

Lincoln's Greatest Case: The River, the Bridge, and the Making of America

Robert Gudmestad

Follow this and additional works at: <https://digitalcommons.lsu.edu/cwbr>

Recommended Citation

Gudmestad, Robert (2015) "Lincoln's Greatest Case: The River, the Bridge, and the Making of America," *Civil War Book Review*. Vol. 17 : Iss. 3 .

DOI: 10.31390/cwbr.17.3.21

Available at: <https://digitalcommons.lsu.edu/cwbr/vol17/iss3/20>

Review

Gudmestad, Robert

Summer 2015

McGinty, Brian *Lincoln's Greatest Case: The River, the Bridge, and the Making of America*. Liveright Publishing, \$26.95 ISBN 9780871407849

Lincoln the Lawyer and the Future of American Transportation

On May 6, 1856, the *Effie Afton* steamed north from Rock Island, Illinois. Another steamboat had started just ahead of the *Afton*, and the captain of the latter boat decided to show off his vessel's speed. As the *Afton* left the slower steamer in its wake, it had to contend with the piers of the Rock Island Bridge, the first span across the Mississippi River. What happened next is the subject of some debate, but the *Afton* struck one pier and bounced off another one before being destroyed by fire. The copious flames also consumed part of the bridge and sent burning timbers crashing into the *Afton*'s wreckage. The owners of the steamboat sued the owners of the bridge in a case that was really about the future of transportation in the United States. Abraham Lincoln became part of the defense team in what historians have described as the most important case of his life. As Brian McGinty points out in his new book, historians have not analyzed Lincoln's contribution to the *Effie Afton* case in any depth – something he rectifies in his new book.

McGinty spends much time and effort setting the context for the case; it is not until page 92 (of 191 pages of text) that Lincoln joins the defense team. McGinty writes about navigation on the Mississippi River, the growth of railroads, the *Pennsylvania vs. Wheeling and Belmont Bridge Company* case, the construction of the Rock Island Bridge, and the economic rivalry between Chicago and St. Louis. Along the way, he discusses Lincoln's political ambitions, Lincoln's legal background, the Kansas-Nebraska Act, and other material related to the growing sectional tensions in the United States. There are many interesting sidelights associated with the Rock Island Bridge. For instance, Secretary of War Jefferson Davis tried to prevent the bridge's construction because he wanted a transcontinental railroad to be situated in the South. Judge

John McLean, who had ruled that the bridge at Wheeling was an obstruction and who would preside over the *Effie Afton* case, denied an injunction against the Railroad Bridge Company. Much of this information is familiar to historians but will be helpful to the book's target audience—the general reader.

In October of 1856 the steamboat company filed suit against the Railroad Bridge Company, claiming losses of \$930,000. McGinty argues persuasively that steamboat interests in St. Louis supported the case because a bridge across the Mississippi River could damage the riverboat trade out of their city. The Chamber of Commerce from the Gateway City paid for a committee whose report concluded that the Rock Island Bridge impeded navigation. The Railroad Bridge Company responded by appointing Norman B. Judd as lead counsel. Not only was Judd a prominent Chicago attorney, he was secretary of the Railroad Bridge Company. Joseph Knox of Rock Island joined Judd, while Lincoln became part of the defense team six months after the filing of the lawsuit. McGinty effectively debunks a myth as to why Judd asked Lincoln to participate, but he doesn't offer any informed speculation that takes the place of the discredited story. McGinty notes that Judd trusted Lincoln because he loaned money to Judd, but more could have been done here.

McGinty avers that Lincoln played a "key" role in the case even though the surviving evidence makes it difficult to assess Lincoln's activities during the trial and his influence on the verdict (2). One observer remembered years later that Lincoln whittled at some wood during testimony but was also effective in asking questions of witnesses. A second bit of surviving material that connects Lincoln to the trial's outcome is the closing arguments of the attorneys. In analyzing the statement, McGinty is effective in showing the subtlety and power in Lincoln's words. Finally, Knox believed that Lincoln admitted too much in his closing arguments while Judd disagreed. The limited ability of McGinty to connect Lincoln to the case's outcome, and the fact that Lincoln joined the case so late, makes the book's grandiose title a bit misleading. The jury voted nine to three in favor of the bridge, the steamboat company declined to pursue the case much further, and Lincoln earned \$400 for his efforts (perhaps \$11,000 today).

McGinty argues the *Effie Afton* case bolstered Lincoln's political career and here he is on solid ground. Judd abandoned the Democratic Party and became the Republican state chairman in Illinois. He encouraged Lincoln to run for the Senate in 1858 and delivered the nominating speech for Lincoln at the 1860 Republican convention in Chicago. It is reasonable to assume that Lincoln's

interactions with Judd in the *Effie Afton* case helped convince the latter to promote Lincoln's political ambitions. What is clear from the text, something McGinty implies rather than argues, is the promiscuous mingling between national politics and lawyers who interacted with Lincoln. Besides Judd and McLean (who dissented in the *Dred Scott* case), Lincoln crossed paths with Edwin Stanton (who became secretary of war).

Finally, McGinty claims that he will tell the story of how "the bridge helped Union military forces achieve victory over Confederate armies in the Civil War" (2). It is undeniable that railroads helped secure northern victory but the book is wholly unclear how the Rock Island Bridge *in particular* aided the war effort. Overall, though, the book succeeds in its stated goal to show how the *Effie Afton* case was a verdict in favor of the development of transportation in the United States.

Robert Gudmestad is an Associate Professor of History at Colorado State University. He is the author of Steamboats and the Rise of the Cotton Kingdom and can be reached at Robert.Gudmestad@colostate.edu.