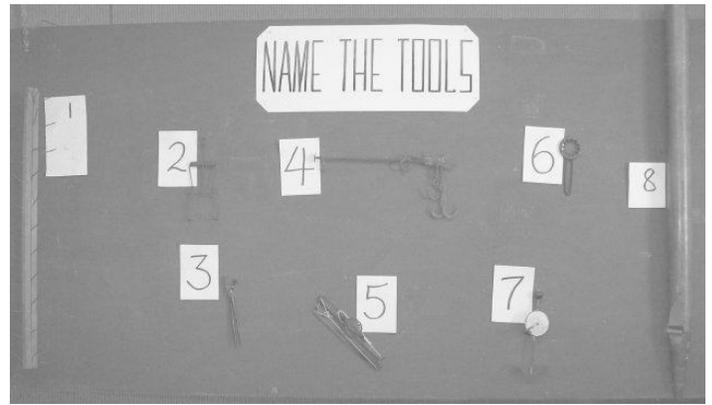
New Email:

Contact us at our new email address
mcmuseum@frontier.com

New Winter Hours:

Saturdays 12:00-4:00 - Nov. – March

Name the Tools



The tools for the 2009 fair booth contest were:

1. seed corn drier
2. jar lifter
3. horseshoe nail clincher
4. steel yard
5. book carrier
6. hand corn sheller
7. beater
8. pipe organ pipe

Coming Events

- **Oct. 19** Fall Open meeting 7:00 p.m. at the museum. Charles Lee "An Aledoan's Military Life"
- **Oct. 31** End of regular museum hours until April 3, 2010.
- **Nov.- March** Winter hours, Saturdays only 12:00-4:00.
- **April 3, 2010** Open regular hours W, Sat., Sun.

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