

HISTORY OF THE FREE BRIDGE

Results of Researches Made
by G. M. B. Hawley

Correct Story of Litigation
With the Cayuga Bridge
Company

(For the following article on the history of the Free Bridge over the Cayuga Outlet and the litigation with the Cayuga Bridge Company, The Times is indebted to G. M. B. Hawley, local historian, who has made the extensive researches necessary to unearth all the facts herein set forth.—Editor's note.)

Several years ago the State established a ferry across Cayuga lake at Bridgeport during the construction of the new road through the Cayuga swamp. The rebuilding of this road and the Free Bridge revived considerable interest at the time in the history of the bridge and why, as a public thoroughfare, it should be distinguished by the word "Free."

There have appeared of late several articles upon the subject, which, from official records, do not either fully or accurately disclose the real history of this remarkable enterprise. But inasmuch as the data is at hand the following explanation is given, rather to preserve the material than to enter into argument with those who have heretofore written upon the subject; as it is of more than passing interest to the inhabitants of adjoining counties. The official records are therefore referred to that those who are interested may examine them.

The original Act of Incorporation of the Cayuga Bridge Company, was passed by Chapter 59 of the Laws of 1797 and the institution began its corporate life, March 28th, 1797. Unlike all other acts of incorporation the Legislature enacted "That this act be and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended."

The act contains many conditions, among which was a corporate existence of twenty-five years. There were no exclusive rights or privileges granted and the charter was to be forfeited unless the bridge was completed within three years. The company was granted the right to select the location across the Lake or the Outlet. The importance of this bridge is appreciated to this day as the only connecting link to the Genesee Country, with Geneva as the gateway.

The Manhattan Company, a scheme of Aaron Burr, had been incorporated, primarily to construct a system of water works for New York City, but by an ingenious "joker" in the bill was permitted to not only engage in other public works but by disguise of the purpose to become a banking institution which function Burr and his associate had been denied but which was later judicially sustained and is known in the history of the banking of the State as "Burr's Bank." The connection between this company and the bridge cannot be now ascertained but early data show that it was constructed by that company, which had purchased a large portion of the stock.

Unable to complete the bridge within the statutory time the Company applied to the Legislature to permit an increased capitalization and an extension of time and for "exclusive" privileges. Accordingly by the Act of March 1st, 1799, Chapter 21, the corporate existence was extended to 75 years, the capital increased, May 1st, 1801, was fixed for the date of completion and exclusive privileges

days or destroyed and not rebuilt within 18 months that the charter would become forfeited. Fearing this action the bridge was built over the outlet and seemed to satisfy both the public and the company that the terms had been fulfilled. The location was within the 3-mile privilege and over the outlet, a choice permitted in the original charter.

With the rapid settlement of the lands to the north the inhabitants and taxpayers soon sought a way to shorten their travel and in 1821 took the position that the charter had been forfeited and applied to the Legislature to sanction a lottery for raising the necessary funds to build a "Free" Bridge north of the three-mile limit established by the original bridge and but one mile north of the bridge over the outlet.

The Cayuga Bridge Company at once raised strong objection and in order to have unquestioned rights appealed to the Legislature for an act to meet these ends. Chapter 137 of the laws of 1821, revived or confirmed the charter but required the company to rebuild the old bridge and to keep in repair and operate both. The lake bridge was rebuilt before November 1st, 1813, and was constructed upon piles instead of mud sills.

It appears that there was also a bridge at Montezuma with the same 3-mile limit and unless a bridge could be built at the location of the proposed Free Bridge the entire territory was controlled by these two companies.

Both bridges were operated until 1825, meanwhile the Legislature, April 7, 1815, had granted a charter for a company to be known as the Junius Turnpike Road Company from the west end of the Bridge over the outlet to Ashabel Bannister's house, east of Vienna (now the east part of Phelps.) This road was built and operated but connected the company bridge and not the Free Bridge, which had not been built. In 1825, however, the storm again broke over the community and a bridge was proposed to be located 3 miles and 16 rods north of the lake bridge and but one mile north of the company's outlet bridge.

Injunction Obtained

The necessary funds were raised and the contract for the Free Bridge was let and the bridge under construction when the Cayuga Bridge Company obtained an injunction claiming that the three-mile limit applied as well to the north bridge, thus attempting to enlarge the exclusive territory to 8 miles instead of 6 miles.

The Free Bridge was started in 1826 and in February of the same year the Cayuga Bridge Company filed a bill in Chancery and obtained an injunction. The materials were all on the ground but the litigation was extended over a period of nearly four years, and until the injunction was dissolved in April 1830. The elated citizens at once assisted in the completion, and the bridge was opened and ready for use just prior to the 4th of July, 1830.

Opened With Elaborate Ceremonies

On this occasion two great events were celebrated, National Independence and the opening of the Free Bridge. The ceremonies were held upon the bridge with prayers, and the reading of the final decision of the court by the orator of the day to more than 2,500 people, who had assembled to celebrate the victory. Unabashed by the decision the Cayuga Bridge Company appealed the case but the Superior Court affirmed the decision and thus the litigation ended.

There is no record of a toll road from this bridge east and west through the swamps, but from references that are found that it was part of the Bannister Road, no doubt the charter of the Junius Turnpike Company with privileges to extend to the outlet bridge completed the road from Dutcher's Corners at the top of the hill, where it formerly turned, to Dumont's on the bank of the Seneca River, and thus to the outlet bridge of the Cayuga Bridge Company which was located at the point known as Mudlock, directly east through the swamps to connect the other bridge.

were granted for the full term for ferries, bridges or boat crossings within three miles north and south of the bridge as then located but not completed.

At the time that the original charter was granted one John Harris, perceiving the necessity of the crossing, was operating a ferry about three-fourths of a mile north of the bridge location. This public ferry was by law illegal and John Harris joined his interests with the Cayuga Bridge Company, being one of its original incorporators, the others being the noted Charles Williamson, Thomas Morris, son of Robert Morris of Philadelphia, Wilhelmus Mynderse, the father of Seneca Falls, and Joseph Annin of Geneva, well known as connected with the Pulteney Estate, who, with Benjamin Barton laid out Geneva for Mr. Williamson, later living at Cayuga, becoming the first Sheriff of Cayuga County in 1799 and State Senator, 1803 to 1807.

Ice Destroyed First Bridge

The bridge was completed prior to May 1st, 1801, and successfully operated until the winter of 1803-4 when it was destroyed by the spring flow of ice. The construction of the original bridge was upon mud sills which were easily moved by the excessive pressure.

April 1st, 1800, the Legislature incorporated the Seneca Road Company from Utica to Canandaigua and here, as in all other public improvements, we find Charles Williamson as an incorporator. The road and the bridge completed transportation facilities alone remained uncared for until 1804. March 31st, 1804, the Legislature granted the exclusive privilege of operating stage coaches over this road from Utica to Canandaigua, for the period of seven years. In this connection an interesting bit of history has been left to us by the late Gavin Lawson Nicholas, son of John Nicholas, who immigrated to Geneva from Hempstead, Virginia, by horse and private stages in 1803. He states, "The two stages were made at Hempstead by their own workmen from lumber cut on the place and after their arrival in Geneva were sold to Levi Stevens and Jason Parker and were run on the first line of stages to Albany."

The investment and risk were great in those days, but as in most instances of exclusive public privileges, the recipients of these prerogatives soon become persona non grata and the public attempt to regain the concessions. These pioneers were no exception and with unabated zeal the contest was waged by the public interest against them until the final abandonment of the bridge soon after 1850. Monopolies were no more popular in those days than now.

New Bridge Over Outlet

Within a few months after the destruction of the bridge, a location was selected about two miles north of the original bridge, but crossing the outlet instead of the lake and with the same toll charges, the old bridge being abandoned. This was essential to the company as the charter provided that if the bridge was impassable for 30

According to the distances given on the Barge Canal maps the outlet bridge of the Cayuga Bridge Company was located approximately where the Mudlock on the old Seneca and Cayuga canal was constructed. This will account for the old inn along the road to Dumont's Bridge and at Dutcher's Corners at a later date to provide for transients on both roads.

The toll house referred to in the Syracuse article must have been located at the outlet bridge at Mudlock and not at the Free Bridge. There must have been a road from the Free Bridge west when completed and while a new substantial road supplanted it in 1835, yet it seems impossible that this bridge should have been considered such a victory for the Independents if no road had been accessible to traverse the impassible swamps to Dutcher's Corners.

The road referred to as the General Sullivan Road was not at the location of either bridge, but was between them and evidences of this road were plainly visible. I am informed by old residents, within their memory.

A Political Meeting Place

The Cayuga Lake Bridge from Cayuga to Bridgeport played an important part not only in the development of the country to the west, but Bridgeport became the political meeting place of the politicians of the east and the west. The famous Titus Inn was located there and is still in existence. The newspapers of the day contain many articles referring to this meeting place.

As late as 1870 portions of the bridge were visible above the water, but of late years the only evidence of its existence are the few piles which protrude in low water, but in crossing the lake by boat numerous stumps of the piles may still be seen.

The destruction of the toll bridge at Mudlock was undoubtedly brought about by the assumption by the state upon the construction of the Seneca and Cayuga Canal.

The troubles of the Cayuga Bridge Company were not confined to the Free Bridge, for the early reports of the courts show that considerable litigation was carried on regarding the rights of the people to cross in boats and also upon the ice in winter, thus avoiding the use of the bridge and the payment of tolls.

In 1823 the court held that it was not an infringement of the exclusive rights of the Cayuga Bridge Company to cross upon the ice, but in 1827 this opinion was reversed and the bridge company sustained, the court holding that unless the start upon the ice was made within the three-mile limit and ended within it, so that the whole trip was within the exclusive territory that there was no infringement, so it appears that if the start was made within three miles and ended more than three miles or started more than three miles and ended near the bridge, there could be no complaint. It appears that the plaintiff came across from six miles below the bridge, but ended his journey at the foot of the bridge. Upon demand for the toll of 25 cents he paid the fee, but brought suit to recover his quarter. The case was car-

ried through several courts and on final decision it was held that the plaintiff was correct in his decision, and that the bridge tender had no right to collect toll, but as he had paid it willingly the legal maxim "Volunt non fit injuria" applied and he could not recover the toll paid. This was but one of the many surprising cases to be found in the reports, which exhibit the determination to stick to the principle whatever the cost. It would be interesting to know how much the litigation to recover this 25 cents cost the plaintiff and defendant, not to mention the time of the courts and other costs to the state. The plaintiff at least obtained the affirmation of his principle, but as we often hear in the medical profession with a certain professional satisfaction, "the operation was successful" but the patient died.

For those who desire to read these interesting cases as to grants of exclusive rights to individuals or corporations the following cases with respect to the Cayuga Bridge, which have served in many later litigations as leading cases are cited: Cayuga Bridge Company vs. McGhie, 6 Wendell 85 and 2 Paige 116; Sprague vs. Birdsall (the 25 cent case) 2 Cowan 419; Cayuga Bridge vs. Stout, 7 Cowan 33.