

## Hell Gate of the Mississippi: The Effie Afton Trial and Abraham Lincoln's Role in It

Michael A. Ross  
*University of Maryland*

ISSN 0003-4827

Copyright © 2009 State Historical Society of Iowa. This article is posted here for personal use, not for redistribution.

---

### Recommended Citation

Ross, Michael A. "Hell Gate of the Mississippi: The Effie Afton Trial and Abraham Lincoln's Role in It." *The Annals of Iowa* 68 (2009), 312-314.

Available at: <http://dx.doi.org/10.17077/0003-4827.1361>

Hosted by [Iowa Research Online](#)

building ever since 1844. Just to point it out: the United States warred on a sister republic, Mexico, in order to seize lands from her by military conquest; high offices were filled by the most outrageous proslavery propagandists (John C. Calhoun and Abel Upshur); the Wilmot Proviso had been defeated; the North was subjected to a Fugitive Slave Law that moved Southern slave law into the North, generating one riot after another; and filibusterers were invading Cuba and Nicaragua in a search for more slave territory. Given this record, Northerners rationally surmised that a slave power existed, that it was aggressive, and that it was using the federal government to war on foreign nations to get territory for plantation slavery. When the Kansas-Nebraska Act repealed the Missouri Compromise line, the surmise was confirmed: the slave power would stop at nothing to get more land — it would acknowledge no limits to its desires and would honor no previous written commitments. It is this context that is lacking in these essays and detracts from their many fine contributions.

*Hell Gate of the Mississippi: The Effie Afton Trial and Abraham Lincoln's Role in It*, by Larry A. Riney. Geneseo, IL: Talesman Press, 2006. xiv, 323 pp. Illustrations, notes, bibliography, index. \$19.95 paper.

Reviewer Michael A. Ross is associate professor of history at the University of Maryland at College Park. He is the author of *Justice of Shattered Dreams: Samuel Freeman Miller and the Supreme Court during the Civil War Era* (2003).

When the steamboat *Effie Afton* crashed into the Rock Island Bridge and caught fire in May 1856, steamboat men watching on shore cheered. Although they mourned the loss of a sister vessel, they applauded the flames that engulfed a portion of the hated bridge. The Rock Island Bridge, the first to span the Mississippi, had been built on an already treacherous stretch of river known for powerful cross-currents and dangerous submerged rocks. The bridge magnified those problems as waters eddied and swirled around its seven unforgiving stone piers. After 20 steamboats crashed into it, insurance companies raised their rates for boats that traveled under the bridge.

Outraged by his boat's demise, Jacob Hurd, the *Effie Afton's* owner, went to court, demanding that he be paid damages and that the bridge (which was quickly repaired) be declared a nuisance and removed permanently. The railroad, in turn, charged that Hurd had deliberately crashed his boat into the bridge in an effort to destroy the span. In *Hell Gate of the Mississippi*, Larry Riney skillfully recreates the *Effie Afton* trial — the famous 15-day courtroom drama that made headlines across the country in September 1857.

*Hurd v. Rock Island Bridge Company*, as the case was formally called, pitted the two great transportation technologies of the nineteenth century — steamboats and railroads — against one another. Many steamboat men feared that if the courts allowed the Rock Island Bridge to stand, the Mississippi would soon be blocked with countless railroad bridges and that goods and passengers would increasingly travel by rail rather than water. The trial, Riney argues, also became enmeshed in the regional struggle between Chicago and St. Louis for economic dominance. In St. Louis, a city still dependent on the steamboat trade, the Chamber of Commerce raised money for Hurd's legal fees. In Chicago, the city that had become the railroad hub of the West, capitalists rallied to the cause of the railroad. Newspaper readers in both places followed the federal court proceedings intently.

Although the story of the *Effie Afton* trial is an oft-told tale, Riney's careful research and eye for detail provide new insights. Because the trial was held in federal court in Chicago, Riney argues, the *Effie Afton's* lawyers were at a distinct disadvantage. Most of the jurors, his research reveals, were pro-railroad. Some had direct ties to the industry. Others ran businesses that depended on the railroad's success. From the outset, Hurd's lawyers faced long odds.

Riney also demythologizes the role played in the trial by Abraham Lincoln, who was a member of the defense team. Some Lincoln biographers, Riney writes, have portrayed the future president as the practical "downstate lawyer . . . who took charge of the tricky legal case and single-handedly fought the river interests" (205). Lincoln, the story goes, was the only lawyer with the good sense to actually visit the Rock Island Bridge to assess the danger it posed. Armed with that knowledge and his own experiences on Mississippi flatboats, he was able to argue convincingly that pilot error and mechanical failure, not the bridge, doomed the *Effie Afton*.

Riney debunks those accounts by casting doubt on the evidence others have used to prove that Lincoln visited the Rock Island Bridge before the trial. Most of that evidence, he finds, was generated well after the trial by the railroad company, which wanted to be tied to Lincoln lore. Riney also reminds readers that Lincoln's arguments failed to win the case. Despite the pro-railroad predispositions of most of the jurors, some were not convinced. The trial ended in a hung jury. It was not until separate litigation launched against the bridge by steamboat men in Iowa reached the U.S. Supreme Court in 1862 that the Rock Island Bridge's future was secured. By then, Lincoln was president. Nonetheless, Riney argues, the *Effie Afton* trial is important to the Lincoln historiography. Not only do the newspaper accounts of the pro-

ceedings provide the only extant transcript of Lincoln arguing a plea before a judge, the trial marked the point at which “Abraham Lincoln became a serious bedfellow with powerful eastern money men” (30). It represented Lincoln’s complete break from the river transport industry he had once championed.

Riney might have done a bit more to tie the *Effie Afton* trial and subsequent Rock Island Bridge litigation to larger trends in nineteenth-century legal history. As early as 1837, the U.S. Supreme Court announced in *Charles River Bridge v. Warren* that the law should be interpreted in favor of progress so that the nation would not “be thrown back to the improvements of the last century, and obliged to stand still.” In an era when legal instrumentalism held sway, there was little chance that courts would ultimately side with steamboats over railroads. This is a small complaint, however. *Hell Gate of the Mississippi* is a book that markedly advances our knowledge of an important trial and the jurors and lawyers (including Abraham Lincoln) who participated in it.

*Andersonvilles of the North: The Myths and Realities of Northern Treatment of Civil War Confederate Prisoners*, by James M. Gillispie. Denton, TX: University of North Texas Press, 2008. viii, 278 pp. Illustrations, notes, appendixes, bibliography, index. \$24.95 cloth.

Reviewer William B. Feis is professor of history at Buena Vista University. He is the author of *Grant’s Secret Service: The Intelligence War from Belmont to Appomattox* (2002).

Writing about Civil War military prisons and the treatment of prisoners is an emotionally charged minefield that relatively few historians have dared enter. Why has the POW experience during the Civil War excited so much passion and remained so controversial nearly 150 years later? Because, as James M. Gillispie points out in *Andersonvilles of the North*, in the rhetorical battle both sides waged after the war over which side had been more civilized in its prosecution of the war, the treatment of POWs became a key litmus test. And, in the beginning at least, the Confederates seemed destined to lose because the writings of former Federal prisoners, illustrated by the ghastly photographs of Andersonville inmates, became Exhibit A for the prosecution.

As Gillispie points out, however, Southerners refused to accept what seemed an inevitable verdict and desperately sought to redeem their sacrifices, to recast their defeat in a new light, and to prevent the victor from writing the war’s history. Through the Myth of the Lost Cause, Southerners sought to show that they were not only more