The Free Bridge

Bridges always have played a most important part in helping to bring about the settlement of new areas, and, actually in the steady advances of civilization.

For instance, there are, at the present time, no bridges across any of the Finger Lakes. If one desires to get to the other side of any one of them it necessitates going around by one end or the other.

This introduces the point,--that of the importance of the so-called "Free Bridge" at the northern extremity of Cayuga Lake, which has always been a most convenient means of arriving at locations in this part of the state, and is still being used under the new name of the "Rene Menard" bridge, on Routes 5 and 20 just east of Seneca Falls. Rene Menard was an early Jesuit missionary who visited that section of the New World at an early date (circa 1656) and whose name is thus being perpetuated and honored.

Much history has centered about the "Free Bridge," extending back into the beginnings of settlement of this part of the state. It was in 1921 that a local historian, George M.B. Hawley, made a rather extensive research into the story of this bridge, which was published in the *Geneva Times* on April 30, 1921. Inasmuch as so many years have elapsed since that date, and the material is so complete and well authenticated, it is herewith proposed to reprint it for the benefit of a new generation of *Times* readers.

Mr. Hawley's article follows:

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 building 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 so 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 28, 1797. Unlike all other acts of incorporation the Legislature enacted "this act be and is hereby declared to be a public act, and shall be construed benignly and favorable 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 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 waterworks 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 associates had been denied, but which was later judicially sustained, and is known in the history of banking of the state as "Burr's Bank." The

construction of the company and the bridge cannot now be ascertained, but early data shows that is 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 approve an increased capitalization and a extension of time and for “exclusive privileges.” Accordingly, by the Act of March 1, 1799, Chapter 21, the corporate existence was extended to 75 years, the capital increased, and May 1, 1801, was fixed for the date of completion, and exclusive privileges were granted for the full term for factories, 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 Capt. 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 and becoming the first sheriff of Cayuga County in 1799, and State Senator from 1803 to 1807.

The bridge was completed prior to May 1, 1801,and successfully operated until the winter of 1808-09 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 1, 1800, the Legislature incorporated the Seneca Road Company from Utica to Canandaigua and here, as in all public improvements, we found Charles Williamson as an incorporator. The road and the bridge completed, transportation facilities alone remained uncared for until 1804. March 31, 1804, the Legislature granted the exclusive privilege of operating the stagecoaches over this road form 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 sates: “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 of the first line of stages to Albany.”

The investment and risk were great in these days, but as in most instances of exclusive public privilege, the recipients of those prerogatives soon became persona non grata and the public attempted 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.

Within a few months after the destruction of the bridge, allocation 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 the bridge was impassable for twenty 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 terms had been fulfilled. The location was within the three-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 those ends. Chapter 137 of the laws of 1821 revived or confirmed the charter, but required the company to rebuilt the old bridge and to keep it in repair and operate both. The lake bridge was rebuilt before November 1l, 1813, and was constructed upon piles instead of mud sills

It appears that there also was a bridge at Montezuma with the same three-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 to operate from the west end of the bridge over the Outlet to Ashabel Bannister’s house, east of Vienna (now the eastern part of Phelps.) This road was built and operated but connected the company bridge and not the Free Bridge, which had not then been built. In 1825, however, the storm again broke over the community and bridge was proposed to be located three miles sixteen rods north of the lake bridge, and but one mile north of the company’s outlet bridge.

The necessary funds were raised and the contract for the Free Bridge was let and 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 eight miles instead of six 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 work of completion and the bridge was opened and ready for use just prior to the 4th of July, 1830.

On this occasion two great events were celebrated, National Independence Day 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 found that it was a part of the Bannister Road, no doubt the charter of the Junius Turnpike Company with privilege 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 with the other bridge.

According to the distance 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 one article recently must have been located at the outlet bridge at Mudlock and not at the Free Bridge. There must have been a road form the Free Bridge west when completed and while a new and substantial road surplanted it in 1835, yet it seems impossible that this bridge should have been considered such a victory for Independents if no road had been accessible to traverse the impassable swamps to Dutcher’s Corners.

The road referred to (in the article mentioned) as the General Sullivan Road was not the location of either bridge, but was between them and evidences of the road were plainly visible, I am informed by older residents, within their memory.

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 politicians of the east and west. The famous Tittus Inn was located there and is still in existence (1921). 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 evidences 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 carried through several courts and on a final decision it was held that the plaintiff was correct in his decision, and that the bridge tender had no right to collect toll from him, but as he had paid it willingly the legal maxim: “Volunti non fit injuria” applied, and he could not recover the toll he had paid.

This was but one of the many surprising cased 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: Cahuga Bridge Company vs. McGhie, 6 Wendell 85 and 2 Paige 116; Sprague vs. Birdsall (the 2 5 cent case) 2 Cowan 419; Cayuga Bridge v. Stout, 7 Cowan 33.

This bridge, in terms of general reference, is still referred to as the “Free Bridge,” despite the fact that the more recent and formal name of the “Rene Menard Bridge” was given it at the time of the erection of the present structure in 1933. Evidently it will require more years than have elapsed since that time to completely do away with the use of the old cognomen.

The present substantial bridge, is appears, was built in 1933 and was opened for use in that year. There seems to have been a desire to do something suitable to honor and commemorate the name of the Jesuit priest, Rene Menard, hence the bestowal of his name in association with

the structure. The plaque which was placed at the bridge site at the time of its dedication reads thus:--

> "Tho the memory of Reverend Rene Menard, S.J., the first white resident (1656-1658) of the Cayuga Country, who in bringing religion and civilization to the Indian villages of Tiohere (near Mudlock) and of Onontare (near Montezuma) passed many times over the Seneca River now crossed by this bridge dedicated to the perpetuation of his name.
> "Erected by the State of New York 1933."

The large sign over the bridge reads:

"Menard Memorial
1656-1933"

To traverse through the area, then, the bridge becomes properly enough the Rene Menard Bridge, and presumably thus appears on most modern maps of this section of the state. But to many of an older generation, and to some of their descendants, it still remains the "Free Bridge," and, as had been shown by the accompanying article, has a complete and fascinating history all it sown which it is to be hoped this chapter will help materially in perpetuating.