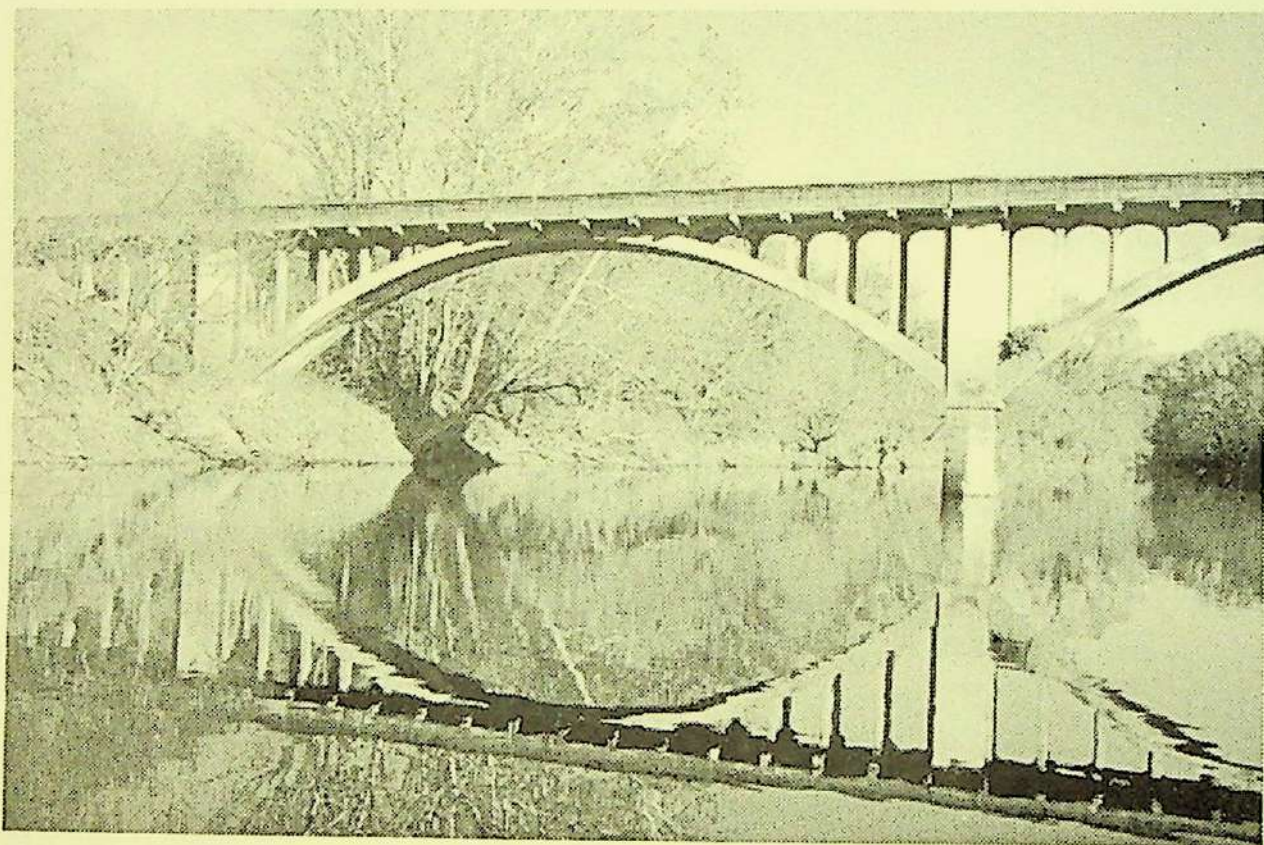


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The Bridge To Nowhere: The Great Mebane's Bridge Controversy

by
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The construction of the Fishing Creek Bridge (official name) over The Dan River near Eden in 1924, contrary to the wishes of the majority of Rockingham County citizens, led to one of the greatest political controversies in Rockingham County history. The erection of the bridge, which soon became known as "Mebane's Bridge" or "Mebane's Folly" for its chief promoter B. Frank Mebane, resulted in the resignation of two county commissioners, triggered several large protest meetings in Wentworth and led to lawsuits which remained in court for many years. The story of how "The Bridge to Nowhere" came into being is a most interesting saga.

Background

To understand the controversy one needs to review some earlier history of the county. Beginning in 1915 Rockingham County embarked on a "Good Roads Program" but the effort moved slowly and it was in the early 1920s before progress was made in improving the county's roads.¹ In 1922 the newly elected Board of County Commissioners voted to spend a large sum of money to build a concrete road from Reidsville to the county seat Village of Wentworth and from there to Leaksville. Also as part of the "Good Roads" project the county was busily engaged in regrading and top soiling the rural roads of the county. In 1923-1924 the county entered a progressive program of school consolidation by closing a number of rural frame schools and replacing them with large modern brick school buildings at Wentworth and Bethany.² With all these on-going construction projects the county debt rose more than a million dollars to \$3,600,000 within one year's time. The county tax rate went from \$.95 per hundred to \$1.35 valuation in 1922-23 and to \$1.59 in 1924-25. Still, these additional tax revenues did not raise sufficient funds to pay for the construction projects and the county had to borrow large sums of money at high interest rates to pay the county's bills.³ It soon became evident that Col. B. Frank Mebane, textile mill owner and large landowner of the Spray (now Eden) area, was behind this movement for "progress."



Col. B. Frank Mebane (1867 - 1926) in the yard of his home "as You Like It." The Colonel is shown with one of his championship bird dogs. Note the brick smokehouse in the background. The building still stands on the grounds of the Morehead-Mebane house in the Spray section of Eden.

Courtesy of Lily Harris Keeling

The Mebanes

B. Frank Mebane, Jr. was a native of Alamance County, North Carolina, where his father B. Frank Mebane, Sr. was a prominent physician. His mother Fannie Kerr descended from the prominent Graves and Yancey families of Caswell County, North Carolina.⁴ Mebane was born on 4 February 1867 and as a youth he attended the famous Bingham Military School which was located near his Alamance County home. At the age of 17 he left school and soon acquired an impressive record as a salesman, first in Danville and then in New York City. Sometime during the period he met Lily C. Morehead, daughter of J. Turner Morehead, the owner of the Leaksville Cotton Mill in Spray, North Carolina. The cotton mill had been established in 1839 by Lily's grandfather, Governor John Motley Morehead, and the business was continued after the Civil War by Lily's father, J. Turner Morehead.⁵ Lily's mother Mary L. Connally Morehead recognized B. Frank Mebane as "an up and coming young man" and soon a match was made.⁶ The young couple were married in the Leaksville Baptist Church on 8 June 1893.⁷ They settled in New York City but later returned to Spray where Mebane learned the textile business from his father-in-law J. Turner Morehead. Around 1894 Mebane and his brother, George A. Mebane, became involved in building a large textile mill in Cooleemee, North Carolina, which they sold about the time the project was completed.⁸

Frank and Lily lived for a time in Greensboro where he worked for the Cone family in their textile business.⁹ Later the Mebanes returned to Spray where they resided the remainder of their lives. They had purchased the Morehead homeplace in Spray in 1894 long before Lily's father J. Turner Morehead filed bankruptcy in 1899.¹⁰ Mebane had succeeded his father-in-law as president of the Spray Water Power and Land Company which was a holding company for the Morehead textile and land interest. After the Morehead bankruptcy Mebane was in control of the former Morehead properties and now with vision he began to build his textile empire completing five mills by 1906.¹¹ These mills gave employment to hundreds of local workers and many people moved from the nearby counties of Virginia and North Carolina to Spray.

By 1907 Mebane was in a position to propose the building of a textile school in Spray to train young men for a career in the industry. He even attempted to hire noted North Carolina educator Charles McIver to oversee the school but McIver turned down Mebane's offer. In 1907 a banking panic ended any chance of the school being built.¹² With the passage of time Mebane's finances became over-extended partially due to his building the The North Carolina & Virginia Railroad and in 1911 and 1912 his principal creditor Marshal Field Company of Chicago took over control



The Morehead-Mebane house in Spray was built in varying stages in the mid to late nineteenth century. The Mebanes named their home "As You Like It". The house was demolished in the 1970s after it was gutted by fire in 1969.

Courtesy of Historical Collections, Rockingham Community College



Lily C. Morehead Mebane (1869 - 1943), wife of B. Frank Mebane, circa 1905.

Courtesy of Lily Harris Keeling

of the textile mills, with the exception of the original Leaksville Cotton Mill and the Morehead Cotton Mill.¹³ Being a "wheeler-dealer" Mebane was also able to retain ownership of 8,000 acres of farm land in "the Meadows" located between the Smith River and the mill Village of Draper.¹⁴ It was perhaps through the holding companies Spray Water Power and Land Company or the Rockingham Company that Mebane was able to hold onto these large tracts of land. He developed a large and profitable livestock business on his property and maintained a hunting lodge for his northern friends on part of the farm. He developed a showplace farm and introduced purebred Hereford cattle to Piedmont North Carolina and for years was a principal livestock exhibitor at the fairs of the region.¹⁵ In 1905 he was the Chief Marshal at the North Carolina State Fair in Raleigh.¹⁶

Through the years B. Frank Mebane made many business and political connections over the country. As a Republican he made friends with people in high places. Once President-elect Taft's wife paid a visit to the Mebane home in Spray.¹⁷ With his important friends he was in a position to pass out political favors and over time was able to build a power base with important people and his workers.¹⁸ Later he would call in these favors and in usually Democratic controlled Rockingham County he was elected to the county Board of Education and served from 1919 to 1925.¹⁹

However Mebane did not control the Board of Rockingham County Commissioners and in the election of 1922 he quietly helped three Democrats be elected to the county board who were willing to support his future plans. His critics later charged that he royally entertained the three at his home in Spray to obtain their assistance in carrying out his master plan for progress in Rockingham County.²⁰ The three newly elected commissioners were: W. F. Pruitt, a farmer from the Mayfield area; J. F. McCollum, a farmer from the Bethany area; and Madison merchant Thomas R. Pratt.

Mebane's Master Plan

At some unknown time B. Frank Mebane had developed a visionary plan to bring a giant chemical plant to the Spray area and locate it on his property. He believed that the new industry would bring growth and increased employment and that the area would prosper and he would be seen as a great benefactor. The name of the industry was never released to the public and is still unknown to this day. The site Mebane chose for the future plant was in "the Meadows" near the confluence of the Smith and Dan Rivers.²¹ The only problem was that there was no road and bridge across Dan River to make the site easily accessible to the Reidsville area. But this was only a small problem; the county could build a new bridge across the Dan River just

below its confluence with Fishing Creek. And with his three new supportive commissioners elected in 1922, now was the time to move forward with his master plan.

It was of little consequence that at the same time the Atlantic Bridge Company of Roanoke, Virginia had a new bridge under construction a mile and one-half upstream from Mebane's proposed bridge site. This new bridge was located on the new concrete road then being built to link Reidsville, Wentworth and Leaksville.²² Also between the new bridge (which entered Leaksville by way of Hamilton Street) and Mebane's proposed bridge site there was another bridge, the Leaksville Covered Bridge, which was still in use at the time.²³ So if Mebane's bridge was built there would be three bridges crossing the Dan within one and one half mile of each other.

Mebane's Bridge

In the Spring and Summer of 1923 Mebane began to move forward with his plans for the bridge to be built with the help of his three Democratic friends. The other two Democratic county commissioners R. B. Chance and J. R. Martin opposed Mebane's plans. On 19 March 1923 the county commissioners passed a resolution to appropriate one half million dollars for the construction of a paved road from Settle's Bridge to Madison and \$50,000 for Mebane's bridge at Fishing Creek. As expected, the motion passed with Pruitt, McCollum and Pratt voting in favor while Chance and Martin voted against the proposal.²⁴ It seems clear that the paved road from Settle's Bridge to Madison was only a ploy to gain support for the Mebane's Bridge project from the people living in western Rockingham County.

While many of the county citizens approved the idea of paved roads and modern schools, the Mebane group completely misread the public's support of a new road and the bridge. With several expensive projects already underway, the Mebane political machine should have realized that the county budget could not support all these building projects at the same time.

Opposition to the Bridge

The Reidsville Review took the lead in opposing Mebane's bridge plan. On 26 March 1923 the Review carried the following headline: "County Fathers Start Something! Taxpayers Sit Up And Take Notice - Said To Be Only A Start of Some Great Program of County Expenditures."²⁵ Some citizens quickly realized that the political machine was pulling the strings of local government. The idea that three Democratic commissioners who voted for the bridge expenditure had been

elected in November 1922 on a platform of reduced taxes and now they had gone back on their campaign promises -- this was unforgivable.²⁶ And that they had voted to build a bridge on the property of a local Republican millionaire where no road crossed the river and nearly in sight of two other existing bridges!

Before long the opposition to the bridge came together and held a protest meeting at the county courthouse in Wentworth.²⁷ The county commissioners quickly realized that they had a political hot potato on their hands and in May 1923 they dropped plans to hard-surface the road from Settle's Bridge to Madison thus saving one-half million dollars. They also passed a resolution to discontinue any future plans to pave other roads due to the high cost. It is interesting to note that this resolution made no reference to building the Fishing Creek Bridge.²⁸

The coalition of citizens who opposed the building of Mebane's bridge hired an attorney and obtained a temporary injunction to prevent the construction of the structure. However, this was only a temporary victory for in June 1923 Judge Thomas J. Shaw of Winston-Salem dissolved the injunction.²⁹ This action resulted in another large protest meeting in Wentworth and the formation of a "Citizen's Committee." The committee asked for the resignation of the three commissioners who had supported the bridge plan.³⁰ Nothing was heard from the commissioners who were meeting in the courthouse at the same time. *The Reidsville Review* continued to rail against the bridge proposal but little was heard on the matter from *The Leaksville News*. *The Tri-City Gazette* published in Spray was Mebane's chief supporter for his progressive plans and that paper claimed that the opponents of the bridge were trying to stop progress in the county.³¹

The commissioners' non-action on the bridge matter continued to agitate the county's citizens and on 2 July 1923 an estimated 2,000 protesters held a mass meeting in Wentworth at the same time as the commissioners were meeting. Some attendees became upset and made rash statements about the three pro-bridge commissioners, Mebane and his political machine. The meeting came close to being a riot but the group did manage to pass a resolution asking the commissioners to call for a county election on the question of building the bridge. Chairman Thomas R. Pratt promised to consider the request but the commissioners refused to call an election on the issue.³²

During the summer of 1923 the political pressure continued to build on the county commissioners and at one point Chairman T. R. Pratt and J. F. McCollum both stated they were too ill to attend the commissioners' meetings. Also during the summer R. B. Chance, a bridge opponent perhaps aware of the firestorm that was developing, resigned his seat on the Board. He was quickly replaced by a Reidsville businessman, George F. Barber, also a bridge opponent.³³ This change did not affect the board's

position on the bridge question since it was still three commissioners in favor of building the bridge and two against.

The Contract is Let

Despite the fact that a large majority of county citizens were opposed to building Mebane's bridge, on 7 January 1924 the three-man majority of the county commissioners- Pratt, Pruitt and McCollum - voted to let the contract to the Luten Bridge Company of Knoxville, Tennessee at a bid of \$39,670.³⁴ *The Reidsville Review* and the "Citizen's Committee" continued their crusade against building the bridge. In early February 1924 Commissioners Pratt, Pruitt and McCollum filed a large civil lawsuit for slander against *The Review* and the leaders of the "Citizen's Committee." Each of the three commissioners and some members of the Citizen's Committee were sued for \$25,000 damages being nearly a million dollar suit. The suit was to remain in the courts for five years before the case was dismissed by a judge.³⁵

A Change of Direction

During the month of February 1924 the story of Mebane's Bridge took a dramatic change of direction. As political pressure continued to mount on the pro-bridge commissioners, one of them, W. Frank Pruitt, resigned his seat on 11 February.³⁶ Pruitt cited poor health as his reason for resigning but he was also involved in an intense church controversy at the same time.³⁷ Clerk of Court Hunter K. Penn accepted commissioner Pruitt's resignation but that afternoon Pruitt called Penn's office saying that he wanted to withdraw his resignation. Penn disregarded his telephone call and the following day he appointed Leaksville businessman, W. W. Hampton, a strong opponent of Mebane's Bridge to fill the vacancy thus giving the Mebane's Bridge opponents a three to two majority on the county board of commissioners.³⁸ The pro-bridge commissioners, Pratt and McCollum, never attended another county commissioners meeting. However, the saga of Mebane's Bridge was far from over.

At its regular meeting on 21 February 1924 the county commissioners George F. Barber, J. R. Martin and W. W. Hampton passed a resolution rescinding the Luten Company's contract to build the Fishing Creek Bridge. The board notified the bridge company not to build the bridge.³⁹ The following day W. H. Long, vice-president of the Luten Bridge Company, said in a newspaper interview that the Luten Company

would go ahead and build the bridge since they had a legal contract. He continued, stating that the Rockingham County Commissioners "can't rescind a contract. I cannot stop after contracting for the material and having it shipped here for the work ...I shall build the bridge and build it for the contract price or less. We are already down to the solid rock for one end of the bridge... The bridge would be 367 feet long with three arches, 105 feet each of an open spandrel ribbed type, 18 feet wide of reinforced concrete." So the company continued working on the bridge.⁴⁰ One source said that the company maintained a night watchman throughout the building project since there was talk of dynamiting the structure.⁴¹

Luten Bridge Company

What manner of corporation was the Luten Bridge Company that insisted on building a bridge when the commissioners had rescinded the contract? The original company had been founded by Daniel B. Luten who was born in Michigan in 1869. He was an 1894 civil engineering graduate of The University of Michigan. From 1895-1900 he was an instructor of civil engineering at Purdue University but resigned in 1900 to design arch reinforced concrete bridges. Luten established The National Bridge Company in 1902 and was an enthusiastic salesman of his bridge design. By 1919 he had drawn plans for thousands of bridges which had been built across the country. Over the years he wrote a number of books on bridge construction and came to hold over 30 patents on arch concrete bridge design. After 1905 his National Bridge Company became involved only in engineering design and supervision of bridge construction. At that time Luten began making arrangements with other companies to build bridges using his plans. Some of the companies operated under the name Luten Bridge Company but their only connection with Daniel B. Luten was that they were paying him for the use of his name and bridge plans. One such company was The Luten Bridge Company of Knoxville, Tennessee with G. S. Dougherty serving as president.⁴²

Mebane's Bridge was not the only bridge built by the Luten Company in Rockingham County. In 1919 the company had erected the concrete bridge across Smith River in Spray near the Spray Mercantile Company building at a cost of \$32,500. The bridge was built to replace the old steel truss structure erected at the site in 1889-1890. The 1919 bridge over the Smith River remained in use until 1954 when the present bridge was completed.⁴³

The Saga Continues

By late February 1924 the non-active chairman of the board Thomas R. Pratt was seriously ill and had to be confined to an out-of-state hospital. On 26 February the active members of the board, Barber, Martin and Hampton, met and elected James R. Martin as their new chairman.⁴⁴ The board met again on 3 March 1924 and passed another resolution informing Luten Bridge Company "that all work done on the bridge was at its own hazard and risk since the contract was not a valid and legal contract." However the company continued working on the bridge and in April 1924 the board again notified the company that all bills given to the county for the work would be rejected but the company persisted in working on the project during the summer and fall of that year.⁴⁵

In the Rockingham County elections held in November 1924 the voters gave overwhelming approval to three former board members by re-electing Martin, Barber and Hampton and electing two bridge opponents J. A. Benton and Charles H. Dalton.⁴⁶ It was now clear that the Mebane political machine had lost its control of county government and one source said that they packed their bags in Wentworth and returned to Spray.⁴⁷

The Luten Company had continued working on the bridge until November 1924 three days before the new board of commissioners took their seats.⁴⁸ The bridge was complete except no fill dirt had been placed at either end of the structure's abutments and there was still no road to the bridge.

In December 1924 the new board held its first meeting and passed a new resolution stating that, "The Fishing Creek Bridge is not in the interest of the public and the action of the former board rescinding the order to build the bridge is hereby approved."⁴⁹ On 31 January 1925 the Luten Company sent a bill to the county for the bridge construction but again county officials refused to pay the bill.⁵⁰

Why did Luten Build The Bridge ?

There are many unanswered questions about the construction of Mebane's Bridge and the most interesting is why did the Luten Company not stop work when the contract was rescinded by the county? Since the records of B. Frank Mebane's Spray Water Power and Land Company are not available for researchers we probably will never know all the answers about the construction of the bridge. It may be as simple as Mebane was unwilling to give up his plans and insisted on the bridge construction continuing. Years later a newspaper article about one of the lawsuits over the bridge

stated that the Spray Water Power and Land Company gave Luten Bridge Company \$25,000 in Liberty Bonds to continue working on the project.⁵¹ B. Frank Mebane was not a man to let \$25,000 stop his master plan.

A Road For Mebane's Bridge

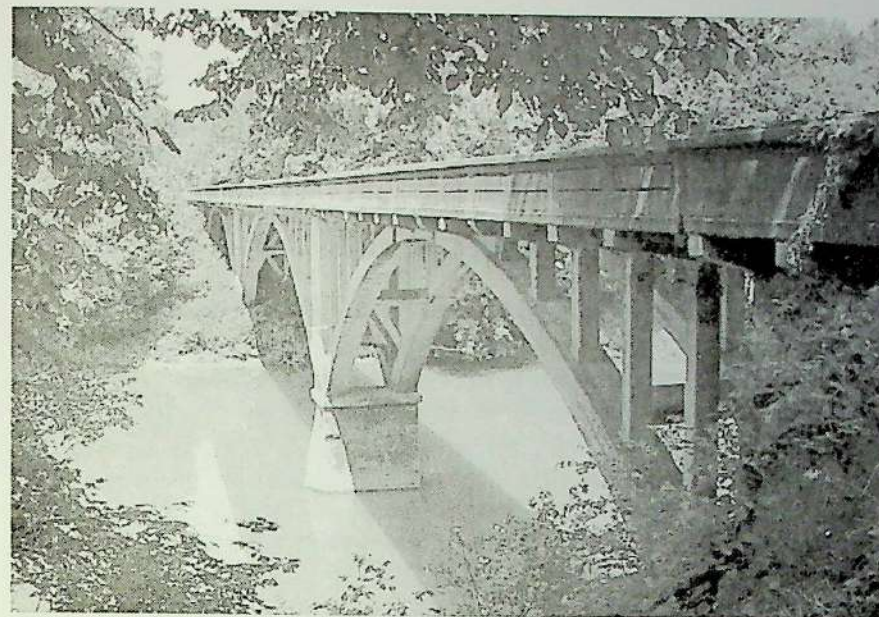
In 1923 when B. Frank Mebanes friends, Pratt, Pruitt and McCollum approved construction of Mebane's bridge they also authorized a new road to be built from the Draper highway to the road leading to Harrison's Crossroads and crossing the proposed bridge. There was a dead-end public road from the Moir homeplace to the Draper Road but the commissioners ordered that this road was to be abandoned so the new road could replace it.⁵² Records show that construction began on the road before work began on Mebane's Bridge. The road, two miles in length, began near the end of the Spray bridge and ran down the east side of Smith River. The upper end of the road was completed with the construction of two concrete culverts. As road construction reached a point near the present King's Highway area the project was abandoned after the county rescinded the bridge contract. However some grading had been started on the south end of the road in the Bear Slide area and two concrete culverts had been completed on the east side of Lynrock Golf Club. No fill dirt was ever added to either side of these culverts and they stand forgotten waiting for a road that would never be completed.

The road was given the name River Side Drive and the construction of the project was under the direction of the county engineer J. S. Trogdon. The cost of the road was approximately \$7,000.00 and the county commissioners actually paid \$2,000.00 of the cost before work was stopped on the project.⁵³ Years later in the upper end of the road would become the site of one of Eden's sewer lines.

The Law Suits Began

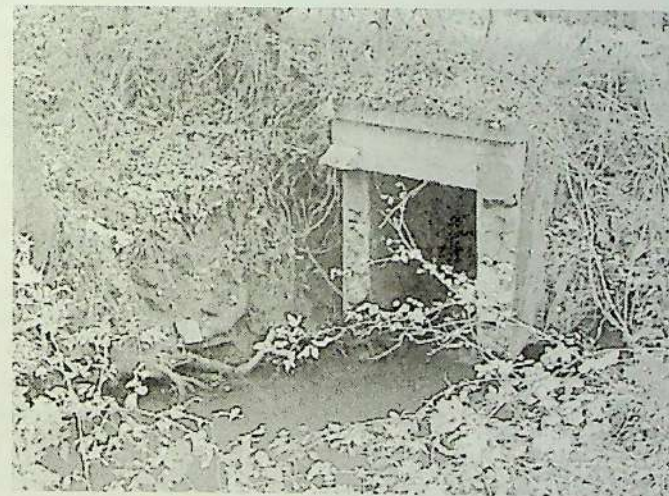
The Luten Bridge Company worked on the bridge until 3 November 1924. Most of the job was completed except for the approaches to the structure. Of course there was still no road to the bridge - the only way to cross the bridge was to climb a ladder on the north end of the structure built by Luten Bridge Company. Folklore says the ladder was later replaced by Rev. Levi Robertson so he could walk that way to his job in the Finishing Mill in Spray.⁵⁴

On 6 November 1924 the "former" county commissioners, Pruitt, Pratt and McCollum met with an attorney and signed a document admitting the county's liability



Mebane's Bridge in 2004. The bridge, erected in 1924, was closed to traffic in November, 2003.

Courtesy of Don Hoover



Remains of a bridge on Riverside Drive built ca. 1923-24 to connect Mebane's Bridge with the Spray-Draper Road. After the Mebane's Bridge controversy began, this construction project was abandoned.

Courtesy of Don Hoover

for building the bridge.⁵⁵ Then on 24 November 1924 Luten filed a law suit against Rockingham County and the county commissioners Pratt, Pruitt, McCollum, Martin, and Barber in Federal Court in Greensboro for the sum of \$18,301.07 for work on the bridge up to the date of 3 November 1924. Since the Luten Company did not consider W. W. Hampton to be a legally appointed commissioner he was not named in the suit.

The document signed by the three former commissioners was filed as part of Luten's law suit. The document would become a vital part of evidence in later trials.⁵⁶

On 1 December 1924 the newly elected board of commissioners met for their first meeting and they employed attorneys to defend the county's position in the Luten suit.⁵⁷ At the hearing the judge ordered the county to file an answer to the plaintiff's case by 1 August 1925. The county complied with this request. The county's attorneys denied that the bridge contract was legal or binding and they entered the resolution of the county commissioners which rescinded the contract for building the bridge.⁵⁸ A reply was filed by the plaintiff and the case was to remain in court for several years. The bridge case finally came to trial in Middle District Court in Greensboro in late February 1927. The county's defense hinged on the resignation of W.F. Pruitt and the appointment of W. W. Hampton in his place which allowed the county commissioners to rescind the bridge contract. The trial did not go well for the county as Judge E. Y. Webb excluded this vital part of the county's case. The jury returned a verdict for plaintiff in the full amount of \$18,301.07. The county took notice of appeal. When it became obvious that the opposing sides in the case would not compromise, Judge Webb asked both the defendants and plaintiffs to submit new affidavits and he would issue a decision at a later date. A hearing on the county's non-payment of the Judge's award was set for 8 December 1927 but evidently no action was taken on the matter and the case was continued.⁵⁹

A New Lawsuit Is Filed

In late November 1927 the Luten Bridge Company filed a new lawsuit for \$25,000, a supplementary action to the old suit instituted in 1924. The suit came to trial in Greensboro before Judge E. Y. Webb on 23 January 1929 at a special term of Federal Court. Judge Webb instructed the jury to find that the county was indebted to the bridge company in the sum of \$18,301.07. The jury found in favor of the plaintiff - thus Rockingham County lost the bridge case. The county attorneys gave notice of appeal to the Federal Court of Appeals in Richmond, Virginia. The attorneys in the case were A. L. Brooks and Julius C. Smith for the plaintiffs and for the defendants, W. M. Hendren of Winston-Salem, Frank P. Hobgood of Greensboro, and B. C.

Trotter and J. M. Sharp from Reidsville.⁶⁰

A Landmark Case

The long drawn out legal battle between the Luten Bridge Company and Rockingham County came before the Federal Court of Appeals in Richmond, Virginia in July 1929. Sitting on the bench were Judge John J. Parker of Monroe, North Carolina, Judge Soper of Baltimore and Judge McClintic of West Virginia. The same attorneys who served the plaintiff and the defendants in Greensboro also appeared in Richmond except P. W. Glidewell of Reidsville who appeared as attorney for the former commissioners Pratt, Pruitt and McCollum.⁶¹

The three-judge panel heard the case, and decided that the issue came down to the point-in-law - was W. W. Hampton legally appointed as a county commissioner to replace W. F. Pruitt and if so could the board then rescind a legal contract? On 15 October 1929 Judge Parker handed down the court's opinion that W. W. Hampton was a de facto member of the board and was a qualified member and that his actions were binding and that the board had the right to cancel the contract with Luten Bridge Company. The court further stated that the answer of Pratt, Pruitt and McCollum stating in the document that the county was liable for the bridge construction was not the answer of the county and that they had no right to answer as individuals and Judge Webb was in error not to strike out their answer. The court further ruled that Judge Webb should not have excluded the county commissioner's resolution and not directed a verdict for the plaintiff. The judge's conclusion was that the judgement of the Federal Court in Greensboro was in error and that the action be reversed and the case remanded for a new trial. Newspaper headlines proclaimed that Rockingham County had won the Mebane Bridge case and that the action was definitely concluded by the decision of the Court of Appeals in Richmond.⁶² However, this proved not to be true as the Luten Bridge Company was later to file a new lawsuit against the county.

Some interesting testimony came to light in the Court of Appeals hearing in Richmond. It was revealed that when W. W. Hampton was appointed to replace Commissioner Pruitt the bridge company had only one car load of cement on the ground at the bridge site and that at first the Luten Company stated their preparation and time lost only deprived them of \$3,000 profit. After the county rescinded the bridge contract, Luten said they were going to file a suit for breach of contract to collect a larger sum. The county offered to settle the matter but the company then refused and finished the bridge and then billed the county for \$40,000. This matter became an important point in law as the judge found that the Luten Company should have stopped construction of the bridge when notified by the county. The 15 October

1929 decision of the Court of Appeals was to become a benchmark in American jurisprudence.⁶³

The Bridge to Nowhere

In 1932 a newspaper reporter wrote the following paragraph about Mebane's Bridge: "Miles from anywhere, with no approaches and no connecting roads, the most beautiful bridge in the South springs in three magnificent arches across the historic Dan, a silhouette in virgin alabaster against the green hills of a wilderness."⁶⁴ The reporter accurately described the bridge - a totally useless structure which had cost the county large sums of money in lawyer fees and would continue to be a bone of contention for years to come.

Over time the area near the bridge became a rendezvous site for courting couples, picnickers and loafers and for target practice. The bridge itself became a popular site for young people to hold dances.⁶⁵ And so it continued in the Depression days.

New Developments

Sometime after the 1929 ruling the Luten Bridge Company filed a new lawsuit against Rockingham County for the sum of \$12,000 in damages for building the bridge. The case was heard in August 1932 before Judge Luther B. Way of Norfolk, Virginia, during a special civil session of Federal Court in Greensboro. After the trial the judge awarded the bridge company the sum of \$9,280 as profits due or would have accrued had not the county rescinded the order to build the bridge. The county was given 45 days in which to prepare an appeal. It appears that the county paid the Luten Company the \$9,280 awarded by the judge.⁶⁶

A Road At Last

The now famous Mebane's Bridge remained roadless for eleven years before the North Carolina State Highway Department took possession of the bridge by the condemnation process. Prior to 1931 the local county roads were maintained by the county and there was no effort to build a road to the bridge. In early July 1935 the State Highway Department began the construction of a dirt road to the bridge. Construction began at both ends of the new road with the north end tying into the Spray-Draper Road near the Flinchum's School.⁶⁷ On the south side of the Dan only a short road was needed to tie into the Harrison's Crossroad Road. When the new

road was completed one could at long last drive across "Mebane's Folly." However, the area was still rural in nature and little traffic used the bridge. It would be 1968 before the road across the bridge was paved.⁶⁸

A New Lawsuit

Luten Bridge Company claimed that the county owed them \$44,000. With the Spray Water Power and Land Company paying \$25,000 and the county paying \$9,200, the Luten Company said it was still due the sum of \$9,800. After the North Carolina State Highway Commission built the road across the bridge in 1935, Luten entered a suit against the Commission for the remaining \$9,800.⁶⁹ However, the highway commission referred the matter back to Rockingham County Court and on 22 June 1936 the case became a special proceeding hearing in Wentworth. The hearing was held in July 1936 before Clerk of Superior Court, M. T. Smith, with a jury composed of Fred Arrowood, Jimmie Orren and R. H. Terrell. The jury decided that Luten was entitled to nothing. The company filed notice of an appeal.⁷⁰ The suit remained in court for several years and on 24 October 1939 the case came before Superior Court Judge J. A. Rousseau in Wentworth. When the case was called, no representatives or attorneys for Luten Bridge appeared to prosecute the case.⁷¹ Judge Rousseau then charged the Luten Company with the court cost and records show that the cost was \$25.70. Records show that Luten failed to pay the bill. Insofar as is known this concluded the famous Mebane Bridge case. Court records show no other judgements or dismissal of the case.⁷²

Strange to say county newspapers failed to mention Judge Rousseau's ruling; perhaps people were just sick and tired of hearing about the lawsuits which had dragged on for fifteen years.

Conclusion

In law schools across the United States students studying contract law still read the opinion of Judge John J. Parker handed down in October 1929 concerning the Luten Bridge Company vs Rockingham County lawsuit. Judge Parker's decision was to become a landmark ruling which is still held valid today. The opinion is still taught in nearly every contracts law class in America.⁷³

Many of the cast of characters involved in the Mebane's Bridge controversy did not live to see the issue resolved. The principle character in the saga, B. Frank Mebane, died of a heart attack in New York City on 15 June 1926 after a three day

illness. At the time of his death he was probably one of the most unpopular men in Rockingham County. He was not buried in the county but in the Mebane family plot in Oakwood Cemetery in the Town of Mebane, North Carolina.⁷⁴ His wife, Lily C. Morehead Mebane, was a public spirited woman who was active in relief efforts in eastern Europe after World War I and became a friend of Queen Marie of Romania. She was a Democrat and was elected one of Rockingham County's representatives in the State Assemblies of 1931-1933. She was the guiding force in establishing the Rockingham County Library System in the early 1930s. She died on 15 June 1943 at her home in

Spray and was buried in the Morehead family plot in Leaksville's Lawson Cemetery.⁷⁵ The Mebanes had no children.

Of the three proponents for building Mebane's Bridge J. F. McCollum died on 26 December 1928, Thomas R. Pratt died on 3 May 1931 and W. F. Pruitt died 18 June 1957 at age 83.⁷⁶

Of the bridge opposition James R. Martin died on 21 June 1928, George E. Barber died on 8 October 1937 and William W. Hampton died on 27 October 1957 being the last survivor of the county commissioners involved in the case.⁷⁷ Robert B. Chance of Reidsville, the commissioner who resigned in 1923, died on 14 January 1928.⁷⁸

The bridge case still lives in folklore as the older residents of the county pass down the story of B. Frank Mebane's bridge which caused such a controversy in the 1920s. Some wags say the bridge, being roadless for eleven years, made it into Ripley's "Believe It Or Not" column, although the writer has not been able to verify this statement. One of the most asked questions is who paid for the \$40,000 bridge? It seems clear from testimony in the bridge lawsuits that B. Frank Mebane's Spray Water Power and Land Company paid \$25,000 to the Luten Bridge Company as part payment for the bridge. Then in 1932 when Rockingham County lost the lawsuit it had to pay the sum of \$9,280. From the best information available it seems the Luten Company failed to collect the remaining \$9,800. It would be interesting to know what the fifteen years of lawsuits cost the taxpayers of Rockingham County.

And what of B. Frank Mebane's visionary dream to connect the present Eden area to Reidsville with a new bridge and road? In 1957 - 1958 these projects came into being with the construction of Highway 14 and a new bridge across Dan River.⁷⁹ So was Mebane wrong in his vision or just in his methods and timing? The writer thinks perhaps he was a generation ahead of his time.

Today Mebane's Bridge still spans the Dan River near Eden; however, one can no longer cross the structure. On 23rd or 24th November 2003 the North Carolina Department of Transportation closed the bridge.⁸⁰

A great number of Luten Bridges built around the country have been torn down in recent years. Will Mebane's Bridge, an excellent example of a Luten bridge, meet the same fate? North Carolinas Department of Transportation lets old bridges fall into disrepair then condemns them as unsafe and then demolishes the structure to prevent future liability cost. Will this be the fate of Mebane's Bridge, a nationally known structure, which was once called one of the most beautiful bridges in the South?⁸¹ Perhaps the bridge will remain for some years since the structure supports a major sewer line.

The author wishes to thank Don Hoover who found several old newspaper articles which added forgotten information to the story of the Mebane's Bridge controversy. Also thanks the Dr. Barak D. Richman, Assistant Professor of Law at Duke University School of Law and his student Jordi Weinstock, who shared additional information on the Mebane's Bridge case with the author in August 2004.

Notes

- ¹ Rockingham County Board of County Commissioners Minutes, (1903-1923) p. 564. Herein after cited as Rockingham Commissioners Minutes. *The Reidsville Review*, 12 May 1922.
- ² Rockingham Commissioners Minutes, p. 564. *The Arrow*, 7 February 1924.
- ³ *The Tri-City Daily Gazette*, 5 February 1924. "To the Tax Payers of Rockingham County:" political handbill from Democratic Commissioners (undated 1928?) Historical Collections Room, Rockingham Community College Library.
- ⁴ Katharine Kerr Kendall, "The Yancey Family in Caswell County, North Carolina." from Blaylock Records, Book 4, p. 315. B. Frank Mebane's great grandfather, Thomas Yancey, was a brother of Bartlett Yancey, Jr. (1785-1828) who served in the US Congress 1815-1817 and as Caswell's State Senator 1817-1828.
- ⁵ William S. Powell (ed) *Dictionary of North Carolina Biography*, Volume 4, p. 245. Archibald Henderson, North Carolina: *The Old North State and the New*, Lewis Publishing Company: Chicago. 1941: Volume 5, p. 609. Research by the author shows that B. Frank Mebane's mother, Fannie Kerr, and Lily Morehead Mebane's grandmother, Frances Kerr Connally were first cousins.
- ⁶ Family tradition from Lily Morehead's great-niece Mrs. Lily Harris Keeling, of Danville, Virginia, 20 September 2000.
- ⁷ The Atlanta Constitution, 9 February 1893.

- ⁸ Michael Perdue, "Rockingham's First Lady: Lily Morehead Mebane," *The Journal of Rockingham County History and Genealogy*, Volume 25, Number 2, December 2000 pp. 62-66. Herein cited as *Rockingham Journal*, *The Alamance Gleamer*, 17 August 1899. James W. Wall, *History of Davie County North Carolina* Rowan Business Forms, Salisbury, NC, 1969. p. 277.
- ⁹ *Rockingham Journal*, Volume 25, number 2, December 2000, p. 62.
- ¹⁰ Rockingham County Deeds: Book 97. P. 317.
- ¹¹ See note number 5. The number of mills would be six if Spray Cotton Mill was included in the number but Mebane's involvement in the construction of that mill is not clear.
- ¹² Lawrence McCrae, "The Textile School," undated letter to editor, *The Greensboro Daily News*, Mebane Collection, Historical Collections Room, Rockingham Community College Library, Josephus Daniels, *Tar Heel Editor*, The University of North Carolina Press, Chapel Hill, 1939, pp 461-462. Daniels said he advised McIver not to accept Mebane's offer of \$10,000 per year, use of home farm and traveling expenses to oversee the Textile school. For information on the 1907 panic see: John Moody, *The Masters of Capital, A Chronicle of Wall Street* Yale University Press, New Haven, 1919, pp. 142-153.
- ¹³ See note number 8. One of Mebane's major financial problems was the construction of the North Carolina and Virginia Railroad from Spray to Ridgeway, Virginia in 1910-1911. Mebane built the railroad to obtain lower shipping rates from the Norfolk and Western Railroad for his textile products than was available from the local Danville and Western Railroad. Grading of the 11 mile line was completed but no rails were laid, and the project was abandoned.
- ¹⁴ Mebane's reputation as a "wheeler-dealer" has survived in the folklore of the county. Interview with Thomas Harrington, Eden, North Carolina, 3 December 2003. Also from Otis Marlowe 3 July 2004.
- ¹⁵ C. P. Robertson, "He was Rockingham County's most Interesting Citizen," (transcript 1955) in vertical files of Eden Public Library. The article was published in *The Leaksville News*; 14 April 1965, and 8 September 1980. Herbert K. Job "The Story of A Game Preserve." *Field & Stream Magazine*, September 1909. Interview with R. 1. "Dick" Smith, 10 November 1988 who stated that, when a boy, he accompanied Frank D. Butler (Mebane's farm overseer) on trips by train to show cattle at fairs in Danville and Richmond. He stated that on these trips they had to sleep with the cattle in the livestock cars. Smith said Butler later purchased a farm below Danville.
- ¹⁶ *The News and Observer* (Raleigh), 21 October 1905.
- ¹⁷ *The Reidsville Review*, 18 December 1908. Mrs. Helen Taft suffered a stroke the year following her visit to the Mebane home in Spray.
- ¹⁸ These favors included recommendations for the appointment of local postmasters. A case in point is, Numa Reid, postmaster of Wentworth from 1906-1913. See Michael Perdue, "The Postmasters of Wentworth, North Carolina, 1870-1986 " *Rockingham Journal*, Volume 24, Number 1, June 1999, p. 37.
- ¹⁹ *Rockingham Journal*, Volume 16, December 1991, p. 86.
- ²⁰ *The Reidsville Review*, 20 June 1923. *The Leaksville News*, 31 October 1924.
- ²¹ See note number 15. Mr. Robertson mentions Mebane's plans for a giant chemical plant but does not name the company. Russ Edmonston, "Bridge Is Tribute to Entrepreneur" *Greensboro Daily News*, 26 December 1976. Edmonston interviewed the late Allan D. Ivie, Jr. who said Mebane's plan was to locate a mammoth manufacturing company within the Meadows. The Meadows is a level section of the county reaching from the Smith River past the Draper area. In the 1970s a large company, Miller Brewing, was built in the area.
- ²² *The Arrow*, 3 July 1924. The new concrete bridge over Dan River at Hamilton Street was built 1922-1924 by Atlantic Bridge Company of Roanoke, Virginia at a cost of over \$100,000. The bridge was opened for traffic in July 1924. The bridge is presently being replaced by a new structure and the old bridge was closed to traffic on 9 August 2004. The old bridge will soon be demolished.
- ²³ The Leaksville Covered Bridge was erected in 1852 to replace the 1832 bridge which was washed away in the flood of 1850. The covered bridge was closed to traffic ca. 1938 and collapsed into Dan River in October 1943.
- ²⁴ Rockingham Commissioners Minutes, (1903-1923), p. 556, Chance was a Reidsville businessman and Martin was a Stoneville businessman.
- ²⁵ *The Reidsville Review*, 26 March 1923.
- ²⁶ *The Reidsville Review*, 4 July 1923.
- ²⁷ *The Reidsville Review*, 13 June 1923.
- ²⁸ Rockingham Commissioners Minutes, (1903-1923), p. 564.
- ²⁹ *The Reidsville Review*, 8 June 1923.
- ³⁰ *The Reidsville Review*, 20 June 1923.
- ³¹ *The Tri-City Daily Gazette*: 30 January 1924; 5 February 1924; 22 February 1924.
- ³² *The Reidsville Review*; 2 July 1923; 4 July 1923. Rockingham Commissioners Minutes, (1903-1923), p. 574.
- ³³ *The Reidsville Review*, 4 July 1923. Rockingham Commissioners Minutes, (1903-1923), 23 October 1923. *The Arrow*, 30 August 1923. Barber was a building contractor and a former brick manufacturer.

- ³⁴ Rockingham Commissioners Minutes, (1924-1937), p. 2. *The Arrow*, 17 January 1924.
- ³⁵ *The Tri-City Daily Gazette*, 2 February 1924. *The Leaksville News*, 3 August 1936.
- ³⁶ Rockingham Commissioners Minutes, (1924-1937), p. 4. *The Arrow*, 21 February 1924. *The Reidsville Review*, 13 February 1924.
- ³⁷ W. Frank Pruitt, a Primitive Baptist Minister was embroiled in an intense doctrinal controversy at Dan River Primitive Baptist Church during the period. A lawsuit concerning the matter later went to the North Carolina Supreme Court with Pruitt being on the losing side. See *The Reidsville Review*, 22 August 1924, 29 August 1924.
- ³⁸ Interview with Mrs. Klyce Hampton Chandler, 17 June 2004. Mrs. Chandler, a daughter of W. W. Hampton, stated that her father was a strong opponent of the Mebane Bridge project.
- ³⁹ *The Reidsville Review*, 22 February. 1924. Rockingham Commissioners Minutes, (1924-1937), p. 4.
- ⁴⁰ *The Tri-City Daily Gazette*, 22 February 1924.
- ⁴¹ *The News and Observer*, (Raleigh), 24 October 1937.
- ⁴² *Who's Who in America*, A. N. Marquis Company, Chicago, Volume 2 (1943-1950), p. 333. Luten died on 3 July 1946. A search by State Library of North Carolina staff shows that Luten wrote several books on concrete bridge construction in the early 1900s. A book on *Delaware's Historic Bridges*, page 157, contains the information on Luten's bridge construction. James L. Cooper's *Artistry and Ingenuity In Artificial Stone* contains information about Luten Bridges in the state of Indiana. Interview by Don Hoover with Daniel B. Luten III, 21 March 2004. Luten stated that his grandfather did not own Luten Bridge Company in Knoxville, Tennessee. He sold the right and use of his bridge patents to a number of construction companies around the country who then operated under the Luten name - *Transcript of Record. United States Court of Appeals Fourth Circuit*, case number 2873, filed 24 May 1929, page 6, herein-after cited as *Transcript of Records*.
- ⁴³ Rockingham, Commissioners Minutes, (1903-1923), p. 439. On 19 May 1919 Luten Bridge Company was awarded a contract to build four concrete bridges in Rockingham County. *The Tri-City Daily Gazette*, February 1924. These bridges were over Smith River, [Spray], Joyce's Creek near Stoneville, Hogan's Creek and Little Jacob's Creek. The contract also included moving one span of the 1890 steel truss bridge from the old Smith River bridge at Spray and rebuilding it at the confluence of Jacob's Creek. This bridge remained in use until 1975 and was demolished in 1978. The 1919 Luten Bridge at Spray was replaced by a new bridge in 1954. Current plans call for the 1954 Smith River Bridge to be replaced in the near future.

- ⁴⁴ Rockingham Commissioners Minutes, (1924-1937), pp. 4-5.
- ⁴⁵ *Ibid*, p. 5.
- ⁴⁶ *The Tri-City Daily Gazette*, 4 November 1924. *The Leaksville News*, 2 December 1924. J. A. Benton (1865-1925) was a prominent citizen and merchant from Ruffin and Charles Henry Dalton (1864-1947) was the owner of a large farm in western Rockingham County, *The Arrow*, 4 December 1924.
- ⁴⁷ B. Frank Mebane had maintained an office in Wentworth since 1916 when he purchased a small building which stood in the east driveway of the Dodson house. See Rockingham County Deed Book 193, p. 2. Lily M. Mebane sold the building to Numa R. Reid in 1937 and the building was demolished.
- ⁴⁸ *The Reidsville Review*, 9 December 1929.
- ⁴⁹ Rockingham Commissioners Minutes, (1924-1937), p. 25.
- ⁵⁰ *Ibid*, p. 33.
- ⁵¹ *The Leaksville News*, 11 August 1932.
- ⁵² Rockingham Commissioners Minutes, (1903-1923), p. 556. The old road to the Moir place ran near the same route as today's South Van Buren Road in Eden. The road is also North Carolina Highway 14.
- ⁵³ Milton Hundley and the author hiked the route of the River Side Drive in November 2003 and in the Spring of 2004. King's Highway was built through the area in 1958. Bear Slide is a natural heritage area owned by Rockingham Community College since 1980 when the land was donated by the Spray Water Power and Land Company. *Transcript of Record* pp.59, 63, 74 and 79.
- ⁵⁴ Interview with Herbert Pratt, New Castle, Delaware, 24 June 2004. Mr. Pratt, a retired chemical engineer, grew up in Spray area of Eden. Levi Robertson was a Pentecostal Holiness minister in the Spray Church of that denomination. The original ladder was twelve or fifteen feet tall according to J. S. Trogdon, County Engineer. See *Transcript of Record*, p. 113.
- ⁵⁵ *The Federal Reporter*, Volume 35, 2nd Series, p. 303. This is Judge Parker's ruling handed down on 15 October 1929 in the Federal Circuit Court of Appeals in Richmond, Virginia.
- ⁵⁶ *Ibid*.
- ⁵⁷ *Ibid*.
- ⁵⁸ *Ibid*, pp. 303-304.
- ⁵⁹ *The Greensboro Daily News*, February 1927.
- ⁶⁰ *The Leaksville News*; 25 November 1927; 4 January 1929; 25 January 1929. *The Greensboro Daily News*, January 1929.

- ⁶¹ The Leaksville News, 18 October 1929. *The Danville Register*, 19 October 1929. The case was filed in May 1929 and argued 23 July 1929.
- ⁶² *The Federal Reporter*, Volume 35, 2nd Series, pp. 301-309.
- ⁶³ Ibid. *The Reidsville Review*, 16 October 1929.
- ⁶⁴ *The Leaksville News*, 11 August 1932.
- ⁶⁵ Interview with Otis Marlowe (age 92) 8 July 2004. *The Leaksville News*, 4 August 1932, mentions a dance which was held on Mebane's Bridge. *The Greensboro Daily News*, 2 September 1979.
- ⁶⁶ *The Leaksville News*, 11 August 1932. *The Greensboro Patriot*, 11 August 1932.
- ⁶⁷ *The Leaksville News*, 18 July 1935. Flinchum's School stood near the northwestern corner of the intersection of Van Buren Road (NC 14) and Meadow Road (NC 700). The school was a brick building erected in 1921 and which burned in 1941. See *The Leaksville News*, 6 November 1941. *The News and Observer* (Raleigh), 24 October 1937.
- ⁶⁸ *The Greensboro Daily News*, 2 September 1979. An article in this paper states that the Mebane's Bridge road was paved in 1968.
- ⁶⁹ *The News and Observer* (Raleigh), 24 October 1937.
- ⁷⁰ *The Leaksville News*, 6 August 1936. *The Reidsville Review*, 3 August 1936. The three men who served on the jury were well known citizens of Rockingham County. Fred M. Arrowood was a druggist and operated the Arrowood Drug Company on South Scales Street in Reidsville. Arrowood and his wife Elizabeth lived in Reidsville from ca. 1928 to ca. 1938 when they moved to Bessemer City in Gaston County, North Carolina. James H. Orren (1909-1981) was a native of Troutman, North Carolina. In 1935 he was manager of the Gables Store in Reidsville and later he became the co-owner and manager of the Jewel Box in Reidsville. His wife Marian Chance Orren (1907-1987) was a daughter of the County Commissioner Robert Bailey Chance who resigned in 1923. Richard Hanson Terrell, (1886-1972) was born in Stokes County, North Carolina. He married Eva M. Barker in 1914 and they moved to the Calvary Church Community ca. 1920, where he became a well known farmer. Mr. Terrell invented several improvements to farm implements over the years.
- ⁷¹ *The Greensboro Daily News*, 2 September 1979. A search of the Special Proceedings Records by Clerk of Court, Mark Pegram, and the author in 2003 turned up the Luten Bridge file (number 2345) which was empty.
- ⁷² "Rockingham County Execution Docket Book," Volume L, p. 84, October term 1939. The court cost of the Luten Bridge Company vs State Highway and Public Works Commission was \$25.70. The record shows that the Luten Bridge Company did not pay the bill.

- ⁷³ E-mail from Adam J. Farrar to Bob Carter, 5 December 2001. "I am a law student at Indiana University searching for information concerning a controversial bridge built by the Luten Bridge Company in 1924 in Rockingham County. It culminated in a very famous federal case, popular in legal casebooks for beginning law students." Interview with Dr. Barak Richman, 9 August, 2004.
- ⁷⁴ *The Greensboro Daily News*, 16 June 1926. According to the tombstone placed at Mebane's grave in Oakwood Cemetery in the town of Mebane, North Carolina, by his wife, Lily M. Mebane, he was born 4 February 1867 and died 15 June 1926. Newspaper articles often state that he was born in 1870. The tombstone also contains the inscription. "Until the day breaks and the shadows flee away. Erected in loving memory by his wife."
- ⁷⁵ For more information on Lily M. Mebane see *The Rockingham Journal*, Volume 25, Number 2, December 2000.
- ⁷⁶ Joe F. McCollum was buried at Mount Bethel Christian Church Cemetery in the Bethany area. Tom Pratt was buried in the Riverside Cemetery in Madison. W. Frank Pruitt was buried in the Dan River Primitive Baptist Church Cemetery in the Mayfield Community.
- ⁷⁷ James R. Martin was buried in the family plot at Ayersville Baptist Church Cemetery. George E. Barber was buried in the Greenview Cemetery in Reidsville. Will W. Hampton was buried in the Lawson Cemetery in Eden.
- ⁷⁸ Robert Baily Chance was born on 2 October 1862 in Williamsburg Township of Rockingham County. In 1886 he moved to Reidsville where he entered the furniture business in 1899. From 1902 until 1912 he and a partner operated the well-known Reidsville firm of Hall and Chance. In 1912 the company was re-organized under the name of Burton-Chance and Walker which remained in business at the time of his death in 1928.
- ⁷⁹ *The Leaksville News*: 20 June 1957; 24 July 1958.
- ⁸⁰ Interview 9 August 2004 with Duke University law student, Jordi Weinstock, who visited Mebane's Bridge shortly after it was closed to traffic.
- ⁸¹ *The Leaksville News*, 11 August 1932.